



CITY PLANNING COMMISSION AGENDA

**THURSDAY, October 16, 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, October 16, 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, October 27, 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, OCTOBER 16, 2014

1. Approval of the Record of Decision (minutes) for the September 18, 2014 City Planning Commission Meeting
2. Communications
3. Consent Calendar (Items A-B.2) Page 8
4. New Business Calendar (Items 4.A-7.B)..... Page 54
 Appendix – Review Criteria Page 175

CONSENT CALENDAR		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: A CPC CU 14-00075 (Quasi-Judicial)</p> <p>PARCEL NO.: 7323404002</p> <p>PLANNER: Lonna Thelen</p>	<p>A request by John Davis Group on behalf of Frey Trust for a Conditional Use to allow for an Indoor Sports and Recreation use. The project would allow for an indoor soccer complex in a PIP-2 (Planned Industrial Park) zone district. The subject property contains 2.62 acres and is located northeast of List Drive and Centennial Boulevard at 4845 List Drive.</p>	8
<p>ITEM NO.: B.1 CPC PUZ 14-00009</p> <p>ITEM NO.: B.2 CPC PUD 07-00355-A1MN14 (Quasi-Judicial)</p> <p>PARCEL NO.: 7412400002</p> <p>PLANNER: Mike Schultz</p>	<p>Request by NES, Inc. on behalf of Uintah Bluffs LLC for consideration of the following development applications:</p> <ol style="list-style-type: none"> 1. A change of zone request from PUD/HS (Planned Unit Development – Single-family attached, 4.01 dwelling units per acre, 30-ft. height max. with hillside overlay) to PUD/HS (Planned Unit Development – Single-family detached, 2.39 dwelling units per acre, 35-ft. height max. with hillside overlay). 2. The Uintah Bluffs PUD Development Plan consisting of 31 single-family detached, 2.39 dwelling units per acre, 35-ft. height max. <p>The subject property is located northeast of Manitou Blvd. and W. Monument Street and consists of 12.98 acres.</p>	17

NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 4.A CPC ZC 14-00076</p> <p>ITEM NO.: 4.B AR CP 11-00482-A1MJ14</p> <p>ITEM NO.: 4.C CPC DP 14-00077 (Quasi-Judicial)</p> <p>PARCEL NO.: 6325400021</p> <p>PLANNER: Lonna Thelen</p>	<p>A request by NES, Inc. on behalf of Carefree & Powers SW, Inc. for consideration of the following development applications:</p> <ul style="list-style-type: none"> A. A change of zone classification from PBC/AO (Planned Business Center with Airport Overlay) and R-5/AO (Multi-Family Residential with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) to allow for a fast food restaurant (Popeye's). B. A major amendment to the concept plan to add a fast food restaurant; C. A development plan to allow a 2,405 sq.-ft. fast food restaurant (Popeye's). <p>The property consists of 4.48 acres and is located southeast of Rio Vista and North Carefree Circle.</p>	54
<p>ITEM NO.: 5.A CPC MP 89-71-A2MN14</p> <p>ITEM NO.: 5.B CPC ZC 14-00083</p> <p>ITEM NO.: 5.C CPC CP 14-00085 (Quasi-Judicial)</p> <p>PARCEL NO.: 7411316004 7411316004</p> <p>PLANNER: Mike Schultz</p>	<p>Request by Scott and Tara Downs on behalf of Robert and Jim Vidmar for consideration of the following development applications:</p> <ul style="list-style-type: none"> A. A minor amendment to the Westside and Midland Master Plans. The proposal calls for amending the plan from 'residential' to 'commercial' shown on both the Westside Master Plan and the Midland Master Plan (a sub-plan to the Westside Master Plan). B. A change of zone classification from M-1 (Light Industrial) and R-2 (Two-Family Residential) to C-5 (Intermediate Business). C. A concept plan for the Pub Dog Restaurant to allow a 2,400 sq.-ft. restaurant with additional outdoor patio seating and off-street parking. <p>The subject property consists of 0.413 acres and is located southwest of 22nd Street and Bott Avenue at 2207 and 2213 Bott Avenue.</p>	95
<p>ITEM NO.: 6 AR PFP 13-00486 (Quasi-Judicial)</p> <p>PARCEL NOS.: 7423400005 7423400006</p> <p>PLANNER: Rick O'Connor</p>	<p>An appeal by Jeanne Matthews of an approval of a preliminary and final plat submitted by N.E.S. on behalf of Marvin Korf. The subdivision includes 17 lots on 8.59 acres zoned R1-9000 (Single-family Residential). The property is located along the east side of Cresta Road, just south of the south side of Bear Creek Park.</p>	113

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 7.A CPC PUZ 14-00055</p> <p>ITEM NO.: 7.B CPC PUD 14-00056 (Quasi-Judicial)</p> <p>PARCEL NO.: 7402312090</p> <p>PLANNER: Mike Schultz</p>	<p>Request by John VanDerWege and the Calvary Worship Center for consideration of the following development applications:</p> <ul style="list-style-type: none">A. A change of zone from PBC (Planned Business Center) and R-2 (Two-family Residential) to PUD (Planned Unit Development). The PUD would allow for religious institution (and secondary uses associated with the church) and allow a maximum 45-foot building height.B. A PUD (Planned Unit Development) Development Plan to allow a three-phase development that includes expansion of off-street parking, a 20,400 sq. ft., two-story addition and a new 50,000 sq. ft., 1,800-seat worship hall. <p>The subject property is located at the southeast corner of 30th Street and King Street and consists of 9.05 acres.</p>	<p>145</p>

CONSENT CALENDAR

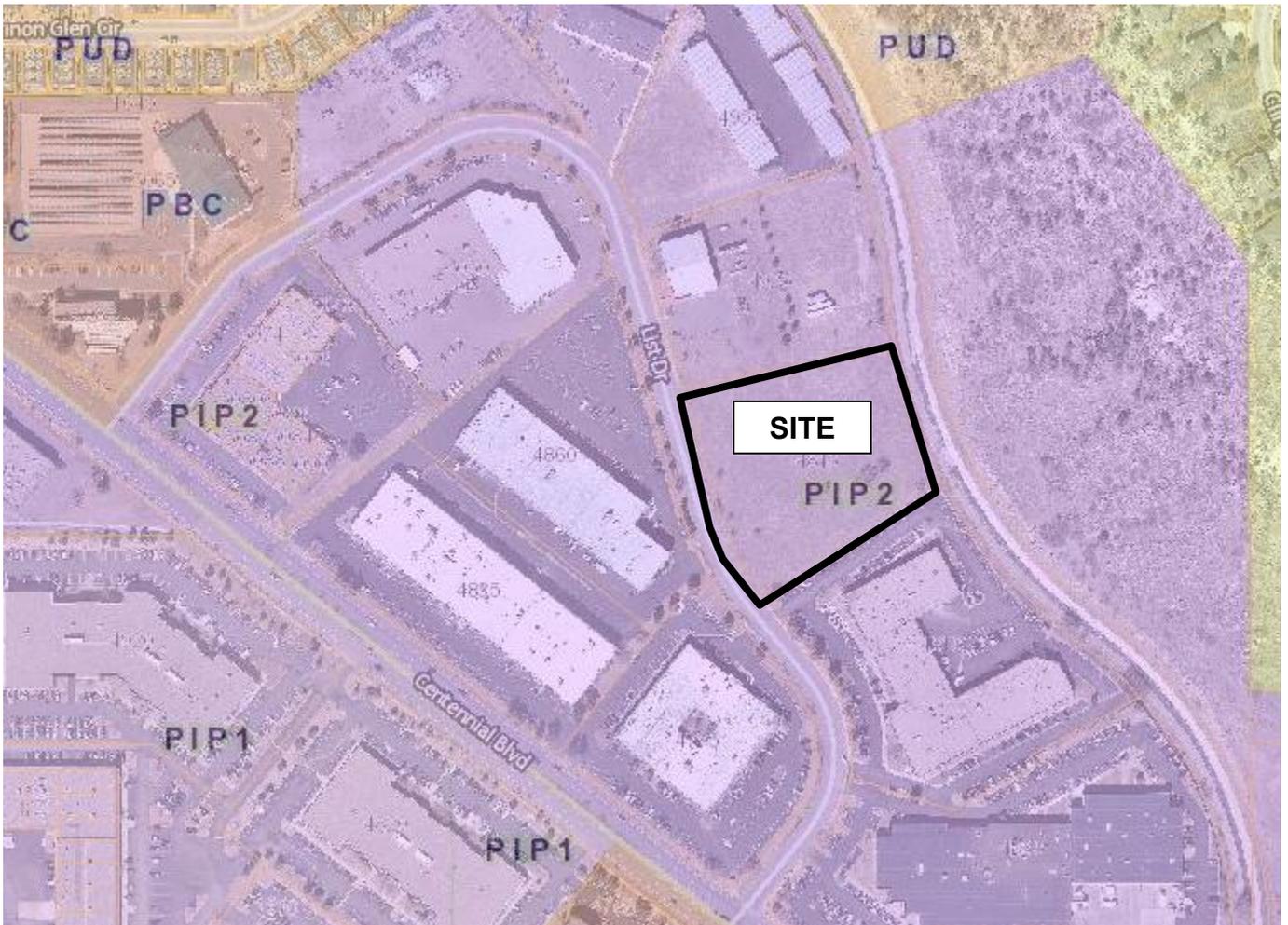
CITY PLANNING COMMISSION AGENDA

ITEM NO: A

STAFF: LONNA THELEN

FILE NO:
CPC CU 14-00075 – QUASI-JUDICIAL

PROJECT: COLORADO SPRINGS SOCCER HAUS
APPLICANT: JOHN K. RIDING
OWNER: MANFORD FREY



PROJECT SUMMARY:

1. Project Description: This project is for a conditional use to allow an indoor sports and recreation use in the PIP-2 zone district. The site contains 2.61 acres and is located at 4845 List Drive.
(FIGURE 1)
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Approval of the applications, subject to modifications.

BACKGROUND:

1. Site Address: 4845 List Drive
2. Existing Zoning/Land Use: PIP-2 / vacant land
3. Surrounding Zoning/Land Use:

North:	PIP-2 / warehouse
South:	PIP-2 / office
East:	PIP-2 / vacant
West:	PIP-2 / manufacturing
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: Popes Bluff Addition #3, 1971
6. Master Plan/Designated Master Plan Land Use: Centennial Industrial Park Master Plan / Industrial Park
7. Subdivision: Centennial Industrial Park Filing. No. 2
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is a vacant flat site.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of these applications included posting of the site and sending of postcards on two separate occasions to 16 property owners within 500 feet. Neighborhood comment from one neighborhood was received. The neighbor raised concern about ensuring that the parking for the site was to remain onsite and no parking was to be on street. **(FIGURE 3)** The same posting and notification process will be utilized prior to the CPC public hearing.

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

1. Review Criteria / Design & Development Issues:

The site under review is currently vacant. The property is zoned PIP-2 and is surrounded by PIP-2 zoning. The PIP-2 zoning allows for uses that accommodate professional, administrative, research, manufacturing and industrial uses with operations which are quiet and clean. The indoor sports and recreation use that is proposed is for an indoor soccer facility. This facility requires a large building to enclose the soccer fields. The soccer facility use is compatible with the existing uses surrounding the property.

The indoor soccer building is proposed to be 44,000 square feet and contain two large soccer fields, one small soccer field, a second floor restaurant and bar, administrative offices, an exercise room, and locker rooms. Since the use was not identified within the standard parking ratios, Staff determined a parking ratio that included all the primary uses proposed on the site including the restaurant, soccer fields, and seating areas. The site was determined to require 114 parking spaces. The applicant requested administrative relief and has provided 99 spaces on site. It is likely that the uses proposed will overlap and every use will not be maximized at the same time; therefore, staff is supportive of the administrative relief for parking.

The existing building elevations within the area vary from stucco to metal siding buildings. In order to be compatible with the neighborhood, the applicant has proposed a west elevation of stucco with metal siding accent feature and the remaining three elevations as metal siding. The west elevation also includes a decorative entry feature to break up the large scale of the building.

The conditional use review criteria require that the proposed use and development is compatible with the surrounding neighborhood and meets the intent of the Zoning Code and Comprehensive Plan. There are three existing examples of conditional uses granted near this site. A religious intuition was permitted in a PIP-2 zone district, an adult daycare was permitted in a PIP-1 zone district and a personal fitness studio was allowed in a PIP-1 zone district. These uses were found to be compatible with the surrounding neighborhood. The proposed plan meets the conditions for granting a conditional use.

2. Conformance with the City Comprehensive Plan:

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

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

Objective 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 property is located within a development that is primarily built out and considered by the comprehensive plan to be an employment center. The site is considered an infill property. The proposed development is compatible with the surrounding office, warehouse, and light industrial users.

3. Conformance with the Area's Master Plan:

The Centennial Industrial Park Master Plan shows this site as part of an industrial park. The master plan has been implemented and does not require amendment. The uses that were built in the industrial park are very light industrial uses and include many offices. The use of an indoor sports and recreation facility is compatible with the surrounding uses.

STAFF RECOMMENDATION:

Item No: A CPC CU 14-00075 – CONDITIONAL USE

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

Technical and Informational Modifications to the Conditional Use Development Plan:

1. Remove the two pages that contain the interior layout of the building.
2. Include a file number on page 3.
3. Submit an administrative relief application and fee for insufficient parking.
4. Include the following note under the parking data:
 - a. Administrative relief was approved for 99 spaces where 114 are required. File number _____.
5. Include elevation #1029, the stucco front with accents of metal siding for the west side of the building.
6. Remove "Fire Access" from the easement along the south side of the property. It may not arbitrarily be added to plans when it's not legally provided by the approved plat.
7. All curbs along the 24-foot drive loop from the north entrance, along the immediate west side of the building and out the south side, require fire lane markings. Show this on the plans.

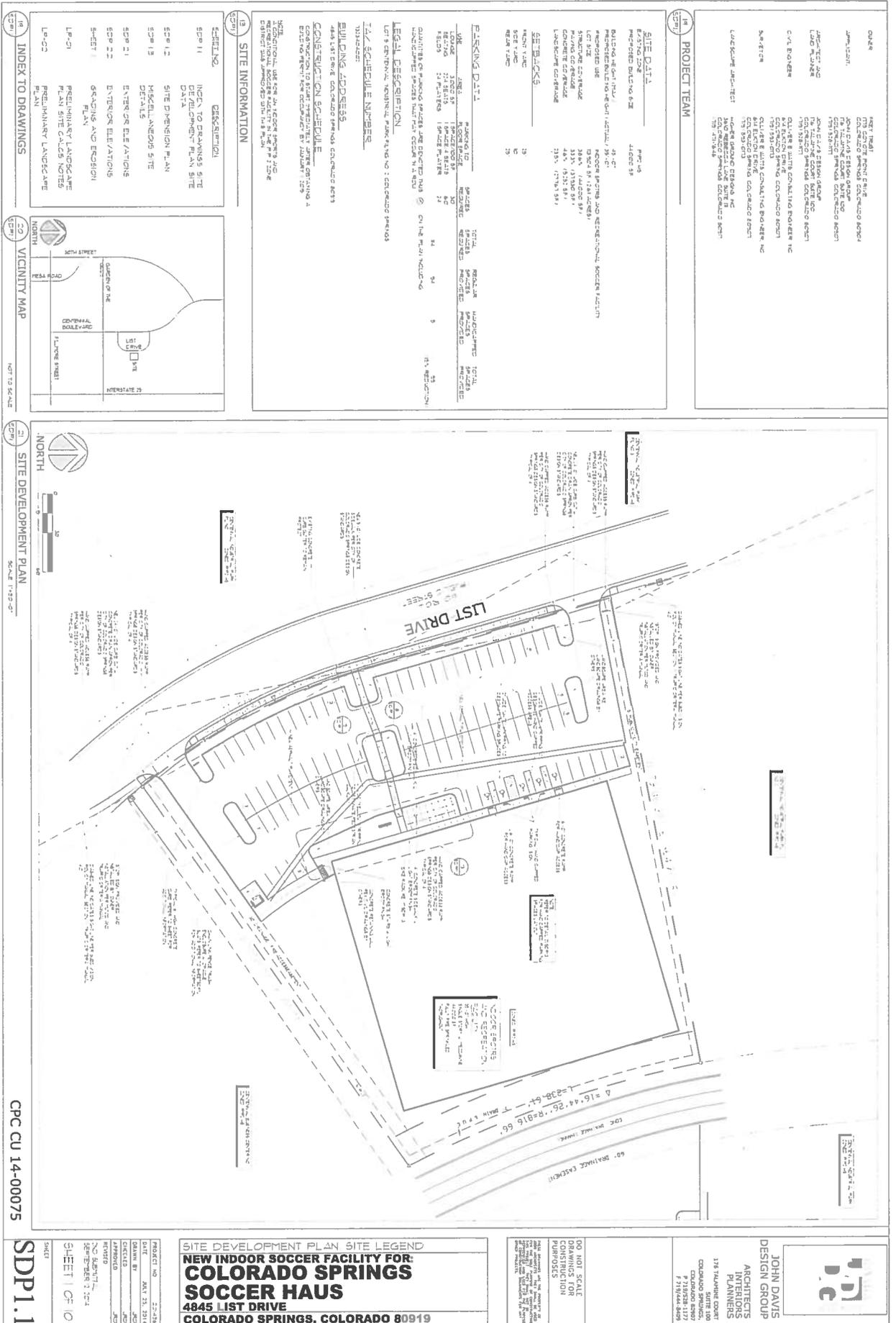
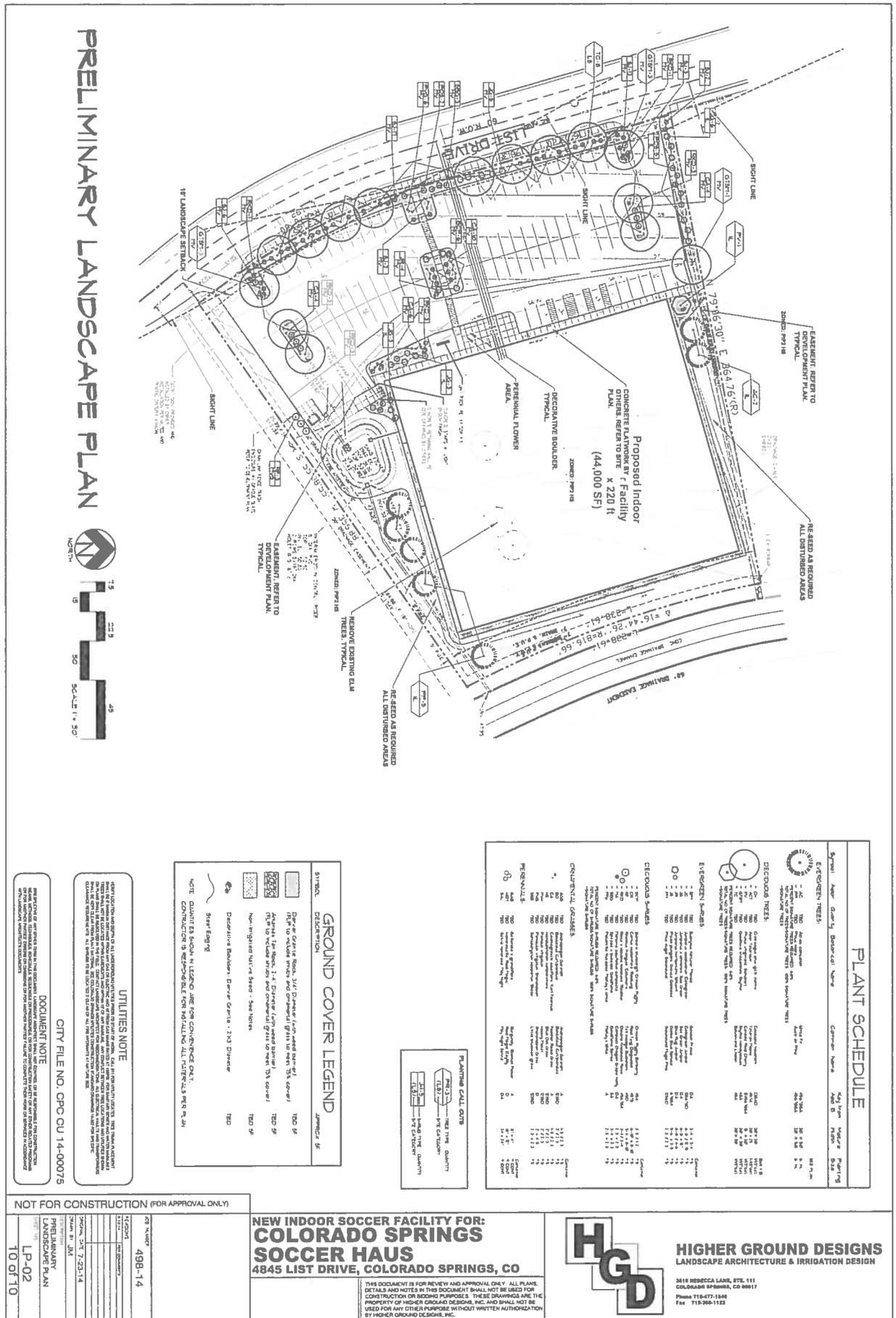


FIGURE 1



PLANT SCHEDULE

Symbol	Species	Quantity	Notes
○	Tree	10	...
○	Shrub	20	...
○	Plant	50	...
○	Plant	100	...
○	Plant	200	...
○	Plant	300	...
○	Plant	400	...
○	Plant	500	...
○	Plant	600	...
○	Plant	700	...
○	Plant	800	...
○	Plant	900	...
○	Plant	1000	...

PLANTING CALL OUTS

○	Tree	Quantity
○	Shrub	Quantity
○	Plant	Quantity

GROUND COVER LEGEND

Symbol	Description	Notes
○	Decorative Boulder	...
○	Decorative Flower	...
○	Decorative Boulder	...
○	Decorative Flower	...

UTILITIES NOTE
 ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLING ALL UTILITIES PER THE CITY OF COLORADO SPRINGS STANDARDS AND SPECIFICATIONS.

DOCUMENT NOTE
 THIS DRAWING IS THE PROPERTY OF HIGHER GROUND DESIGNS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HIGHER GROUND DESIGNS.

CITY FILE NO. CPC CU 14-00075

NOT FOR CONSTRUCTION (FOR APPROVAL ONLY)

NEW INDOOR SOCCER FACILITY FOR: COLORADO SPRINGS SOCCER HAUS
 4845 LIST DRIVE, COLORADO SPRINGS, CO

HIGHER GROUND DESIGNS
 LANDSCAPE ARCHITECTURE & IRRIGATION DESIGN

3618 REBECCA LAKE, STE. 101
 COLORADO SPRINGS, CO 80907
 Phone 714-477-1545
 Fax 714-566-1122

498-14
 7/23/14
 LP-02
 10 of 10

FIGURE 1

PROJECT STATEMENT

Presently, there is only one indoor soccer facility in the El Paso County, Colorado Springs area. This location is not centrally located, nor does it have the two fields required to host tournaments per the Premier Arena Soccer League standard. They have 100% of the market share and according to the U.S Department of Commerce (2012), it is for a population of approximately 644,964 people in El Paso County.

The Colorado Springs Soccer Haus will be a brand new facility that will have two professional size soccer arenas and one smaller arena for the younger players. The facility will be open year round with turf and lighted fields enclosed by tempered glass walls. Regardless of weather conditions, the complex will be open to the community and military personnel. There are five military bases in Colorado Springs, and the complex intends to provide veterans the opportunity for rehabilitation at the location. This will be a safe, fun, and family-oriented business that will also include a cafe, and arcade.

The purpose of this proposal is to identify then satisfy the need for the facility in El Paso County, show it is sustainable with proper leadership and management.

There will be numerous divisions of soccer to accommodate the ranges of skill level, and it will have joint and gender specific leagues. The leagues will be year-round. The participants will be in the form of teams and the sessions will last two months. Each session will have eight games, and teams will typically play once a week. At the end of the session a team will be awarded a "Champion" title, and will be given a prize (for all divisions).

In addition to the three arena soccer fields, the complex will offer a weight room for disabled veterans, a cafe and an arcade room for the entire family to enjoy. The cafe will offer a limited food menu (primarily German) and beer or wine for adults accompanied with soda, smoothies, and juice. The fields will also be available to rent for soccer practices, lacrosse, clinics, and camps throughout the year. A limited supply of soccer gear will be available to consumers such as: shin guards, socks, and shirts.

The facility will be open from 8:00 am (to facilitate the veterans) until 11:00 pm, the last adult league game starting at 10:00 pm. Initially there will be eight employees to run the Soccer Haus plus approximately 30 contract employees (officials). As the business demands increase, so will the number of employees.

There are currently 67 teams signed up to play at the new facility, that includes the Colorado Blizzards (the semi-pro team in Colorado Springs), the Colorado Springs Soccer Haus will be the Blizzards' home arena. Both the Pride Soccer Club and the Rush Soccer Club have expressed an interest in the facility and plan to train their team at the Soccer Haus when we are open

Koehn, Alayna

From: Thelen, Lonna
Sent: Tuesday, October 07, 2014 12:12 PM
To: Koehn, Alayna
Subject: FW: CPC CU 14-00075

Alayna,
Could you include this correspondence in my CPC item?
Thanks,
Lonna

*Lonna Thelen, AICP, LEED AP
Senior Planner
P 719-385-5383*

From: ridingjk [mailto:ridingjk@msn.com]
Sent: Tuesday, October 07, 2014 6:43 AM
To: 'Michel P. Williams'
Cc: Thelen, Lonna; 'Verlyn Rosenthal'; 'Maragret Rosenthal'; 'John Davis'; 'Jorge Troncoso'; 'steve worford'; brettriding@yahoo.com
Subject: RE: CPC CU 14-00075

Michael, thanks for your support, and like you we are concerned for the youth that will be using our facility. We will do everything possible to encourage parents and players to use the available parking and NOT park on List Drive or use it as a drop-off point when there is adequate parking available. Additionally, we will provide lighting from our building to ensure the parking lot is safely lite.

Again thanks for your concern and support. We want to make sure all vehicular traffic is able to use List Drive unimpeded.

John Riding, CEO
Colorado Springs Soccer Haus
719-761-2955

From: Michel P. Williams [mailto:MWilliams@sennlaw.com]
Sent: Monday, October 06, 2014 2:05 PM
To: ridingjk@msn.com
Cc: lthelen@springsgov.com; Verlyn Rosenthal (verlyn.rosenthal@yahoo.com); 'Maragret Rosenthal'
Subject: CPC CU 14-00075
Importance: High

Mr. Riding:

This is to follow-up our conversation today regarding your request for a conditional use permit to use the property at 4845 List Drive for an indoor soccer facility with a restaurant and several indoor fields. As we discussed as an owner of the property at 5009 list drive, I can say we whole heartily support your request, but have concerns about the possibility for some of your guests to park on List Drive from a safety and use prospective.

List drive is a very poorly lighted street and if, at nights or on the weekends, soccer parents park on List Drive to drop off or pick up youth, we are concerned that with the lighting and the size of the street, there could be a serious

issue given the fact this is a predominantly industrial area. Semi-truck and delivery vehicles will not be expecting youth on this street and we want to make sure there are no regrettable and avoidable accidents. Also, for our tenants, List Drive is the only access street and, as such they cannot have their ability to have delivery trucks and semi-trucks hampered by the parking of vehicles along either side of List Drive.

In our conversation you assured me that this would not occur and that you have contingency plans with an adjacent owner for using their parking lot for tournaments and overflow on the weekends. What we discussed, was having your conditional use permit providing as a condition that you will use reasonable efforts to insure that all parking for your facility will be off street parking and in the event the parking on List Drive becomes an issue, you will work with the City of Colorado Springs to restrict parking on List Drive to address this issue.

Please confirm this condition is acceptable and work with Ms. Thelen to have this condition inserted in your conditional use permit and to provide me with confirmation prior to the October 16th meeting.

Thank you and let me know if you have any questions or concerns regarding this matter and I look forward to hearing from you or Ms. Thelen if the above does not occur.

Michel P. Williams
Senn Visciano Canges P.C.
1700 Lincoln Street, Suite 4500
Denver, CO 80203
Phone: (303) 291-4060
Fax: (303) 296-9101
MWilliams@sennlaw.com
www.sennlaw.com

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CITY PLANNING COMMISSION AGENDA

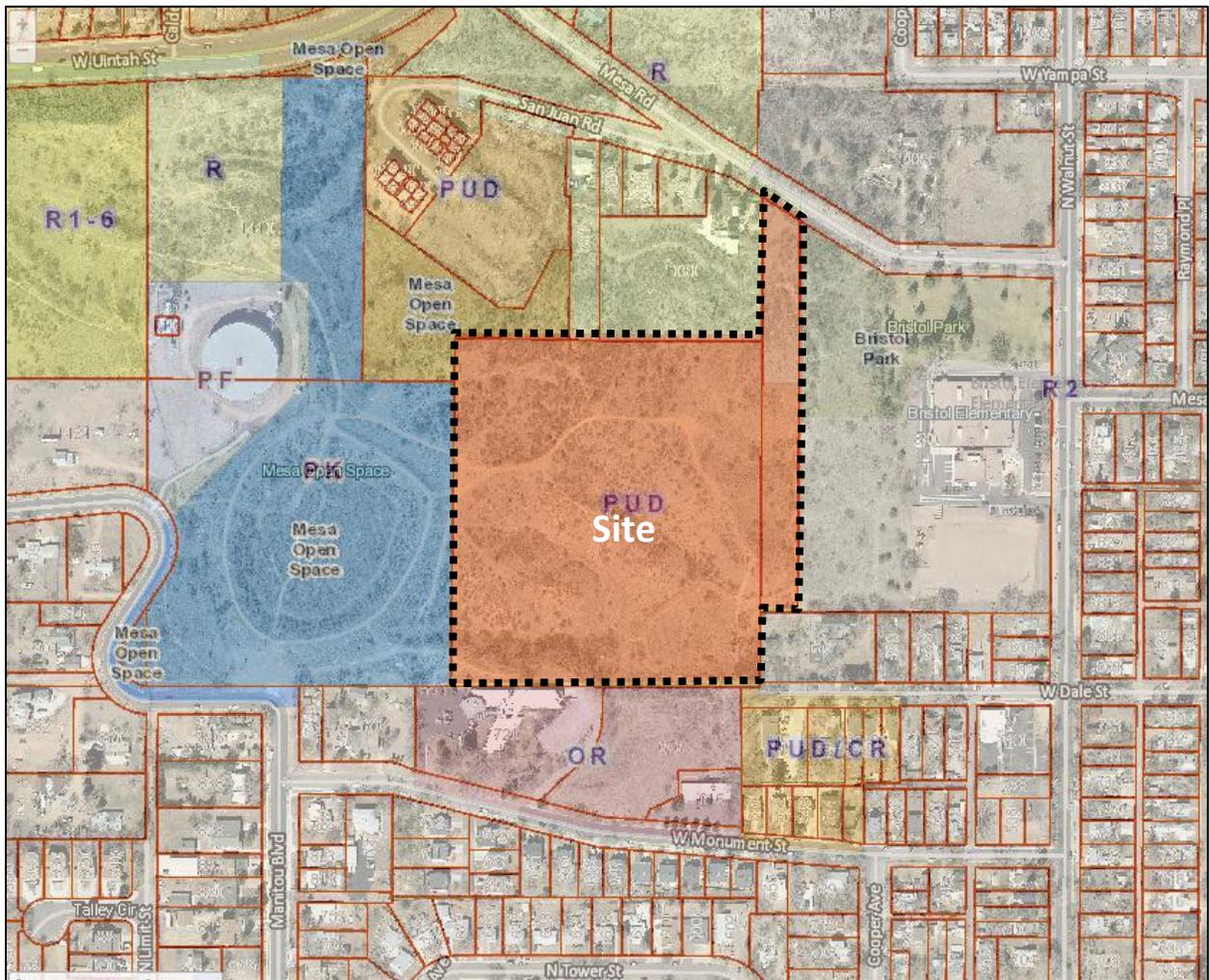
ITEM: B.1, B.2

STAFF: MICHAEL SCHULTZ

FILE NO(S):

**CPC PUZ 14-00009 – QUASI-JUDICIAL
CPC PUD 07-00355-A1MN14 – QUASI-JUDICIAL**

PROJECT: UINTAH BLUFFS
APPLICANT: NES, INC.
OWNER: UINTAH BLUFFS, LLC



PROJECT SUMMARY:

1. **Project Description:** This is request by NES, Inc. on behalf of Uintah Bluffs LLC for a rezone from PUD/HS (Planned Unit Development with Hillside Overlay) to a new PUD/HS zone (Single-family Detached, 2.39 DU's per acre, 35-foot height maximum on Lots 1 – 11 and 30-foot height maximum on Lots 12 – 31 with the Hillside Overlay) to allow 31 single-family lots. The property was rezoned in 2012 from R/HS (Residential Estate with Hillside Overlay) and R-2/HS (Two-family Residential with Hillside Overlay) to PUD/HS in order to allow 52 townhome units on 12.98 acres (Single-family Attached Dwellings, 4.01 dwelling units (DU) per acre, 30-foot height maximum with the Hillside Overlay).

Concurrent with the requested zone change is the Uintah Bluffs PUD development plan. The development plan reflects the proposed 31 single-family detached homes, an increase in maximum building height for Lots 1 – 11 (west side of Uintah Bluffs Place) from 30 feet to 35 feet, and the remaining lots (Lots 12 – 31) will remain at a maximum building height of 30 feet. The density for project will decrease from 4.01 DU's per acre to 2.39 DU's per acre.

The subject property consists of 12.98 acres and is located northeast of the intersection of Manitou Boulevard and W. Monument Street.

2. **Applicant's Project Statement:** (**FIGURE 1**)
3. **Planning & Development Team's Recommendation:** Approve the change of zone from PUD/HS (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with the Hillside Overlay) to PUD/HS (Single-family Detached, 2.39 DU's per acre, 35-foot height maximum on Lots 1 – 11 and a 30-foot height maximum on Lots 12 – 31 with the Hillside Overlay) and the Uintah Bluffs PUD Development Plan. (**FIGURE 2**)

BACKGROUND:

1. **Site Address:** No site address.
2. **Existing Zoning/Land Use:** PUD/HS (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with the Hillside Overlay) / vacant.
3. **Surrounding Zoning/Land Use:**
North: R/HS (Residential Estate with Hillside Overlay) / Single-family residential
South:
 - o Southwest, near entrance: R-2 / Single-family Residential;
 - o South central: OR (Office Residential) / Office and Multi-family Residential (20 unit apartment complex is currently under construction).
 - o Southeast, south of Dale: PUD (Planned Unit Development) / Townhome and Single-family Residential*East:* R-2 / Single-family Residential, Bristol Elementary School, Neighborhood Park
West: PK (Public Park) / Bristol Mesa Open Space
4. **Comprehensive Plan/Designated 2020 Land Use:** General Residential
5. **Annexation:** Town of Colorado Springs (1871)
6. **Master Plan/Designated Master Plan Land Use:** None
7. **Subdivision:** None
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The site contains significant slopes and grade changes throughout; the high point of the site is located in the west central portion of the site and

runs along the north property line. Grade from the property falls to the east and to the north; the low area is located in the southeast section of the site. The site is scattered with scrub oak vegetation throughout the property. A former abandoned irrigation ditch also meanders through the site from the former reservoir.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process involved with this application included the internal review notification with postcards sent out to 105 property owners. No neighborhood meetings were held in regard to the proposed zone change. Staff did hold four (4) neighborhood meetings during the review of the prior approved development plan. The last meeting was held on December 20, 2011.

Staff received only one e-mail in regard to the proposed development voicing concern over traffic along Monument Boulevard. Traffic Engineering determined during the review of the townhome project that traffic generated from the 52-unit townhome project would not have a negative impact on the road network. It was also determined that the line of sight from the proposed access would not be an issue; however, the City would continue to monitor traffic conditions and incidents in this area.

Neighborhood Issues Raised During Original Proposal:

- Location of access in relation to existing residential along W. Monument St./limited ingress and egress;
- Increase of traffic on W. Monument St. and Manitou Boulevard as primary routes to I-25;
- Narrow streets/icy road conditions along W. Monument;
- Disturbance of pedestrian access to Bristol Mesa Open Space;
- Development encroachment over neighborhood, open space & disturbance of ridgeline;
- Stormwater, drainage and grading and impacts to adjacent properties.
- Ivars Mankovs, 744 W. Monument St., voiced concern over multiple street frontages.

Staff reviewed Mr. Mankovs' concern of having multiple street frontages; the property currently has two (2) required front yards (along Monument St. and Manitou Blvd.), a 25-foot rear setback would also be required along the north property line (to be classified as the rear yard setback) regardless of an existing public or private street. These required setbacks result in a building envelope of 20 feet by 111 feet. If the home had to be replaced today, a non-use variance(s) likely would be necessary to allow reconstruction.

The only potential impact of the proposed development and public access is the ability to construct a detached garage five (5) feet off of the rear property line; which, if necessary, a non-use variance could be requested for review and consideration. Should a non-use variance be needed by Mr. Mankovs or a future property owner, sufficient hardship likely exists in regard to the property.

The Organization of Westside Neighbors (OWN) was presented the revised plan in January 2014, and they supported the revisions and were encouraged by the lower density.

Notices for the public hearing were also sent prior to the Planning Commission meeting.

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

1. Review Criteria/Design & Development Issues/Analysis of Review Criteria:

Zoning

The 12.98-acre site is essentially landlocked between existing development to the north, south and east and the designated Bristol Mesa open space to the west. The property at one time was considered for purchase by the TOPS Program in 2003; however the TOPS Working Committee rejected the proposal to acquire the site after the appraised value and asking price were too high. No longer considered for open space purposes, what was primarily R-2 zoned property has now been considered for development. The PUD zoning designation was initiated to allow design flexibility due to the terrain of the site and limited developable area.

Site Access

The property is severely restricted for viable vehicular access from either of the two adjoining public roadways, Mesa Road to the north or Dale Street to the east. Constructing viable access from either of those two public roadways would be difficult by design and cost due to the severe grades. A 90-foot vertical differential over 300 feet (30% grade) exists from Mesa Rd. to the buildable area atop the mesa. Also, this location is limited by a property 80-foot wide "flag stem" of the property which extends to the roadway.

There is also an immediate 30-foot vertical incline off of Dale St. within the first 100 feet of the property (30%) which would make it extremely difficult to create an access without the utilization of large retaining walls, likely impacting adjacent property owners. Both locations would require a roadway design utilizing switchbacks in order to create a proper grade for access (City Fire allows a maximum 15% grade on shared driveways within designated hillside developments). Alternative access locations were considered, including the property located south and east of the site (now Gabion Apartments), but grade issues would have made it difficult; and the property directly south (Sram Office Building) was undesirable because it would have removed required parking and the property was not conducive to redesign to allow through access.

With such severe access restrictions to the site, the property owner approached the City and the Parks and Recreation Advisory Board (P&RAB) in 2006 about the possibility of securing access over and across a portion of the Bristol Mesa Open Space off of Manitou Boulevard. From Manitou Boulevard to the western edge of the property the grade is approximately 3.5% (approximately 14 feet of fall over 400 feet), making this a more viable alternative to gain vehicular access to the site.

The subject 10-acre parcel adjacent to and west of the site was conveyed to the City through a Warranty Deed in 1886 from the Colorado Springs Company for the purposes of a "City Reservoir Property" (the deed carries a reversionary clause restricting use of the property for purposes of a "city reservoir"). In 1983, the maintenance responsibility of the property was conveyed by City Resolution (Res. No. 135-83) from Colorado Spring Utilities to City Parks and Recreation. The property currently contains a Colorado Springs Utilities water tank and remnants of the former reservoir remain (located south of the tank). The reservoir now acts as an emergency overflow in the event of a tank failure.

The grantor, Colorado Springs Company, has determined that the requested access road through the deeded property would not be inconsistent with the intended use by the City as a reservoir. The Colorado Springs Company has provided the developer a limited assignment of right of reverter (**FIGURE 3**) that allows the placement of an access road over and across the property. When a subdivision plat is filed for the development, the access will be platted as a tract and labeled for the purposes of public access; which will allow the City to continue use of the access drive if necessary.

The City's only condition to allow use of the property for access to the development is at the time of plat the area is placed within a tract and designated for "public access". Should the reverter ever be triggered by the City, the Developer would automatically acquire title to the access road. In the future, this Limited Assignment of Right of Reverter for the Public Access Road may only be assigned to subsequent owner(s) of the developer's property, and/or a homeowner's association.

Hillside Overlay and Building Height Calculation

The property is located within the hillside overlay zone, which is intended to protect steep slopes, significant vegetation and potential negative impacts to surrounding property owners. Due to the site's topography and terrain, staff is allowing an exception in calculating hillside building height as part of this development. Typically building height within the hillside overlay is calculated from existing site contours; this is done in order to maintain the integrity of the site and keep a site from over-grading.

The issue in utilizing the existing grade to determine building heights is that with some significant grading having to occur, utilizing the existing grade will not provide a true base elevation in determining maximum building height. Utilizing the final grade to determine maximum building height will allow both the builder and staff to utilize a known elevation to achieve height measurements. The allowance of a 35-foot building height for Lots 1 – 11 will allow for a 2-story home; the 30-foot building height should still easily accommodate walkout homes on Lots 12-31 without creating an overwhelming façade along the downward slope of the project.

Generally a 35-foot maximum building height is allowed within the hillside overlay zone. Building heights within the overlay are measured from the building grade to the top of peak of the home and four-sided elevations are provided as part of a hillside site grading plan at or prior to issuance of building permit in order to review compliance with the hillside and/or PUD height criteria. Non-hillside properties are measured using an average grade and measured to five feet below the peak of a pitched roof.

Mesa Open Space/Trails

The Parks & Recreation Advisory Board (P&RAB), at their April 12, 2012 meeting (**FIGURE 4**, P&RAB minutes) supported the development plan as presented at that time, retracting an original request for both land dedication and a trailhead parking lot to be constructed by the developer. Public access through both the proposed development and City property is currently shown on the development plan; an easement will be granted to allow an east-west pedestrian trail in order to gain access to both Bristol Mesa Open Space and Bristol Elementary. The Board requested that a maintenance fund be established with Parks Department for maintenance of the single-track trail through the development; this would be in lieu of the originally requested trailhead parking lot. The applicant has agreed to set up a maintenance fund with City Parks.

Water Quality Facility

The location of the water quality facility required for this development has been placed in the southeast corner of the site, which is the low point of the property. City Engineering Guidelines require that the facility be accessible for maintenance purposes, which includes vehicle access. Due to the site grades, similar to identifying adequate site access, finding access to the facility is difficult; access from developed portion of the site and down the steep grade would not be feasible. The only feasible vehicular access is planned from Dale Street to the facility; this will likely require the developer/builder to obtain temporary construction easements from adjacent property owners in order to reduce the grade and likely replacement of an existing retaining wall.

Nonuse Variance

Although not part of this review, two non-use variances were approved with the prior development plan and will carry forward with the amended plan; those two requests are:

1) Section 7.3.504.D.2.d.(1)(C) of the City Code to allow grading within slopes exceeding 25% within the hillside overlay; the site is encumbered by varying degrees of slope, any disturbance within this designated area required approval of a non-use variance.

The revised plan closely follows that of the previously approved development plan in terms of slope disturbance. The current design disturbs approximately 2.5 acres of 25% slope compared to 2.14 acres from the original approved plan.

2) To Section 7.3.504.D.2.d.2.(F) of the City Code to allow building slopes exceeding 25% within the building envelopes; the walkout lots on the revised development, Lots 17 – 31, will have slopes around 25 to 27%.

Summary

City Planning Commission reviewed and approved the prior development plan for 52 townhome lots in 2012 (**FIGURE 5** – Record of Decision); the current proposal reduces the number of dwelling units on the property although a slight increase in additional grading is necessary.

Staff finds that the plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605 and the development plan review criteria as set forth in Section 7.5.502.E.

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Map designates this site as General Residential. There is currently no designation of this property as candidate open space to be combined with the existing Bristol Mesa Open Space.

There are several Comprehensive Plan objectives and policies that support the proposed project, including:

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 NE 201: Identify, Evaluate and Incorporate Significant Natural Features

Preserve the variety of spectacular natural features, so prevalent in and around the City, for the enjoyment of residents and visitors. Incorporate significant natural features on individual sites into the design of new development and redevelopment. Identify and inventory natural features through best management practices prior to incorporating features into site planning. Include significant natural features that contribute to the attractiveness of the community such as ridgelines, bluffs, rock outcroppings, view corridors, foothills, mountain backdrop, urban forest, floodplains, natural water bodies, clean air, natural drainageways and wildlife habitats.

Strategy NE 201a: Determine the Presence and Value of Site-Specific Natural Features

Utilize progressively more detailed land suitability analysis to identify and evaluate site-specific natural features for conservation on all master plans, concept plans, development plans and building permits. Require an inventory of significant natural features or a determination of "no significant features" prior to site disturbance. Base the value of natural features on such relative qualities as scarcity, size, ecological integrity, maturity, location and function.

Strategy NE 201b: Incorporate Natural Features into Design of All Development

Preserve and incorporate significant natural features into the design of new development by using innovative planning, design and best management practices. Assist such efforts by private landowners and organizations to incorporate natural features into all development and to protect, restore, or enhance privately owned natural features.

3. Conformance with the Area Master Plan

This area is identified as "Park" in the Westside Master Plan; however the City Parks Board declined the option to purchase this property as part of the Bristol Mesa Open Space.

STAFF RECOMMENDATION:

ITEM: B.1 CPC PUZ 14-00009 - CHANGE OF ZONE

Approve the change of zone from PUD/HS (Single-family Attached Dwellings, 4.01 DU's per acre, 30-foot height maximum with Hillside Overlay) to PUD/HS (Single-family Detached, 2.39 DU's per acre, 35-foot height maximum on Lots 1 – 11 and 30-foot height maximum on Lots 12 – 31 with Hillside Overlay) for the Uintah Bluffs Single-family development, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.

ITEM: B.2 CPC PUD 07-00355-A1MN14 – PUD DEVELOPMENT PLAN

Approve the PUD development plan for the Uintah Bluffs Single-family development, consisting of 31 single-family detached dwelling units on 12.98 acres, 2.39 DU's/acre, maximum building height of 35 feet on Lots 1 – 11 and a maximum building height of 30 feet on Lots 12-31, based on the finding the plan complies with the review criteria in City Code Section 7.3.606, and is subject to the following Technical and Information items:

Technical and/or Informational Modifications to the Development Plan:

1. Change the rear yard setback information for Lots 8-11, 13 – 31 to be 20 feet; 10-foot setbacks for Lots 1 – 7 and Lot 12 can remain.
2. Coordinate with Colorado Springs Utilities to ensure access may be gained from Uintah Bluffs Place to the east portion of the site, if necessary.
3. Coordinate with Colorado Springs Utilities to ensure cross section provided on Sheet 4 does not need to be modified (50-feet of right-of-way and/or utility easement is necessary).
4. Re-review and acceptance by Colorado Geologic Survey pending.
5. Coordinate with City Fire to ensure the revised plan note regarding installation of residential fire alarm systems is acceptable.
6. Strike or modify Note #2 on the DP, it does not match the intended setbacks of the diagram.
7. Coordinate with City Engineering on acceptance of the drainage report.

Project Statement

Uintah Bluffs

January 2014

(Amended September 29, 2014)

Uintah Bluffs is located east of Manitou Blvd. and north of West Monument Street. The property is accessed from Manitou Blvd via an access through the adjacent City owned property as shown on the approved Development Plan for the site. The property is bounded by the Bristol School and a single family home to the east; by single family homes accessed from Mesa Road to the north; by the Mesa Open Space to the west; and by an office building and vacant land to the south.

Uintah Bluffs was previously approved for 52 duplex units in the PUD Zone. This application requests modification of the Development Plan to permit ~~35~~³¹ single family detached homes on the property.

The street system, including access will be essentially unchanged from the approved plan, with minor adjustments to the road alignment and cul-de-sac location. This application proposes a Public Street with a 28 foot section; five foot attached sidewalk on one side, and fire lane on the other side.

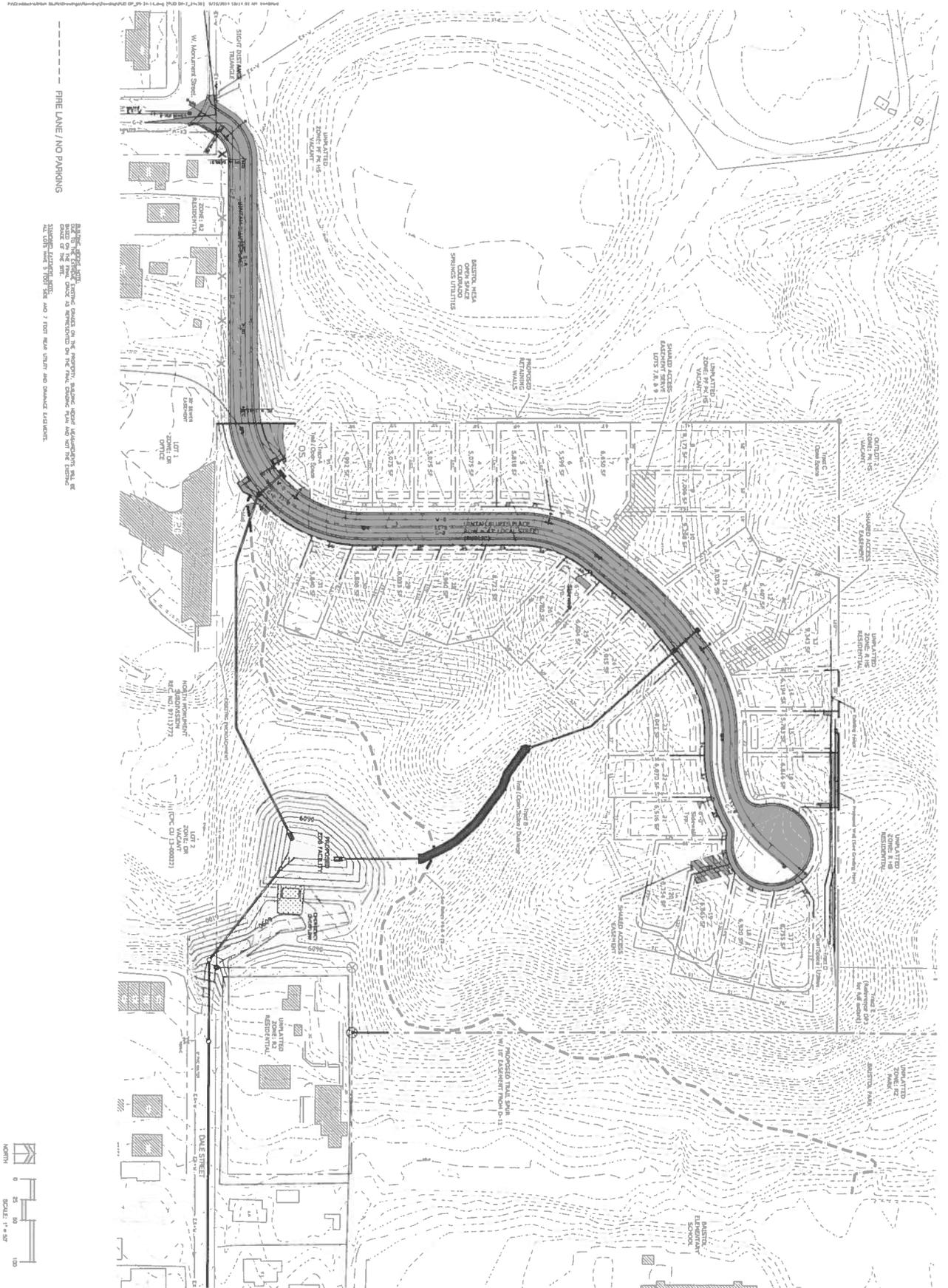
The trail connection from the Mesa Open Space to the Bristol School is unchanged from the approved Development Plan. Also unchanged is the drainage solution at the south east quadrant of the site.

The adjacent owner to the west (City of Colorado Springs) has granted permission to grade on their site in exchange for fire mitigation and an additional trail connection and construction. The change to grading reduces the amount of site disturbance from that proposed by the approved Development Plan and facilitates construction of a loop trail within the open space. The proposed single family housing type will use home design to create walkout lots and take up grade within building pads, resulting in less land and vegetation disturbance compared to eth previously approved plan. The additional trail connection to the Mesa Open Space will be located in the northwest portion of the property.

Review Criteria

1. Will the project design be harmonious with the surrounding land uses and neighborhood?
Adjacent land uses are primarily single family detached homes. This request is consistent with this neighborhood character.

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? ***This development plan amends a previously approved plan that had more units. This plan will reduce impacts on street, parks, schools, and utility capacity.***
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties? ***Yes. Buildings are proposed to be ranch style homes, some of which will have walkout basements, depending on the terrain of each lot. No proposed homes are close to existing homes.***
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development? ***This site is isolated by topography and access from adjacent properties. The access road will be screened by landscaping and a fence from the adjacent property owner.***
5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption? ***Yes. There is a single access point and all lots are served by this cul-de-sac street.***
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? ? ***Yes. There is a single access point and all lots are served by this cul-de-sac street.***
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? ? ***Yes. There is a single access point and all lots are served by this cul-de-sac street.***
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities? ***This review criterion does not apply to this application.***
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? ***Yes. Builder will custom design home for any handicapped buyer.***
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt? ***Yes.***
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? ***Yes. Off street trails will provide access to the Mesa Open Space and to Bristol School.***
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? ***Yes. Development impact is reduced from the approved plan. A significant amount of the project site is preserved in open space.***



N.E.S. Inc. 208 South 7th Street Colorado Springs, CO 80903 TEL: 719.671.2022 FAX: 719.671.2027 www.neslandscape.com	
* ALL IN BLUE SHADING	
UNTAH BLUFFS SUBDIVISION PREPARED BY: DEVELOPER'S PLAN	
DATE: 07/2014	DATE: 07/2014
BY: [Signature]	BY: [Signature]
CHECKED BY: [Signature]	CHECKED BY: [Signature]
APPROVED BY: [Signature]	APPROVED BY: [Signature]
SHEET NO. 2 OF 9 CPC PUD 07 0006A11N14	

FIGURE 2

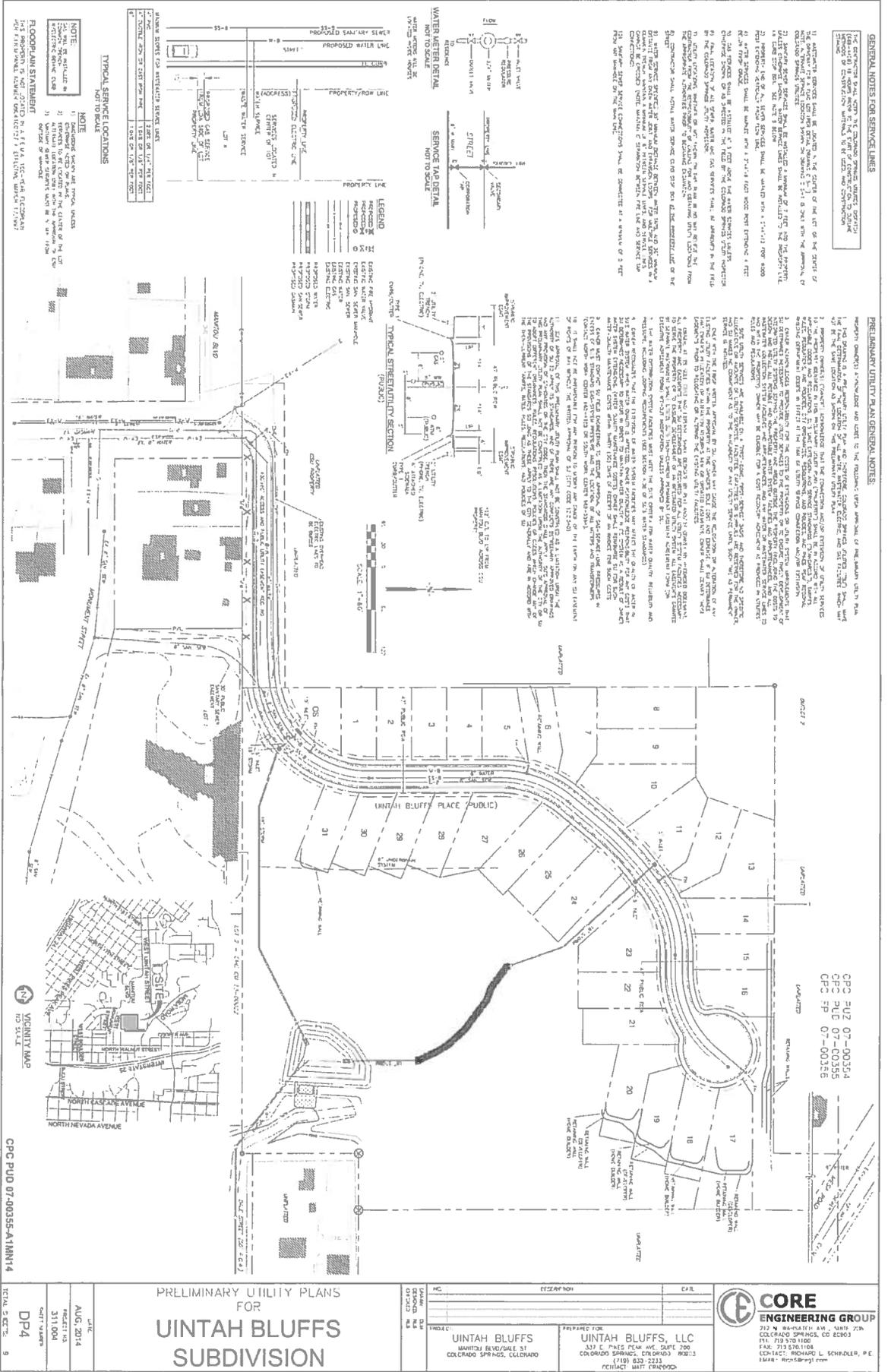


FIGURE 2

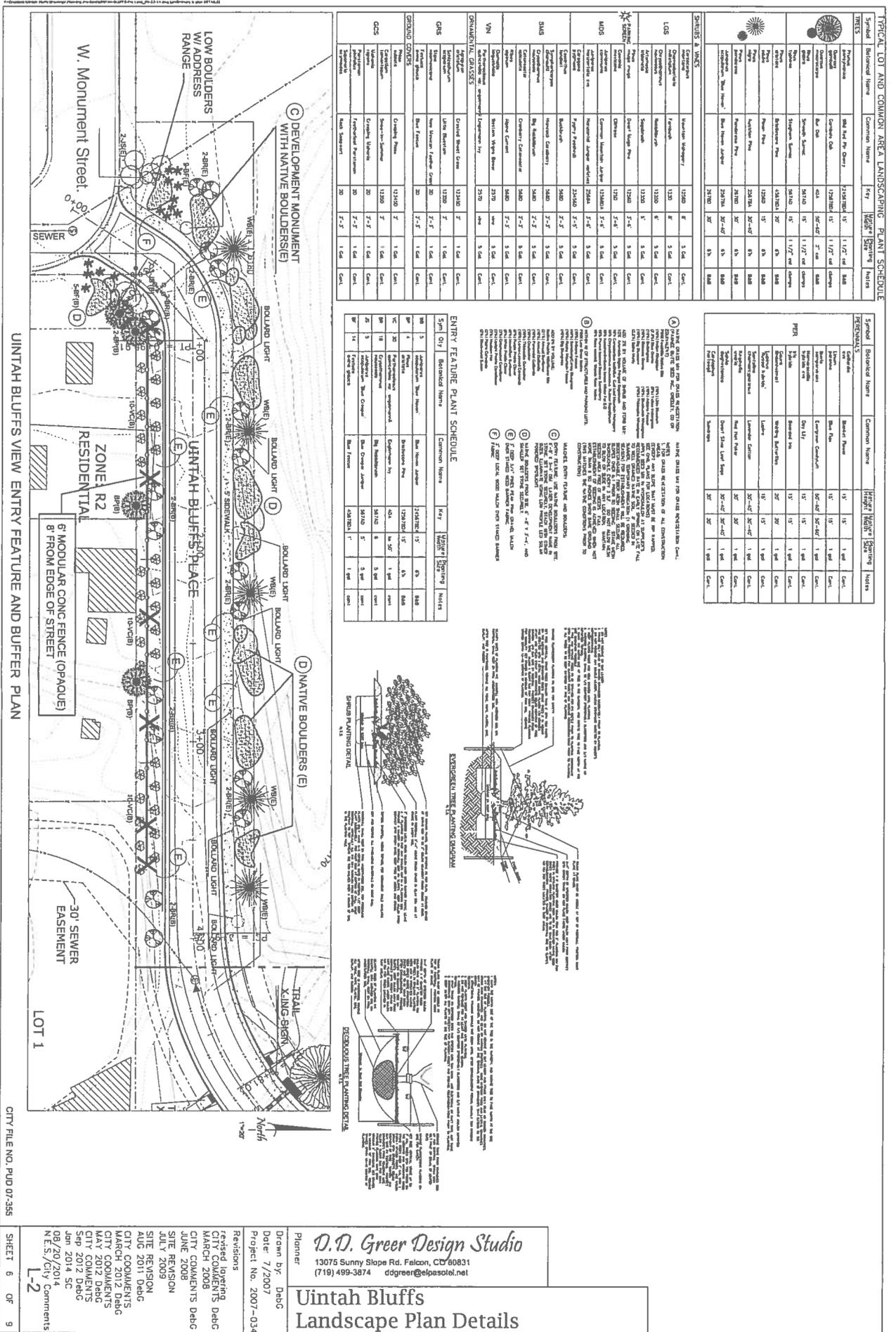


FIGURE 2

D.D. Greer Design Studio
 13075 Sunny Slope Rd. Falcon, CO 80801
 (719) 499-3874 dgreer@elpasotel.net

Uintah Bluffs
 Landscape Plan Details

Planner
 Drawn by: DabC
 Date: 7/2007
 Project No. 2007-034

Revisions
 revised layering
 CITY COMMENTS DabC
 MARCH 2008
 CITY COMMENTS DabC
 JUNE 2008
 SITE REVISION
 JULY 2009
 SITE REVISION
 AUG 2011 DabC
 CITY COMMENTS
 MARCH 2012 DabC
 CITY COMMENTS
 MAY 2012 DabC
 CITY COMMENTS
 Sep 2012 DabC
 Jan 2014 SC
 08/20/2014
 N.E.S./City Comments
L-2

SHEET 6 OF 9

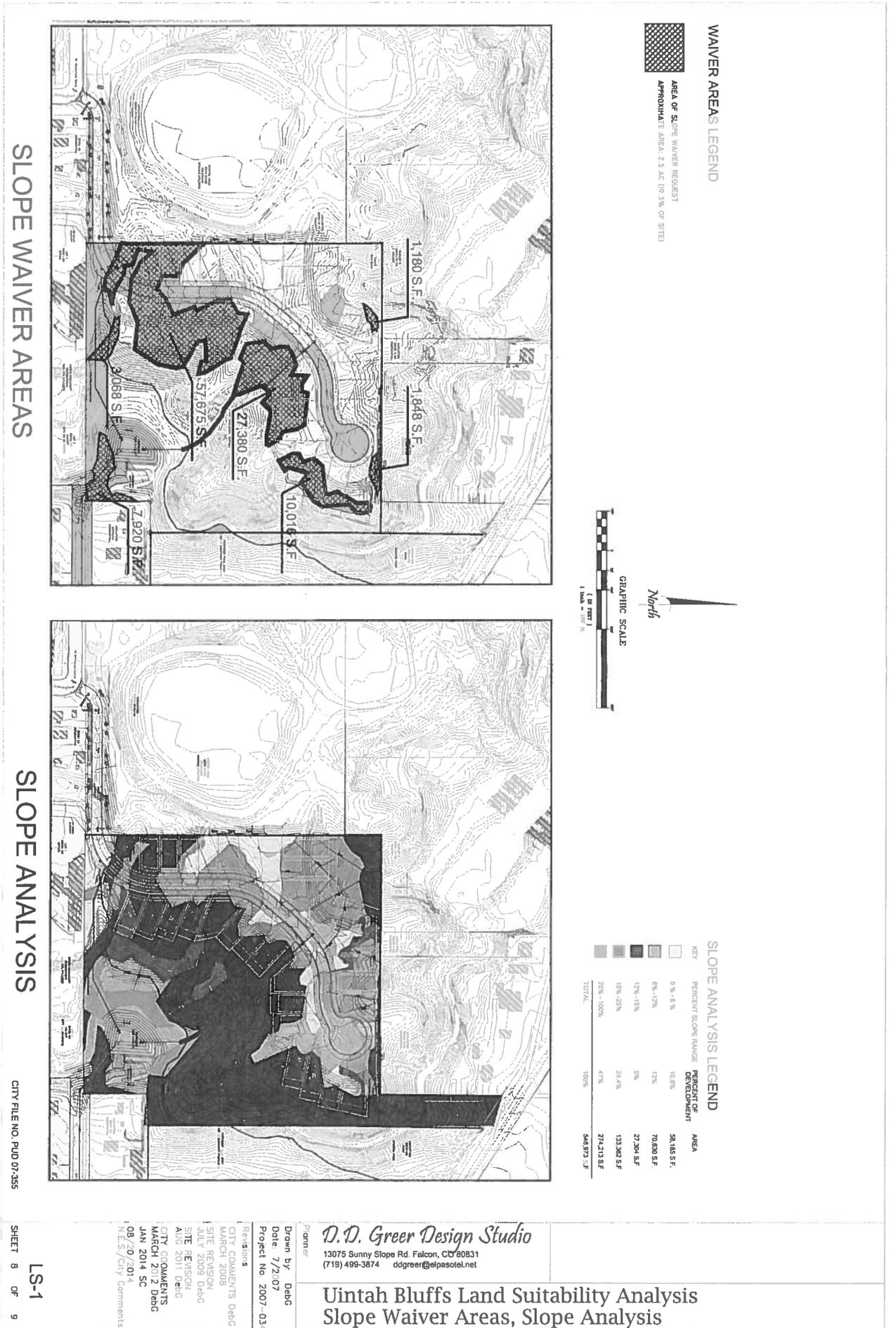


FIGURE 2

LIMITED ASSIGNMENT OF RIGHT OF REVERTER

THIS LIMITED ASSIGNMENT OF RIGHT OF REVERTER is made as of this 15th day of June 2006 by and between the Colorado Springs Company, a Colorado corporation, (referred to herein as the "Company" or the "Assignor"), and Avalon Development, LLC, a Colorado limited liability company, Craddock Development Company, Inc., a Colorado corporation and/or Uintah Bluffs, LLC, a Colorado limited liability company, (collectively referred to herein as the "Developers" or the "Assignees").

WHEREAS, the Colorado Springs Company is Colorado corporation in good standing, (the "Company"), and

WHEREAS, the Company conveyed to the City of Colorado Springs a ten (10) acre parcel of real property located in the northwest quarter of the northwest quarter of the southeast quarter of Section 12, Township 14, Range 67 West, (referred to herein as the "City Reservoir Property"). The conveyance of the City Reservoir Property was made by way of that certain Warranty Deed dated December 22, 1886, recorded on December 23, 1886 in Book 34 at Page 412 of the records of the El Paso County Clerk and Recorder, (the "Deed"). Pursuant to the Deed, the City Reservoir Property is to be used for a city reservoir, and

WHEREAS, the Deed contains a right of reverter in favor of the Company that provides, *inter alia*, in the event that the City Reservoir Property is not used as a city reservoir, said property shall revert to the Company, and

WHEREAS, the Developers are purchasing a parcel of real property immediately adjacent to and east of the City Reservoir Property, (the "Developers' Property"), and are desirous of acquiring the right, through deed or easement, to cross over a portion of the City Reservoir Property to gain access to the Developers' parcel,

NOW THEREFORE in consideration of the sum of TEN U.S. DOLLARS (\$10.00) in hand paid, mutual promises herein contained, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. Without waiving or in any way limiting its rights of reverter contained in the Deed, the Company hereby finds and declares that the placement of the Access Road, as defined below, is not inconsistent with the use of the City Reservoir Property as a reservoir site, and would not trigger the right of reverter in favor of the Company.
2. The Company hereby assigns the right of reverter contained in the Deed to the Developers or their assigns for a portion of the City Reservoir Property, the legal description of which is set forth on Exhibit A, attached hereto and incorporated herein by this reference. The Developers intend to construct a road to access the Developers' Property in this area, (the "Access Road").
3. By granting this assignment, the Company hereby states that it will not exercise the right of reverter if and when the Access Road is constructed and the construction

ROBERT C. "BOB" BALINK El Paso County, CO
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Rec \$16.00 1 of 3 208005382



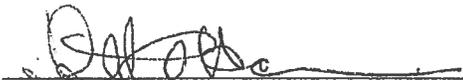
of the Access Road shall not be deemed a cessation of the use of the City Reservoir Property as a city reservoir such that the site would revert to the Company.

4. This Assignment is for the benefit of the Developers only, and may be relied upon by the City in granting access across the City Reservoir Site to the Developers. If the City ceases to use the City Reservoir Property as a reservoir site or the rights of reverter contained in the Deed are otherwise triggered, then the right of reverter contained in the Deed is hereby assigned to and shall be in favor of the Assignees as to the Access Road area only described on Exhibit A attached hereto, meaning that the Assignees shall acquire title to the Access Road area through the right of reverter. The balance of the City Reservoir Property shall vest in the Company upon any event triggering the rights of reverter contained in the Deed. This Assignment may be assigned by the Developers only to subsequent owner(s) of the Developers' site and/or a homeowner's association to be formed for governance of the subdivision to be constructed upon the Developers' Property.

5. The City may not expand this Assignment for any other purpose nor shall the City allow any other use upon the City Reservoir Property other than the reservoir. This Assignment is to be narrowly construed for the sole purpose for which it was granted and may not be expanded by the City or any third party to prevent the Company and/or Assignees from enforcing the rights of reverter contained in the Deed.

Dated this 15th day of June 2006

ASSIGNOR: COLORADO SPRINGS
COMPANY


Dwight A. Harrison, President

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

15th The foregoing instrument was subscribed, sworn to and acknowledged before me this 15th day of June 2006 by Dwight A. Harrison as President of the Colorado Springs Company, a Colorado corporation.

My commission expires: 8/4/2009

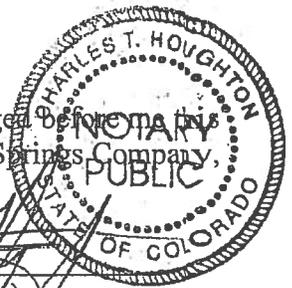
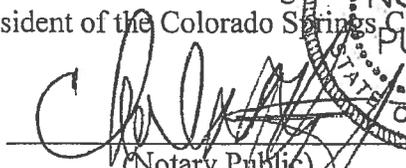


(Notary Public)
1408 F. Monument
Colorado Springs, CO 80909
(Address)

EXHIBIT "A"

A TRACT OF LAND BEING THE EASTERLY 430.00 FEET OF THE SOUTHERLY 60 FEET OF THE NW ¼ OF THE NW ¼ OF THE SE ¼ OF SECTION 12, TOWNSHIP 14 SOUTH, RANGE 67 WEST OF THE 6TH P.M. IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

A handwritten signature or set of initials, possibly 'DCA', written in black ink.

Parks and Recreation Advisory Board Meeting
Minutes.....April 12, 2012
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In response to Board member Hume's comment regarding the fence in the meadow area at Garden of the Gods Park, Kurt Schroeder, Manager of Park Operations and Planning, said that with as many uses the Park has and people continuously creating social trails, putting in the fence was the best alternative to keep people out and protect the resource. As a result, the meadow is recovering and wildlife is present.

In response to Board Member Mashburn's question, Ms. McDonald said that IT provided the i-phones and the Parks Department is paying for the service plan.

In response to Board Member Hilaire's questions, Ms. McDonald said that both i-pads and i-phones were available to staff and staff chose the i-phones. Regarding the availability of the mobile technology to the Friends groups (i.e. QR codes on signage, Facebook, etc.), Ms. McDonald said that it will be available at some point as the project expands.

NOTE: Kurt Schroeder, Manager of Park Operations and Planning, requested to have Subdivision - Item #5 be presented at this time due to a long wait by the presenter and citizens for this item.

SUBDIVISION



Uintah Bluffs Subdivision (Item #5)

Chris Lieber, Principal Planner, and Deb Greer, Urban Planner for the Uintah Bluffs Subdivision, presented proposed changes to the development plan. Matt Craddock, Developer of the Uintah Bluffs Subdivision, was present at the meeting.

The Uintah Bluffs Subdivision, also known as Bristol Mesa, is located adjacent to the Bristol Mesa Open Space, just west of Interstate 25. The Parks Board had previously approved a development plan for this property in 2006. The developer has recently submitted an amended plan that includes changes to the trail alignment and land dedication.

In 2003 the TOPS Working Committee received a TOPS open space application to purchase the privately-held land located immediately east of the Bristol Mesa Open Space. The TOPS Working Committee explored the option of purchasing the property as potential open space; however, the committee voted unanimously to reject the proposal to acquire the property and concluded the appraised value and the asking price were too high. As a result the Committee did not purchase the property. The Committee requested staff work with the development community to identify limited development options or conservation easement scenarios that would result in conservation of a least a portion of the property.

In 2006, the owner of the property submitted development plans to the City's Planning Department for the development of multi-family homes. Legal access to this property is off of Mesa Road and Dale Street. The property is bisected by an upper portion and a lower portion. Although there are development potentials on the lower portions, the most developable area of the property is the upper portion. The buildable location of the site creates challenges for the development of roads from a legal access. Due to extreme grades neither of the legal access points are viable access points. As a result the property owner explored the option of utilizing Colorado Springs Utilities' property to the west of this property with access off of Manitou Boulevard. This land was deeded to the City of Colorado Springs by the Colorado Springs Company in 1886 with a reversionary clause requiring use of the land for utility purposes. This means if the property is no longer used for utility purposes, it will revert back to the original owner. The property owner has obtained a waiver for the Right of Reverter from the grantor for

the easement area for the proposed roadway. The Parks Department's participation in approval of the access easement across Colorado Springs Utilities property is limited to its rights and responsibilities associated with the Department's 1980 management agreement with Colorado Springs Utilities.

Based upon the Board's previous approval, 2.6 acres of land adjacent to the Bristol Mesa Open Space was to be dedicated to the City to expand the open space and provide a trail connection to link Bristol Neighborhood Park to Bristol Open Space. Furthermore, the developer would be required to construct a trailhead near Manitou Boulevard. The paved trailhead would accommodate eight parking spaces and include curb, gutter and trailhead signage.

Shortly after the plan was approved by Parks Board in 2006, the proposed project was put on hold by the developer.

The developer has made significant changes to the proposed plans including repositioning of the proposed townhomes/patio homes. This change eliminates the need for two 20' tall retaining walls. Elimination of the walls addresses safety concerns expressed by neighbors and staff, given the close proximity of Bristol Neighborhood Park. As a result of this modification, the previously approved 2.6 acre park land dedication has been eliminated, necessitating a new trail alignment. Currently there is not enough room between the property line and the back of the homes to allow for the trail. With the development redesign, staff has worked with the property owner to relocate the trail easement. The new trail location will provide a better (and viable) connection between the open space and the park. With the original trail easement, it would have been difficult to construct the trail connection while maintaining reasonable grades.

The proposed alignment will take advantage of the existing former irrigation canal and provide a better connection for children accessing the nearby school site. The developer has agreed to build the trail and will provide a 10' trail easement. The dedication of the trail easement and construction of the trail will fulfill the developer's School/Park Fee dedication requirement. The developer has also agreed to close social trails along portions of the former irrigation canal that will no longer be utilized by the trail. Closure of the social trails will help to alleviate trespassing concerns by the property owner located to the north. Staff has walked the proposed trail alignment with the developer and School District 11 staff and is comfortable with the proposed location.

Consistent with the previously approved plan, the developer will provide a trailhead parking area on the Bristol Mesa Open Space adjacent to Manitou Boulevard. The trailhead, complete with curb, gutter, pavement and trailhead signage per the Parks Department's standards, will accommodate eight parking spaces. The developer will work with staff on the final design of the trailhead facility.

Ms. Greer said that funding is not available for development at this time. However, the developer is proposing to connect the trail links from the open space to Bristol Park.

Mr. Lieber and Ms. Greer recommended approval of amendments to the existing Uintah Bluffs subdivision plan as presented.

Mr. Lieber said that the Department has heard from the public. The Organization of Westside Neighbors was comfortable with the proposed changes. A neighbor, Mr. Ivers Mankovs, had concerns regarding the proposed parking lot.

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Mr. Lieber said that this item is scheduled to be presented to the Planning Commission at its meeting in May.

In response to Board members' questions, Ms. Greer provided the following responses:

- The work for the trailhead, construction and connection of the trail, will be completed by the developer when this development is platted (coinciding with the actual project). Until the project becomes a reality, the dirt parking area and many social trails will remain and be utilized as they are. In the future the social trail along the canal will be closed and revegetated to create a new trail corridor.
- The property is currently a vacant lot and will remain as is until funding is available to develop the property. Ms. Greer explained the areas designated for Fire Department turn arounds and common open space.
- The proposed trail will be a public trail. The Parks Department will maintain the trail.
- In terms of addressing the neighbor's concerns regarding the location of the parking lot, Ms. Greer and staff have discussed potentially moving the parking lot ten feet to the north. The revised plan, which is being submitted to the Planning Commission, includes a six-foot modular concrete buffer fence along a property boundary with evergreen trees and vines on both sides of the fence. For Mr. Mankovs' property, two bristol cone pine trees are being proposed at the corner of his property. The goal is not to fence off his property but to provide the buffering requirement which City Zoning is requiring. Mr. Mankovs said that if anything was to be put there, it would disturb his view corridor. Mr. Mankovs will be allowed to continue to access his garage from the existing curb cut which is just south of where the proposed road is. The developer has been working with Mr. Mankovs to address his needs.

In response to Board member Hilaire's question regarding the type of signage proposed for the trailhead and historic irrigation canal, Ms. Greer offered to consider any signage if the Board had any suggestions.

Mr. Lieber said that he can look at the historical significance of the canal. Regarding the proposed amendment to the development plan, there are advantages:

- The proposed trail alignment is more sustainable and more desirable from a hiking stand point.
- The 2.6 acres will not be the City's responsibility to maintain. In the previous plan, the trail corridor itself, the construction of the trail, and the 2.6 acres of trail would have been the responsibility of the Parks Department's. In the proposed plan, the Department has a responsibility only on the trail corridor which provides a public benefit.

In response to Vice Chair Hobbs' question regarding the value of the initial land dedication, Mr. Lieber said that would be based on the current School/Park Fee, which is approximately \$76,000 per acre, based on the number of units. In the proposed plan, the City receives the value via the constructed trail, and the trailhead parking lot and signage.

In response to Board members' questions, Ms. Greer provided the following responses:

- The density per unit is five dwelling units per acre based on single family.
- Benefits to trading this property from the original plan are that the original plan was not possible to build. The huge retaining wall was outside of the Hillside ordinance. The proposed plan will close many trails which the users have created over the years, it provides an additional half mile of trail corridor, and a parking lot. (Board member Hume said that he

did not see the benefit in trading with the proposed plan. Chair Reinhardt said that legalization of crossing a private property is beneficial.)

- The parking lot is owned by Colorado Springs Utilities. The parking lot will have eight spaces.

Mr. Lieber said that to clarify the value which was discussed earlier, the fees associated with this is approximately \$1,000~\$1,100 per unit based on 52 units which is proposed. Therefore, if the fees were to be collected on this in lieu of land it would equal to approximately \$50,000.

Mr. Lieber reminded the Board that it needs to focus on the park component of this item. Any issues related to density, traffic, fire access, etc. are the responsibility of the Planning Commission.

Chair Reinhardt asked for public input.

Ivars Mankovs, a corner property owner whose home backs up to the Bristol Mesa open space, addressed his concerns as follows:

- Mr. Mankovs will be isolated because there will be roads on three sides of his house. He also learned of the wall at this meeting, which means that he will be walled-in on one side of his property.
- Mr. Mankovs has no objection to the trail connection.
- Mr. Mankovs is concerned about the parking lot. It is less than 100' from his property. Currently, the use of the parking lot is very limited; one or two cars per week by neighborhood users. Manitou Street allows parking on both sides of the street. A dedicated parking lot is unnecessary. Neighbors are unhappy about the parking lot.
- When the grading begins, the road will drop and there will be a drainage issue. They will have to undercut the reservoir to a certain point to put the road in.
- Regarding impact on the open space, there will be a retaining wall. The view from the top of the reservoir will be townhomes.
- Mr. Mankovs proposed that the developer consider purchasing the house which is currently on sale for half the price for a possible road. Having roads on three side of his home may be against City Code. Double frontage properties where there are roads in the front and back are frowned upon and Mr. Mankovs has triple frontage.
- The park has no vehicular access. There is a dirt road which goes around the bottom of the reservoir. When this (road) goes in, the park will not be able to have access through the reservoir.
- Mr. Mankovs has not seen any type of maintenance done in the park in the nine years he has lived in the neighborhood.
- Mr. Mankovs is not happy with the proposal.

In response to Vice Chair Hobbs' question regarding the need for the parking lot, Mr. Lieber said that the parking lot was included during the 2006 master plan process when they discussed improvements to the open space. Currently, there is ample space on the street to accommodate the same number of spaces. There are pros and cons to having a parking facility (i.e. vandalism, people congregating in parking lots, convenience of having a parking lot for those with children and dogs in terms of getting them in and out versus on the street, etc.).

Chair Hobbs said that she did not see the need for a parking lot and that the expenditure for the parking can be used to maintain the trail.

Board member Hilaire said that Mr. Mankovs' concerns regarding the road and access are Planning Commission issue.

Mr. Mankovs said that the Parks Department granted an easement to the developer in 2006. Besides, if the Parks Board approves an easement, the Planning Commission will not have any issue in approving the plan. City Council will not have any issues when both the Parks Board and the Planning Commission approve the easement.

In response to Board member Hilaire's question, Kurt Schroeder, Manager of Park Operations and Planning, said that the Mesa Open Space is owned by Colorado Springs Utilities; however, through an agreement, the Parks Department manages the open space.

Mr. Mankovs said that he would like to see the entire open space preserved.

Board member Castle suggested moving the parking lot to off of Dale Street. He also suggested putting a hold on this item to provide ample time for the developer to purchase the property on Monument Street.

Board member Feffer said that the developer could have considered that option, however, he may not have felt that it was feasible for his project. If that access point is used versus what is being proposed, then he could be sacrificing some developable portion of it, which then will have a cascading effect on the viability of the project.

Board member Feffer said that Mr. Mankovs' issues are clear in terms of the impact. He said that this is a small, private, open space area which is suggesting a trailhead/parking lot, based on the previous plan. However, Board member Feffer did not see the need for a trailhead. He said that if Bristol Park is ultimately going to be connected to the open space, then people can be directed to park at Bristol Park and the trailhead can be used to go to the open space versus having people congregate from the bottom then coming up.

In response to Board member Mashburn's question regarding the previous inclusion of a trailhead/parking lot, Mr. Lieber said that the TOPS Committee had initially discussed the acquisition of this property but they decided against it. However, the Committee did request that staff and the developer look at ways to provide a trailhead. Through that discussion came the 2.6 acres, trailhead/parking lot and trail connection.

In response to Chair Reinhardt's question regarding where Mr. Mankov's property is surrounded, Mr. Mankov said by Monument Street and Manitou Boulevard.

Bill Koerner with the Trails and Open Space Coalition said that the view from the top of the open space is great. Mr. Koerner said that he was on the TOPS Committee when this item was discussed. At that time, the vision of the Committee was that if funding was available for the Parks Department then the Department should take on the responsibility of the maintenance on the entire CSU property. Also a part of that vision was a parking lot in a location where it would allow more than just the neighbors to access the open space.

In response to Mr. Koerner's question regarding how the trail was going to be documented, Chair Reinhardt said that it will be through an easement.

Mr. Lieber pointed out the larger portion of the open space and said that this area will allow for a public trail access as well as drainage, utilities, and common private open space. A similar

situation exists where the City of Colorado Springs currently has a hundred year agreement with School District #11 regarding a piece of property owned by the School District but maintained by the Department. This agreement is being reviewed to include additional properties. Therefore, this is more of a blanket easement. A similar approach will be taken with the property under discussion.

Mr. Koerner asked how the north and the west boundaries are going to be monumented to demark the property line and denote where people should and should not go. He suggested that the developer be required to provide some split rail fencing or demarcation. This is to protect the open space.

In response to Ms. Greer's closing comment regarding Mr. Mankovs' concern about the roads surrounding his home, Chair Reinhardt said that those issues can be addressed at Planning Commission.

Mr. Lieber said that Matt Craddock, the developer, is okay with either the parking lot being built or not. That is the Board's decision.

Chair Reinhardt said that the parking issue was discussed during the concept for the Mesa open space. This can be addressed in the future as a separate master plan process to be conducted by the City for the open space. Chair Reinhardt felt that the parking lot is not needed at this time. Currently, there is ample parking along Manitou Boulevard.

In response to Chair Reinhart's question regarding where the trail will cross over as it comes up across the proposed road passing the four-plexes area, Mr. Lieber said that it would be an at-grade crossing. The pedestrian crosswalk will be strip and signed.

In response to Chair Reinhardt's question regarding the type of trail connection on Maniitou Boulevard, Mr. Lieber said that at this time, all trails within the open space are informal social trails.

Chair Reinhart said that in lieu of a parking lot, the Department needs to address the issue with Colorado Springs Utilities to provide a trail across there. Mr. Lieber said that as a part of the development, a sidewalk will be built on the north side. This will provide pedestrian access. There are also social trails.

Chair Reinhart said that a ten-foot width right-of-way is too narrow and asked what the Department's standard was.

Mr. Lieber said that the trail will be constructed at three to four foot width, back country, soft surface standard. The legal conveyance will be an easement, which essentially is to allow public access.

In response to Chair Reinhardt's question, Ms. Greer said that the proposed development will be platted townhome lots and the fee mentioned earlier was based on a single family dwelling.

Board member Finn said that the parking lot is important in the long term (i.e. a need for parking spaces as development of the area increases, etc.). With that, **Andy Finn made a motion to approve the Uintah Bluffs Subdivision plan as presented to allow for the relocation of the trail corridor, with the understanding that the developer will construct the trailhead**

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parking lot, dedicate a 10' trail easement, and construct the natural surface trail to Park and Recreation standards. Motion failed due to lack of second.

Board member Hilaire said that parking is available along the streets and that the trail is needed more than parking.

Jackie Hilaire made a motion to approve the Uintah Bluffs Subdivision plan as presented to allow for the relocation of the trail corridor, dedicate a 10' trail easement, and construct the natural surface trail to Park and Recreation standards. Motion seconded by Gary Feffer.

Kurt Schroeder, Manager of Park Operations and Planning, said that "10' easement" should be stricken from the motion because Mr. Lieber had mentioned that there will be a blanket easement over the non-developed open space portion of the property and that a placement (location) of the trail will be determined at a later time.

After a brief discussion, Chair Reinhart said that a 10' "wide" trail easement on the blanket easement, which can be place anywhere, needs to be included in the motion.

Mr. Lieber said that a 10' width easement is acceptable as long as there is some flexibility on the location of that easement.

Board member Hilaire said that her motion needs to be amended to include what is defined by the staff regarding the trail easement.

Vice Chair Hobbs said that the motion should also include the dollars which the developer would have used for the parking lot to be used for the maintenance of the said trail until the dollars are exhausted.

Jackie Hilaire amended her motion to approve the Uintah Bluffs subdivision plan as presented to allow for the relocation of the trail corridor, requiring the developer to dedicate a 10' wide trail easement and construct a natural surface trail to Parks and Recreation Department standards in a location defined by park staff, and the dollars that would have been used for the parking lot be redirected by the developer for maintenance of said trail until dollars are exhausted. Motion seconded by Nancy Hobbs.

Board member Feffer asked that if the Board approves the access is that subject to them ultimately performing the work that the Department is going to get in exchange or do they get that access with the anticipation of that work? What if the current owner sells the property and the new developer is not able to perform the work? How can the Department be assured that the work can be performed? What the Board is granting is theirs now but what the Department is getting in return is in the future.

Chair Reinhardt asked if Mr. Feffer was proposing an amendment to the motion requiring a time limit.

Board member Feffer said no. He was questioning if the Board can agree to grant this once it coincides with viability of the project.

Chair Reinhardt said that the Board is approving the trail request. The current owner can sell the property at any time. If there is a new developer who proposes a new plan then the Board

would have to review it again. The access has been approved by the Colorado Springs Utilities and the Board is approving the trail request.

The Board voted on the above motion and it carried unanimously.

Chair Reinhardt said what the Parks Board approved should be a win-win situation for all parties and that the next step for this item is at Planning Commission. If there are any further concerns for this time then those should be addressed to Planning Commission.

PRESENTATION (Cont'd)

Aquatics Update - YMCA Agreement #3

Kim King, Manager of Administration, Recreation and Cultural Services, provided an update regarding a potential partnership with the YMCA in support of the City of Colorado Springs' aquatics program. This information was presented to City Council in March.

The Parks, Recreation and Cultural Services Department has seven aquatics facilities. The City currently operates the Cottonwood Creek Recreation Center, an indoor facility known for having the only wave pool in southern Colorado. Three facilities had been turned over to an outside contractor in early 2010. These included the Aquatics and Fitness Center, an indoor pool and recreation center located in Memorial Park, as well as two outdoor pools, Portal and Wilson Ranch. However, due to a breach of contract occurring in the fall of 2011, the agreement with the for-profit concessionaire was terminated and these facilities were closed December 31, 2011. The remaining aquatic facilities, Monument Valley, Prospect Lake Beach/Bath House, and Valley Hi, have been closed since the beginning of 2010, when the Parks Department's budget was significantly reduced.

With the continued goal of providing sustainable recreational programs and facilities to the community, the City of Colorado Springs is exploring a partnership arrangement with the YMCA of the Pikes Peak Region to operate six of the Department's seven aquatic facilities. The only site not under consideration is the Valley Hi outdoor pool due to its close proximity to the Southeast YMCA as well as the Aquatics and Fitness Center and the Prospect Lake Beach / Bath House in Memorial Park.

Under the partnership arrangement, the YMCA will manage and operate the City's facilities including providing all programming. The City will maintain ownership of the sites. The YMCA will apply its operating policies and fee structure consistently across all of the sites. As the YMCA is committed to ensuring access to its programs and facilities regardless of income level, the income based rate scale offered by the YMCA will be applied as well. All memberships sold, regardless of site, will be honored by both YMCA and City recreation center locations. Day passes for all City pools will be continued at 2011 levels or less; however, a reduced rate will be available to anyone having a membership with an added "pool hopper pass" for the outdoor sites.

Additional conceptual operating concepts include the following:

- The YMCA will be responsible for operating income and expenses related to facility operations.
- Should specific facility operations have a shortfall, the City will subsidize the YMCA to the point of a break-even status. On the other hand, should the YMCA realize excess revenue,

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NEW BUSINESS CALENDAR

ITEMS: 4.A-4.C

STAFF: Mike Schultz

FILE NOS.: CPC PUZ 07-00354, CPC PUD 07-00355, CPC NV 08-00105

PROJECT: Uintah Bluffs Townhomes

REQUEST FOR POSTPONEMENT

An email was received from Mr. Ivars Mankovs (Exhibit A) requesting postponement of Items 4.A-4.C. Mr. Mankovs stated that his email stands as submitted and had no further comment. Mr. Schultz explained that Mr. Mankovs was notified with each postcard mailing, attended a recent neighborhood meeting, and received copies of revised plans a few days ago.

No further comments from the audience.

Motion by Commissioner Magill, seconded by Commissioner Walkowski, to consider Items 4.A-4.C today. Motion passed unanimously (Commissioners Suthers and Ham absent).

STAFF PRESENTATION

Mr. Mike Schultz, City Planner II, reviewed the application with PowerPoint slides (Exhibit B). He recommended approval.

Commissioner Magill inquired if the \$17,000 fund for maintenance is a one-time contribution and what happens when it runs out. Ms. Sarah Bryarly, Parks and Recreation, replied that the money will be put into a separate account and will take several years to run out. When that occurs, the site will be absorbed into a regular maintenance fund.

Commissioner Shonkwiler inquired who will pay for the trail installation. Ms. Bryarly replied it would be paid for by the developer.

Commissioner Markewich inquired how the \$50,000 maintenance figure within the Parks and Recreation Board minutes was reduced to \$17,000 (agenda page 48). Ms. Bryarly stated the original \$50,000 estimate included the cost of a parking lot, but the parking lot was removed from the plan as requested by the neighborhood. Thus, the amount was reduced to \$17,000 for maintenance.

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Commissioner Henninger questioned if the severity of slope grades are natural or man-made. Mr. Schultz stated it appears some of the slopes could have been man-made, but it is his understanding that the slopes are natural.

Commissioner Markewich inquired of possible flooding should the detention basin or water tower overflow. Mr. Schultz replied any water tower overflow would flow into the former reservoir. There is also a daylight opening on the south side of the reservoir that directs flows to Manitou Boulevard.

Commissioner Shonkwiler inquired if there is an existing storm drain in Dale Street. Mr. Schultz replied yes. Commissioner Shonkwiler inquired of maintenance access alternatives for the pond should the Dale Street access not be approved. Mr. Schultz replied that a note on the development plan requires the applicant to gain access approved by the City (to obtain proper access prior to subdivision plat approval).

Commissioner Walkowski inquired if there is a re-vegetation plan to the dry ground. Mr. Schultz replied irrigation was not recommended based on the geologic hazard study; more than likely seed would be sprayed on and hand watered.

Commissioner Markewich inquired if utility poles would be buried. Mr. Schultz replied yes, the developer would bury the lines at his cost with coordination with CSU.

Commissioner Gonzalez inquired if retaining walls are required. Mr. Schultz replied a multi-tiered retaining wall system (four-foot tiers) will be installed along the west side of the site and along the end of the cul-de-sac. The tallest wall would be approximately eight (8) feet. Commissioner Gonzalez inquired of the height of the bollard lights. Mr. Schultz replied they would be approximately three feet tall.

Commissioner Shonkwiler inquired of the maximum number of dwelling units that would be allowed under the existing zoning. Mr. Schultz replied that approximately 100+ units would be allowed without taking into consideration the Hillside Overlay design criteria.

Commissioner Phillips inquired of retaining wall maintenance. Mr. Schultz replied the homeowners association (HOA) would be responsible for the maintenance of the walls, landscaping and private roads.

APPLICANT PRESENTATION

Ms. Debra Greer, D.D. Greer Studio, presented PowerPoint slides (Exhibit C). Ms. Greer displayed the slide entitled "Alternative Access Exhibit" and clarified the alternative access road 2 (red line) will be dedicated to the City. The applicant plans to underground the utility lines near the current Colorado Springs Utilities (CSU) access road (just north of Mr. Mankov's property).

Commissioner Magill inquired if the number of units could change. Ms. Greer replied that the City review and approval would be necessary should the density increase. Commissioner Magill was concerned that multiple buildings could change the irrigation

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and mitigation of flow and soil of the site. Ms. Greer replied the intent is not to sell to multiple builders creating the issues Commissioner Magill mentioned. This plan is set up for one builder to make a “homogenous” development. Commissioner Magill inquired what percentage of the (25%) slope is the applicant seeking to develop through the non-use variance request. Ms. Greer displayed a crosshatch of the areas requesting a variance of 25% and steeper (approximately 40% of the site). The majority of slopes are at 25-30%, which she felt is typical of a westside Colorado Springs neighborhood. Commissioner Magill indicated the slopes could create a drainage issue and asked the difference between the historic and engineered flows. Mr. Rich Schindler, Core Engineering Group, stated the developed flows will be released at less than historic flows. Runoff will flow into the street and into the storm sewer downhill and into the detention pond then slowly drain out at less than historic flows. Commissioner Magill inquired what type of storm the detention pond is designed for. Mr. Schindler replied it is designed for both 5 and 100-year storms. Mr. Schindler clarified that an 18-inch storm sewer will need to be installed within Dale Street (typo on drain report). Commissioner Magill inquired of top soil stability without an irrigation system during varying degrees of construction because he was concerned for the neighbors along Dale Street should there be a storm event during construction. Mr. Schindler stated the entire site will be graded at the same time, vegetation and slopes will need to be mapped prior to grading. The City won't allow the developer on the 3:1 slopes during construction.

Commissioner Shonkwiler inquired of the sewer line installation at the northeast corner of the property within steep grade elevation, and if that's disturbed how will that be re-vegetated without soil failure. Mr. Schindler replied sanitary sewer flows to the south to Monument Street. There is an easement from the private property owner to the south. CSU is requiring a water loop on Mesa Road that requires a 10-foot wide disturbance. That disturbed area will be matted for re-vegetation. Commissioner Shonkwiler inquired how that is possible without irrigation. Ms. Greer clarified a little supplemental watering is allowed but the plan won't allow a permanent sprinkler/irrigation system installed in that area.

Commissioner Gonzalez stated this area is known for expansive soils and wondered if over-digs or mass sub-excavation would occur in advance of construction. Mr. Richard Phillips, CTL Thompson, prepared the geologic hazard evaluation for the site. Cuts and fills will be minimized enough that the expansive materials will remain at a 25-30-foot depth. Mass sub-excavations should not be required.

CITIZENS IN FAVOR

None.

CITIZENS IN OPPOSITION

1. Mr. Ron Banuelos, property owner along Manitou Boulevard, was concerned with the drainage. He referenced previous instances of severe drainage issues as well as the instance when the City drained the retention pond that resulted in large amounts of mosquitoes that year. He was concerned with

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traffic accidents that have occurred recently and felt the applicant's proposed access would exacerbate the problem at the sharp curve along Manitou Boulevard. He was concerned the plan does not provide additional access for emergency vehicles. He preferred a gate as opposed to a wall near his lots in order to allow future access if another home were constructed on the property.

2. Mr. Ivars Mankovs, adjacent property owner, was opposed to the site creating a triple street frontage for his property. He also mentioned several accidents at the sharp corner on Manitou Boulevard. He felt that there was no public process in regard to the development. He disagreed with the Right of Reverter ~~options~~ (agenda page 45). He felt the development violates the Hillside Overlay criteria. This proposed development will destroy most of the natural vegetation. The retaining walls proposed on the west side of the site will disturb the (former) reservoir. The development would decrease his views and will change the overall character of the areas. Traffic is a primary concern because there are no stop signs or signals from Spruce Street down to his property.

Commissioner Magill inquired if Mr. Mankovs has a potential solution. Mr. Mankovs stated that he would like to see a different access road proposed, perhaps through the bank-owned property adjacent to the proposed development. At best, he would prefer two access points.

Commissioner Markewich referred to the lack of maintenance behind Mr. Mankovs's property and assumed the proposal will improve the condition of that area. Mr. Mankovs stated that although the property will be cleaned up, the proposal is not in his best interest, nor will it preserve the natural state of the property.

APPLICANT REBUTTAL

Ms. Deb Greer stated there is a road that goes along the dam. City Parks and Recreation requested that the road be kept in place following the dam and up to the water tanks. She stated if there was a fire or other emergency, emergency vehicles would have access to the property via the utility access point. The dam itself will not be disturbed by any development within the proposal. Ms. Greer clarified that there is a slight grading encroachment onto the CSU property in order to transition the slope to the proposed retaining walls.

Mr. Jeff Hodsdon, LSC Transportation, addressed the neighbor concerns involving the existing sharp curve along Manitou Boulevard. The proposed access at the outside of the curve is the safest option allowing good visibility in both directions. He stated that the current traffic volume along Manitou Boulevard is low, and one lane coming out of the development should be adequate.

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Commissioner Magill inquired of the number of proposed trip generations. Mr. Hodsdon estimated approximately 182 trips in and out of the site, totaling approximately 363 trips per day.

Commissioner Markewich inquired if there was consideration for vehicles speeding around the sharp corner. Mr. Hodsdon stated striping configurations were recommended as mitigation within the traffic report, and that option has been accepted by City staff.

Mr. Schindler, Core Engineering, addressed the cut on the southeast corner of the Mesa Open Space. The cut-fill analysis calculates only 1.2 feet required on the southeast corner of the property. Next, he addressed the pond access. Hillside standards allow 15% slope for no more than a 250-foot length for emergency vehicles and residential access. Access to Monument Street from the vacant property is a 40-foot elevation at 10-12% slopes, but access is preferred at a 4-5% range. The access off Manitou Boulevard is at 5.3% slope at its steepest point.

Commissioner Gonzalez inquired why the Dale Street access and design to the pond was not tied down yet. Mr. Schindler stated that the small corner of the site is currently on the bank-owned private property, and the applicant is trying to obtain a grading easement from the bank. If the easement is not acquired, a small retaining wall will be required with a different access design. Commissioner Gonzalez inquired if retaining walls are needed on adjacent properties north and south of the site. Mr. Schindler replied no. Commissioner Gonzalez inquired if the applicant can retain grading within the applicant's property except for that small triangular piece of land. Mr. Schindler replied yes.

DECISION OF THE PLANNING COMMISSION

Commissioner Magill felt the applicant's proposal is one of the most challenging sites he's ever been involved with. He was surprised there are still loose ends, but is more comfortable with the plan now that the engineers have clarified some matters. The retaining walls and irrigation in steep areas leaves it somewhat vulnerable to erosion. In this arid climate, there is a need for long-term vegetation. It is understandable why the easement was not tied down yet. He was still concerned with the variance requesting grading and building envelopes greater than 25% slope.

Commissioner Gonzalez stated that when he visited the site he questioned if this was the proper plan for this steep, challenging area. He felt the applicant has presented a creative product especially with minimizing retaining walls next to open space. He was concerned the HOA will have a lot of responsibility, but that is for the developer and HOA to work out. He was concerned with the outfall and maintenance road on Dale Street, but now felt it can be built without causing a negative impact to the neighbors. Mr. Mankovs's property will still retain access to Manitou Boulevard, and this development will separate his property by installing a new wall. He felt this site complies with the Comprehensive Plan's infill objectives.

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Motion by Commissioner Phillips, seconded by Commissioner Shonkwiler, to approve **Item 4.A-File No. CPC PUZ 07-00354**, the zone change from R/HS (Estate Single-Family Residential with Hillside Overlay) and R-2/HS (Two-Family Residential with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay, townhome units, 4.01 dwelling units per acre, maximum building height of 30 feet) for the Uintah Bluffs Townhome Development Plan, based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.B. Motion carried unanimously (Commissioners Suthers and Ham absent).

Motion by Commissioner Phillips, to deny **Item 4.B-File No. CPC PUD 07-00355**, the PUD development plan for the Uintah Bluffs Townhomes, because it does not meet the review criteria in City Code Section 7.3.606. Motion failed due to lack of a second.

Motion by Commissioner Walkowski, seconded by Commissioner Shonkwiler, to approve **Item 4.B-File No. CPC PUD 07-00355**, the PUD development plan for the Uintah Bluffs Townhomes, consisting of 52 townhome units on 12.98 acres, 4.01 dwelling units per acre, and a maximum building height of 30 feet based on the finding the plan complies with the review criteria in City Code Section 7.3.606. Motion carried 6-1 (Commissioner Phillips opposed and Commissioners Suthers and Ham absent).

Commissioner Markewich felt this development plan complies with infill objectives supported by the Comprehensive Plan. This is an appropriate use of the site.

Motion by Commissioner Phillips, seconded by Commissioner Shonkwiler to approve **Item 4.C.-File No. CPC NV 08-00105**, the non-use variances to City Code Section 7.3.504.D.2.d (1)(C) to allow grading within slopes exceeding 25% within the hillside overlay and 7.3.504.D.2.d(2)(F) to allow slopes exceeding 25% within the building envelopes, based on the finding the request complies with the review criteria in City Code Section 7.5.802.B subject to the following technical modification:

Technical Modifications:

Change the table shown on Sheet 2 from existing grades to proposed grades representing lots containing slopes of 25% or greater.

Commissioner Magill stated that he would vote against the motion because of loose ends with a lack of maintenance within severe grades.

Commissioner Gonzalez would support the motion as he feels the design team has addressed the tough technical issues in a reasonable way.

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Motion carried 6-1 (Commissioner Magill opposed and Commissioners Suthers and Ham absent).

June 21, 2012
DATE OF DECISION


PLANNING COMMISSION VICE CHAIR

NEW BUSINESS CALENDAR

CITY PLANNING COMMISSION AGENDA

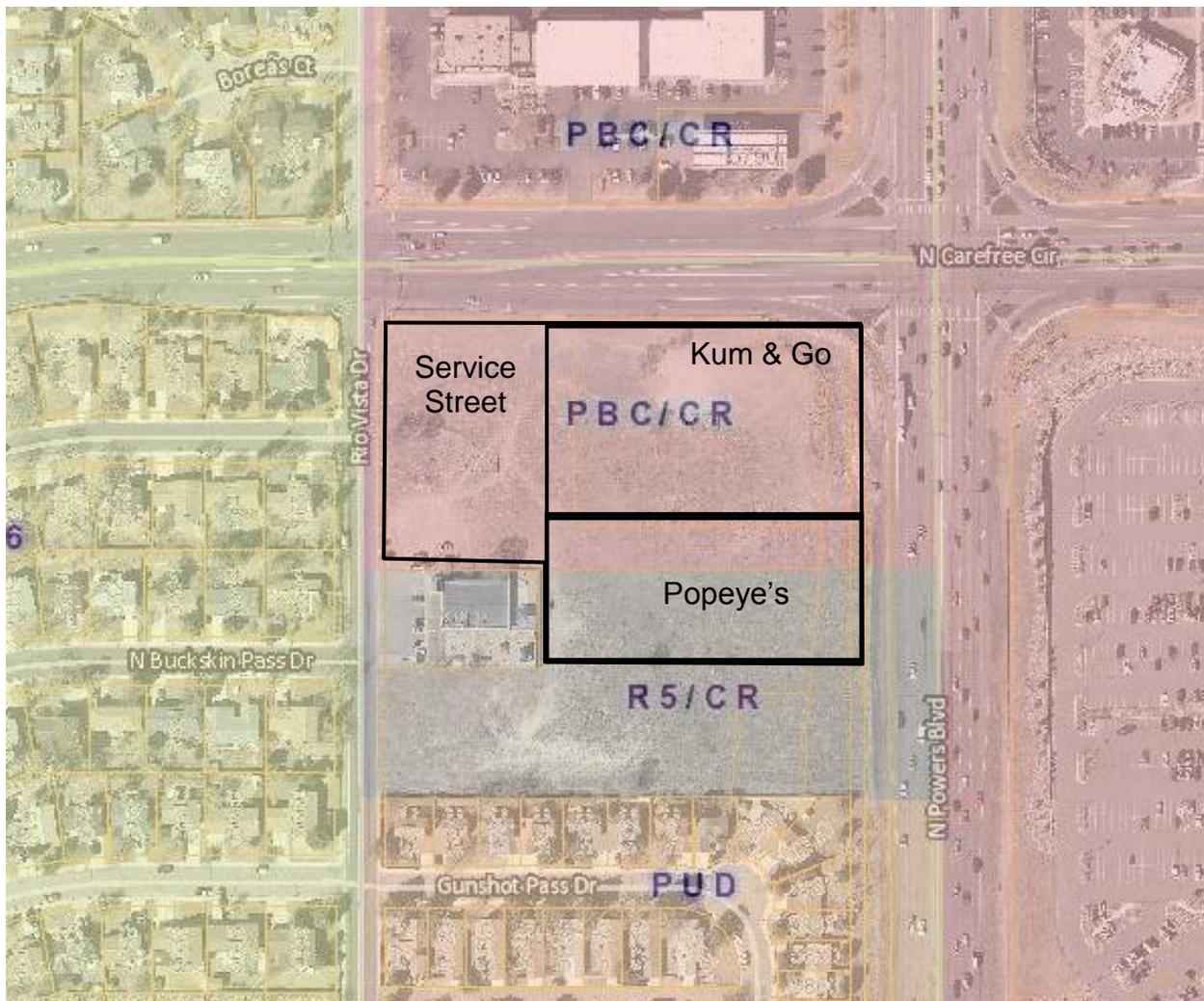
ITEM NO: 4.A-4.C

STAFF: Lonna Thelen

FILE NO(S):

CPC ZC 14-00076 – QUASI-JUDICIAL
AR CP 11-00482-A1MJ14 – QUASI-JUDICIAL
CPC DP 14-00077 – QUASI-JUDICIAL

PROJECT: POPEYE'S RESTAURANT
APPLICANT: NES INC.
OWNER: CAREFREE & POWERS LLC



PROJECT SUMMARY:

1. **Project Description:** This project includes concurrent applications for a zone change, a major concept plan amendment, and a development plan for a 4.48-acre site located southwest of Powers Boulevard and N. Carefree Circle. A final plat is being processed administratively. The 4.48 acres represents the entire area of the concept plan. The development plan is for Popeye's Restaurant and only for 1.3 acres of the 4.48 acre site. The zone change is for 0.92 acres of the 1.3 acres of the Popeye's site, to rezone that portion from R-5 to PBC.

The applicant is requesting a zone change from R-5/cr/AO (Multi-family Residential with Conditions of Record and Airport Overlay) to PBC/AO (Planned Business Center with an Airport Overlay) for 0.92 acres. In addition, the applicant is proposing a concept plan amendment and a development plan for a fast food restaurant. **(FIGURE 1)**

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

BACKGROUND:

1. **Site Address:** To be determined
2. **Existing Zoning/Land Use:** PBC/R-5 / vacant
3. **Surrounding Zoning/Land Use:**
North: PBC / commercial
South: PUD / one-and-two family residential
East: PBC / commercial
West: R1-6 / single-family residential
4. **Comprehensive Plan/Designated 2020 Land Use:** New/Developing Corridor and General Residential
5. **Annexation:** Sparks Addition, 1971
6. **Master Plan/Designated Master Plan Land Use:** Colorado Country / Commercial and Multi-family/Office
7. **Subdivision:** Colorado Country Filing No. 14 and a portion of unplatted property to be platted as Colorado Country Filing No. 15.
8. **Zoning Enforcement Action:** No open enforcement cases.
9. **Physical Characteristics:** The Kum & Go is developed and landscaping along Rio Vista Drive and N. Carefree Circle has been installed. The northern 1/3 of the proposed Popeye's site has a fence and landscaping. This will be revised per the Popeye's plans. The remainder of the Popeye's site is vacant and slopes slightly to the south.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of these applications included posting of the site and sending of postcards on two separate occasions to 136 property owners within 500 feet. In addition, a neighborhood meeting was held on August 25, 2014. Thirteen people attended the neighborhood meeting. Comments from three neighborhood members were received **(FIGURE 3)**. The neighborhood brought up concerns about traffic, noise, odor, trash, lights, and rezoning the R-5 property to PBC. A petition is also included in Figure 3 that is signed by 88 homeowners and renters representing 67 homes in the neighborhood in opposition to the project. The same posting and notification process will be utilized prior to the CPC public hearing.

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

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

This project is located south of the existing Kum & Go at the southwest corner of Powers Boulevard and N. Carefree Circle and east of the existing La Petite Academy Day Care. The project includes a zone change to rezone a portion the property from R-5 to PBC to allow for a fast food restaurant, a concept plan amendment to add the entire area of Popeye's into the concept plan and to change the existing layout of the concept plan to match the proposal for Popeye's, and a development plan for a 2,405 square-foot Popeye's restaurant with a drive-through facility. A final plat is being processed administratively.

The site currently contains PBC zoning from N. Carefree Circle south to a line even with the northern boundary of La Petite Academy Day Care. From the northern boundary of La Petite Academy Day Care, the property is zoned R-5 south to the existing single-family and duplexes located to the south of the property. The applicant is requesting to extend the PBC zone district boundary line south to be even with the southern boundary of the La Petite Academy Day Care. The transition from north to south includes a commercial zone district and a multi-family residential zone district, prior to going to single-family and duplexes. This transition in zoning is promoted by the City Zoning Code. To ensure that the remaining R-5 zone district provided enough land to be developed with a use allowed in the R-5 zone district, staff required the applicant to provide conceptual layouts. **FIGURE 4** shows a layout for townhomes, apartments, and assisted living that could be developed on the remaining R-5 zoned property. During the neighborhood meeting and in the public comments received, the neighborhood has expressed opposition to the zoning being extended further south and is concerned that the next request from the applicant will be to rezone the remaining R-5 to PBC. Staff has reviewed this concern and believes that the remaining R-5 is adequate to provide a buffer from PBC to single-family and duplex and will not likely be supportive of a zone change for the remaining R-5 property to PBC.

The development plan for Popeye's includes a standard fast food restaurant layout with a drive-through facility. The parking requirements and drive-through distances are met on-site. The site slopes to the south and has two (2) low retaining walls at the south end of the site to create a level site for development. A landscape buffer has been extended all the way along the southern property line to create a buffer between the residentially-zoned property to the south and the proposed fast food restaurant.

Neighborhood concern for the traffic, noise, odor, trash, and lights associated with the Popeye's restaurant were brought up during the review process. The lights onsite are required to be full cut-off and direct rays of light are not to extend past the property line. The trash enclosure was extended from 6 feet to 8 feet in height to help minimize the chance that the trash would blow out of the trash enclosure. To address the smell concern, the applicant has agreed to put a Captiveaire Pollution Control Unit with an odor removal module attached to the exhaust system on the roof of the restaurant. The noise from the site will be related to the activity on the site and will not be excessive above the noise created by Powers Boulevard and the surrounding commercial uses. Popeye's has agreed to limit hours of operation to close by 10 pm for the restaurant and 11 pm for the drive thru. The traffic concern was evaluated by the City Traffic Engineer. The additional traffic associated with Popeye's was determined to be reasonable and not exceed the capacity of Rio Vista Dr. and N. Carefree Circle. In addition, a traffic count was completed for the stretch of Rio Vista just west of the property to determine current traffic levels. The City Traffic Engineer determined that the counts from the study were

within the volume design limits for a collector street. See **FIGURE 5** for the applicant's response to these issues.

Staff concludes that the review criteria for the zone change, development plan and concept plan amendment have been met. The proposed project meets the Comprehensive Plan objectives and is not injurious to surrounding properties.

2. Conformance with the City Comprehensive Plan:

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

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

A more focused land use pattern should be planned to better protect open spaces and natural resources, deliver public facilities and services more effectively, provide a greater range of options for housing in neighborhoods, preserve the unique character of the community, and make available a greater range of choices in modes of transportation.

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

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

Objective 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 site under review is proposes a land use that would allow a diversity of land uses in this area. The existing gas station and commercial site to the north in addition to the proposed fast food restaurant will serve the surrounding neighborhood. The site is considered an infill site; the surrounding properties have been developed and the infrastructure is existing to serve the new facility.

3. Conformance with the Area's Master Plan:

The Colorado Country Master Plan shows this area as commercial and multi-family/office. The designation between commercial and multi-family / office is consistent with the existing PBC and R-5 zone districts. The master plan is considered implemented and the change to the master planned use does not require an amendment to the master plan. The change to the concept plan still allows for an area of multi-family

use adjacent to the existing single-family and duplex that would allow for a development to be built to buffer the existing residential from the proposed fast food restaurant.

STAFF RECOMMENDATION:

Item No: 4.A CPC ZC 14-00076 – ZONE CHANGE

Approve the zone change for Popeye’s Restaurant, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B.

Item No: 4.B AR CP 11-00482-A1MJ14 - CONCEPT PLAN

Approve the concept plan amendment for Popeye’s Restaurant, based upon the finding that the concept plan amendment complies with the review criteria in City Code Section 7.5.501.E, subject to compliance with the following conditions and/or significant design, technical and/or informational plan modifications:

Technical and Informational Modifications to the Concept Plan:

- Change the concept plan area for Service Street to reflect the Service Street plan, not the retail configuration.

Item No: 4.C CPC DP 14-00077 – DEVELOPMENT PLAN

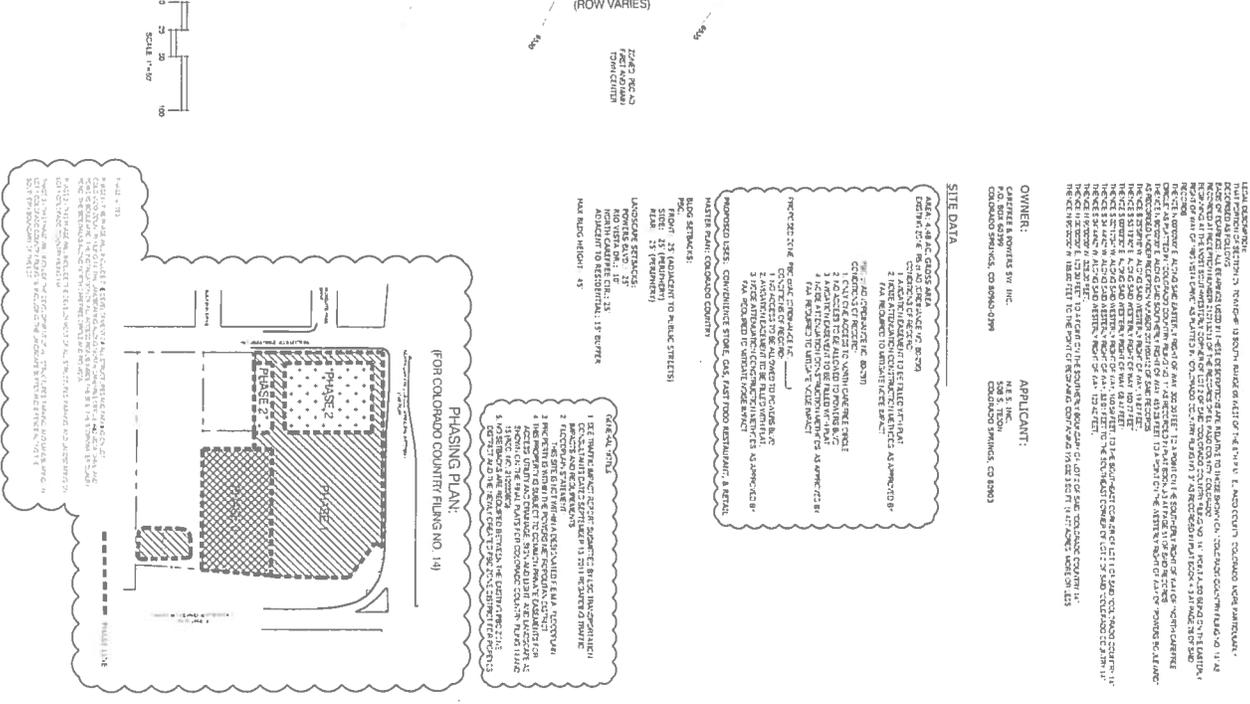
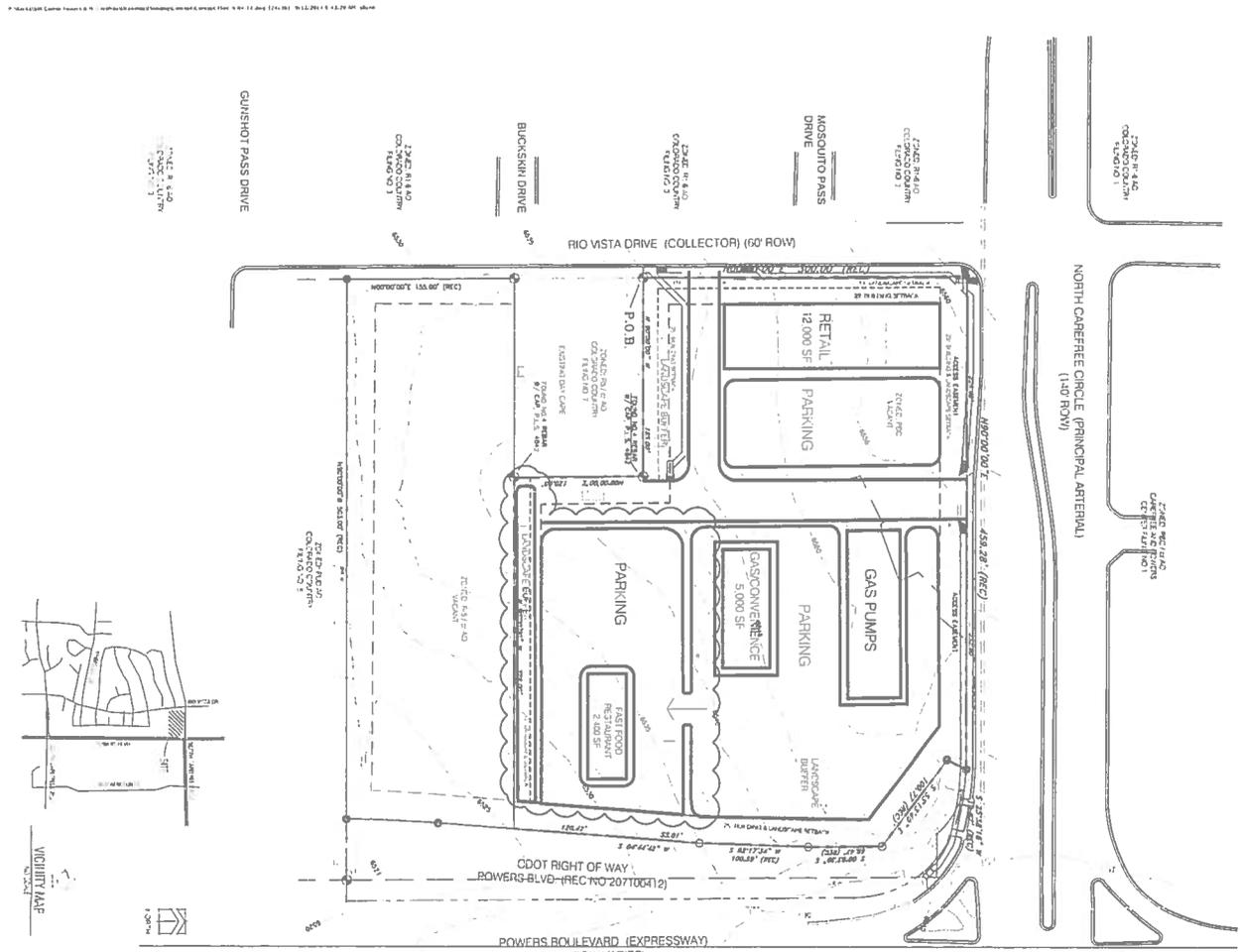
Approve the development plan for Popeye’s Restaurant, based upon the finding that the development plan complies with the review criteria in City Code Section 7.5.502.E, subject to compliance with the following conditions and technical and informational plan modifications:

Conditions of Approval on Development Plan:

1. Submit and receive approval for a minor modification to the Kum & Go development plan showing the change to the parking configuration and the new access from Kum & Go to Popeye’s.
2. Submit and receive approval for a minor modification to the Service Street development plan showing the change to the lot configuration.

Technical and Informational Modifications to the Development Plan:

1. Label Powers Boulevard and note that it is public.
2. Include the ordinance number for the new PBC zone district.
3. The elevation material colors are called out as SW-1 or EP-1, include a table showing the material and color of the callouts.
4. The landscape easement is labeled, but the lines are not called out. Call out the line location for the landscape easement.
5. Ensure all references to platting reference Filing No. 14 as the current plat and Filing No. 15 and the proposed plat.
6. Ensure the drawing shows the tract and lot configuration as proposed with Filing No. 15.
7. Change the note “temporary edge of asphalt until further development to the south” on page 1 to “edge of asphalt”.
8. Add sufficient shrub material to meet 75% living ground coverage between the two retaining walls on the east side of the site.



OWNER: SOUTHWEST POWERS SV, INC.
 500 South Tom Street
 Colorado Springs, CO 80903

APPLICANT: N.E.S. INC.
 COLORADO SPRINGS, CO 80903

PHASE 1: 1.48 AC. GLASS BLDG. (RETAIL) 12,000 SF
 2. 1.0 AC. GAS CONVENIENCE (GAS CONVENIENCE) 5,000 SF
 3. 1.0 AC. GAS PUMPS (GAS PUMPS) 5,000 SF
 4. 1.0 AC. FAST FOOD (FASTALOO) 1,500 SF
 5. 1.0 AC. PARKING (PARKING) 5,000 SF
 6. 1.0 AC. P.O.B. (POINT OF BEGINNING) 1,500 SF

PHASE 2: 1.0 AC. GAS CONVENIENCE (GAS CONVENIENCE) 5,000 SF
 2. 1.0 AC. GAS PUMPS (GAS PUMPS) 5,000 SF
 3. 1.0 AC. FAST FOOD (FASTALOO) 1,500 SF
 4. 1.0 AC. PARKING (PARKING) 5,000 SF
 5. 1.0 AC. P.O.B. (POINT OF BEGINNING) 1,500 SF

PHASE 3: 1.0 AC. FAST FOOD (FASTALOO) 1,500 SF
 2. 1.0 AC. PARKING (PARKING) 5,000 SF
 3. 1.0 AC. P.O.B. (POINT OF BEGINNING) 1,500 SF

PHASING PLAN:
 1. RETAIL BLDG. (RETAIL) 12,000 SF
 2. GAS CONVENIENCE (GAS CONVENIENCE) 5,000 SF
 3. GAS PUMPS (GAS PUMPS) 5,000 SF
 4. FAST FOOD (FASTALOO) 1,500 SF
 5. PARKING (PARKING) 5,000 SF
 6. P.O.B. (POINT OF BEGINNING) 1,500 SF

CONCEPT PLAN

**Southwest Powers Blvd
 & North Carefree
 Concept Plan**

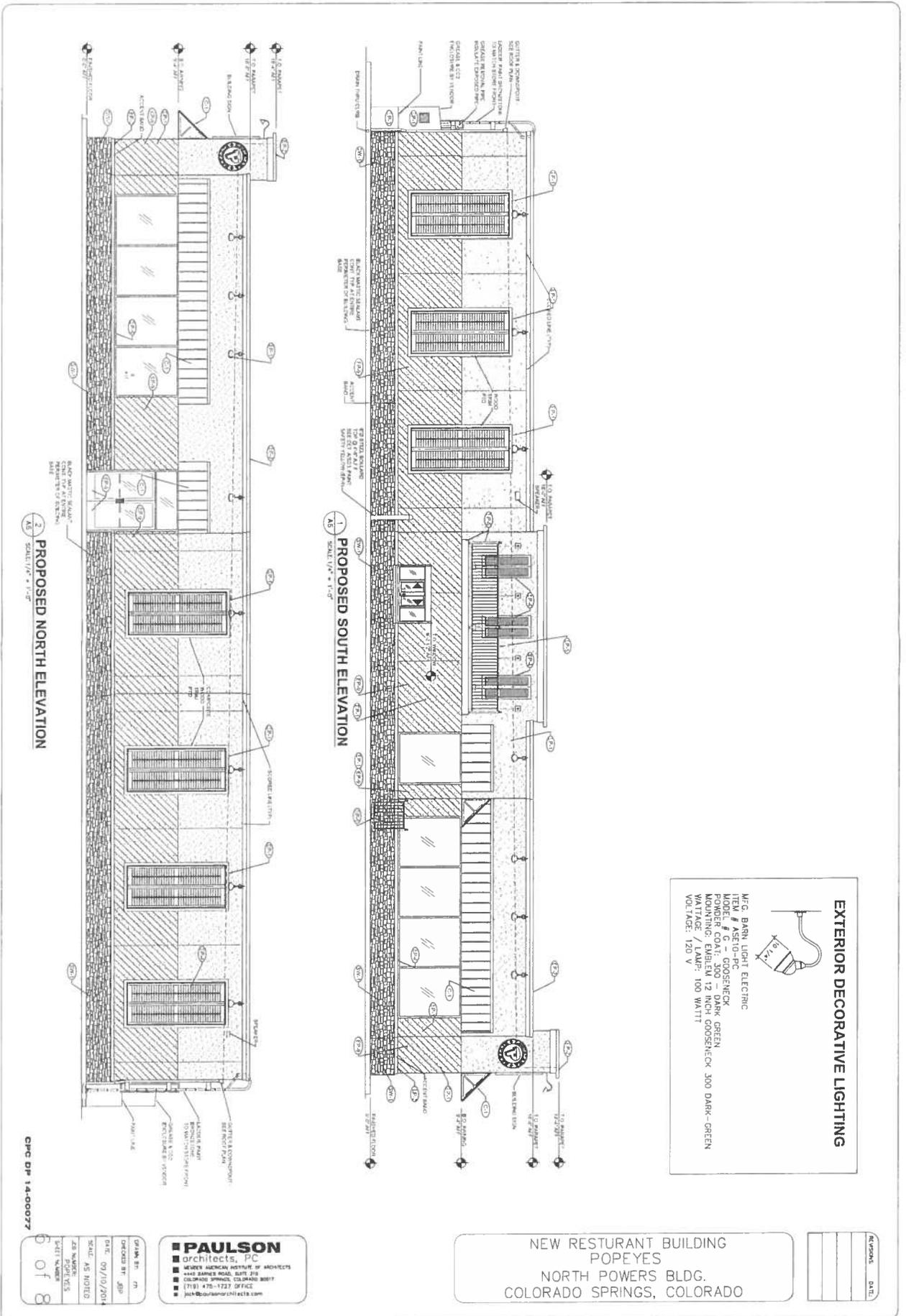
N.E.S. Inc.
 500 South Tom Street
 Colorado Springs, CO 80903
 Tel: 719.471.0871
 Fax: 719.471.0267
 www.nesinc.com

**Land Planning
 Architecture
 Urban Design**

NES

AS CP 11-002Z-MLU-1

FIGURE 1



EXTERIOR DECORATIVE LIGHTING

MFG. BARN LIGHT ELECTRIC
 ITEM # ASE10-PC
 FINISH: POLY-POUR
 POWDER COAT: 300 DARK GREEN
 MOUNTING: EMBLEM 12 INCH GOOSENECK 300 DARK-GREEN
 VOLTAGE: 120 V
 LAMP: 100 WATT

NEW RESTURANT BUILDING
 POPEYES
 NORTH POWERS BLDG.
 COLORADO SPRINGS, COLORADO

PAULSON
 architects, PC

MEMBER AMERICAN INSTITUTE OF ARCHITECTS
 1400 BARRING ROAD, SUITE 200
 COLORADO SPRINGS, COLORADO 80907
 (719) 475-1727 OFFICE
 (719) 475-1727 CELL

DATE: 09/10/2014
 SCALE: AS NOTED
 SHEET NUMBER: 6 OF 8

CPC DP 14-00077

FIGURE 1

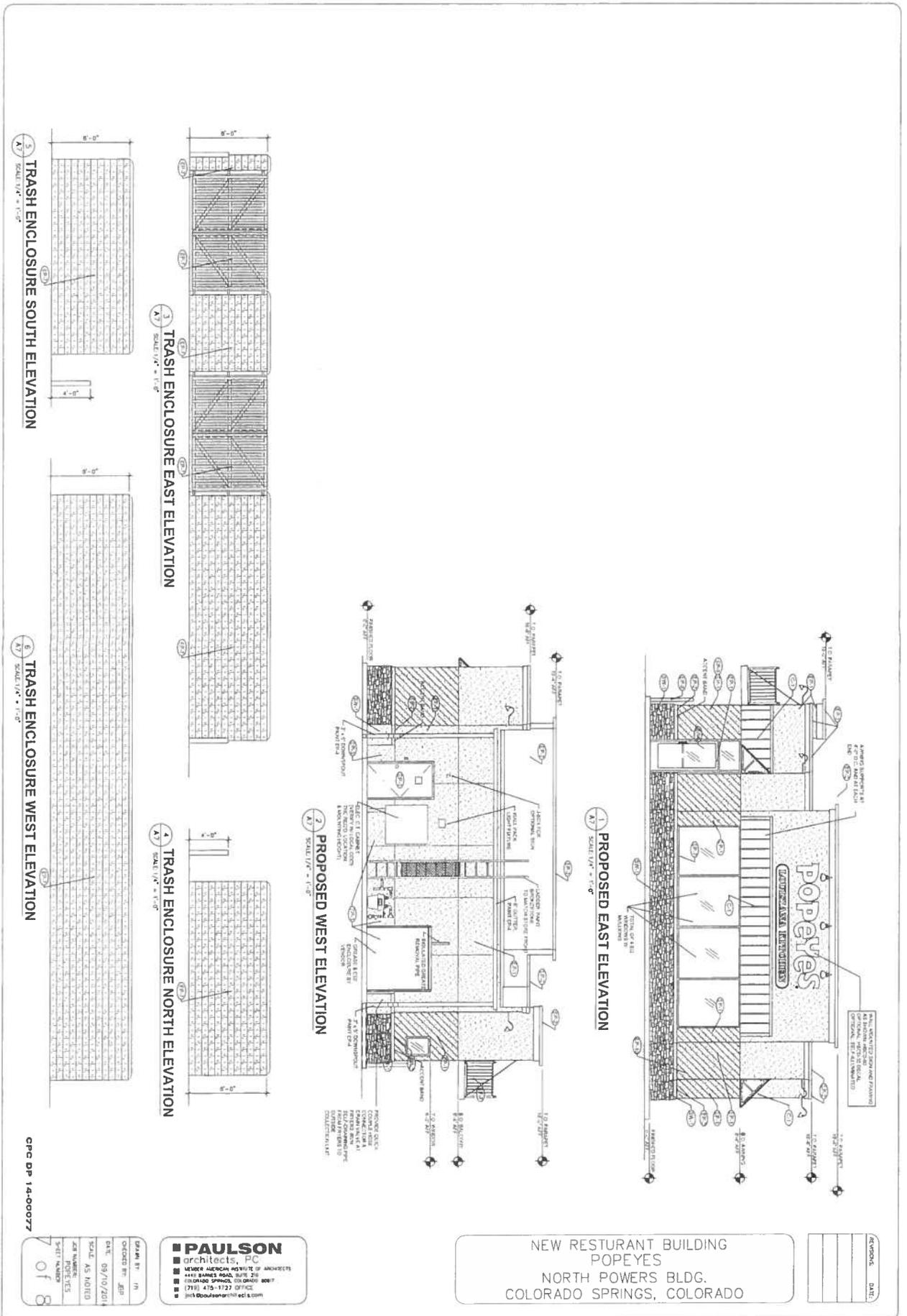


FIGURE 1

POPEYE'S RESTAURANT

SOUTHWEST POWERS BOULEVARD & NORTH CAREFREE CIRCLE

PROJECT STATEMENT

JUNE 2014

1. PROJECT DESCRIPTION

This 1.33 acre site is located to the southeast of North Carefree and Rio Vista Drive. The parcel is bounded to the north by a Kum & Go convenience store/gas station, to the east by Powers Boulevard, and to the south by vacant land zoned R-5, which is currently under the same ownership as the application site. An "out lot" parcel developed as La Petite Academy Day Care lies to the west of the site. La Petite Academy is in the R-5 Zone. The land use to the west of Rio Vista Drive and to the south of the R-5 zoned land is single family detached homes. To the north, northeast and east, land use is commercial and zoned PBC.

There are three applications covered by this project statement:

- **Zone change** - The property currently straddles two zoning districts; Planned Business Centre (PBC) to the north and Multi-family Residential (R-5) to the south. The application proposes to rezone the southern two thirds of the site from R-5/cr AO to PBC/cr AO, incorporating the property into the larger PBC zone district to the north.
- **Concept Plan Amendment** – This proposes an amendment to the approved Southwest Powers Blvd & North Carefree Concept Plan (AR CP 11-00482) to incorporate the application site into the Concept Plan for the larger PBC zoned parcel and to implement layout changes to the northern part of the site that lies within the approved Concept Plan boundary.
- **Development Plan** - The Development Plan proposes the construction of a 2,405 square foot Popeye's restaurant with a drive-thru facility and associated parking and landscaping.

The site will utilize the existing access points for the commercial parcel to the north, which include an all movement intersection on Rio Vista Drive and a right in/right out only access on North Carefree Circle. The internal grid of driveways then provides access to the restaurant site. The existing parking spaces along the southern boundary of the Kum & Go property are within the boundary of the application property. This area is to be reconfigured to incorporate the parking, half of the shared driveway, and an additional vehicular access into the restaurant site. These changes are reflected in the amendment to the approved Concept Plan for Southwest Powers Blvd & North Carefree.

An area of 1.8 acres of R-5 zoned land will remain to the south of the application site. A detention pond is located in the south eastern corner of the site, leaving approximately 1.45 acres of developable land. Attached to this statement are three illustrative layouts that demonstrate the viability of developing the remaining R-5 area for a selection of permitted R-5 uses; providing adequate access, parking, and setbacks.

2. PROJECT JUSTIFICATION

2.1 Zone Change

The proposed rezoning of this property meets the requirements of Section 7.5.603 of the Zoning Code as follows:

3.1.1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare. The proposed commercial use is compatible with the adjacent commercial center and is an appropriate use at the intersection of an expressway (Powers Boulevard) and a principal arterial road (North Carefree Circle). The amenity of the single family residential properties to the south of the site will not be materially affected by the proposed development, as the remaining R-5 zoned land will continue to provide an appropriate land use transition and substantial buffer between the commercial and residential areas. An expanse of 150 feet will remain between the boundary of the residential neighborhood and the southern boundary of the application site. This distance increases to 250 feet when measured from the edge of the proposed Popeye's restaurant to the nearest home to the south. A landscape setback of 20 feet is proposed along the southern boundary of the development to provide a buffer and screening between the proposed commercial use and future uses on the adjacent R-5 zoned property.

3.1.2. The proposal is consistent with the goals and policies of the Comprehensive Plan. The site is within an area designated as "New/Developing Commercial Corridors" on the City's 2020 Land Use Map. These are "corridors that have recently developed, or are now in the process of developing, with major retail uses, services, and strip centers accessible exclusively by automobile and characterized by large dominating parking lots." Strategy LU 701f encourages new commercial development in these corridors to take place in activity centers that incorporate a mix of uses and avoid large, single-use buildings and dominating parking areas. The application proposal achieves this objective.

Strategy LU 302c of the Comprehensive Plan promotes compatibility and appropriate transitions between land uses that vary in intensity and scale. A 20 foot landscape buffer is proposed between the restaurant site and the adjacent R-5 zoned property. The R-5 zone itself will provide a transition between the existing and proposed commercial uses and the single family residential area to the south. In the context of Mixed Use zoning, Section 7.3.710 of the Zoning Code indicates that the R-5 permitted uses of day care services, human service establishments, retirement homes, and multi-family can provide a gradual transition between commercial development and less intensive adjoining uses, such as single family detached homes.

3.1.3. 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. The Master Plan for this area is implemented.

3.1.4. 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 chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76). The proposal is not in an MU zone district.

3.2 Concept Plan Amendment

The amendment to the Concept Plan satisfies the relevant review criteria set out in Section 7.5.501.E of the Zoning Code as follows:

3.2.1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development? See response under 3.1.1 above. The proposed restaurant will provide an amenity to people living and working in the vicinity of the development.

3.2.2. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site? The density of development proposed on this site is very low, with an FAR of only 0.05 and building height of approximately 18 feet (height varies). The remainder of the site is parking, driveways, and landscaping. This will allow for adequate light and air circulation.

3.2.3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community? The proposed commercial use is compatible with the adjacent commercial center and is an appropriate use within the designated "new/developing commercial corridor" along Powers Boulevard. The relationship of the proposed restaurant to adjacent residential uses is similar to the development to the north of North Carefree Circle. The proposed restaurant is similar in scale to existing commercial properties in the vicinity. The building will be approximately 18 feet high, and will have little impact in terms of its bulk on surrounding properties. The proposed 20 foot landscape buffer along the southern boundary of the development will screen the proposed building and associated activities on the site from existing and proposed residential areas to the south.

3.2.4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site? The traffic to and from the site will be channeled to the existing access/egress points on Rio Vista Drive and North Carefree Circle via internal shared driveways. No new access points will be created on City streets. All the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project. The perimeter parking is angled to promote ease of traffic flow and safety. Loading areas are not required for the proposed use.

3.2.5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities? The projected traffic from the proposed Popeye's restaurant can be adequately and safely accommodated within the capacity of adjacent street. The public facilities to serve the land uses on this site are already planned and in place. The proposed 2,405 square foot restaurant will not overburden these facilities.

3.2.6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods? The proposed restaurant maintains a complimentary and appropriate mix of uses on this commercial site that serves the surrounding commercial and residential neighborhoods.

3.2.7. Does the concept plan show how any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities? The proposed restaurant structure is located toward the eastern side of the site so that the existing detention pond on the adjacent property will

provide a physical separation between the new building and the residential properties to the south. The building will be approximately 18 feet high, and will have little impact in terms of its bulk on surrounding properties. The 20 foot landscape buffer on the southern boundary will screen the proposed building and associated activities on the site from existing and proposed residential areas to the south.

The proposed development will not be detrimental to the amenity of the neighboring residential properties to the south of the site, as the remaining R-5 zoned land will continue to provide an appropriate land use transition and substantial buffer between the commercial zone and single family residential areas. A distance of 150 feet will remain between the boundary of the residential neighborhood and the southern boundary of the application site, increasing to 250 feet when measured from the edge of the proposed Popeye's restaurant to the nearest home to the south.

3.2.8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan? Yes - see responses under 3.1 above.

3.3 PUD Development Plan

The PUD Development Plan satisfies the relevant review criteria set out in Section 7.5.502.E of the Zoning Code as follows:

3.3.1. Will the project design be harmonious with the surrounding land uses and neighborhood? The project design is integrated with the commercial development to the north, utilizing the existing access/egress points onto Rio Vista Drive and North Carefree Circle and common driveways within the site. A landscape setback of 20 feet is proposed along the southern boundary of the development to provide a buffer and screening between the proposed commercial use and future uses on the adjacent R-5 zoned property.

3.3.2. 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? See response to 3.2.3 and 3.2.5 above.

3.3.3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties? See response to 3.2.3 and 3.2.7 above.

3.3.4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development? See response to 3.2.7 above. The proposed landscape buffer along the southern boundary of the site exceeds City standards.

3.3.5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption? See response to 3.2.4 above.

3.3.6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? See response to 3.2.4 above.

3.3.7. 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? There is no opportunity for cut through traffic in this project.

3.3.8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities? The parking requirement for restaurants is 1 space per 100 square feet, which in this case equates to 24 spaces. The development plan shows 35 spaces, which exceeds the minimum code requirement.

3.3.9. 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? The development plan identifies two handicapped parking spaces and these are located adjacent to the building entrance for ease of access to the restaurant.

3.3.10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt? Asphalt paving is proposed for parking and circulation space.

3.3.11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles? Sidewalks are provided to facilitate safe pedestrian movement between the site and the rest of the commercial center.

3.3.12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? There are no significant natural features on this site.

Thelen, Lonna

From: Dan & PJ <Danandpj@comcast.net>
Sent: Tuesday, September 02, 2014 3:43 PM
To: Thelen, Lonna
Subject: Comments Regarding N. Carefree & Powers

Lonna,

We own our home at 5760 Gunshot Pass Drive, adjacent to the property being considered for rezoning. We chose this home eighteen years ago because of the friendliness and unique charm of this neighborhood.

The zone change and acceptance of the development plan to build a Popeye's restaurant would greatly affect the quality and health safety of life for those living nearby.

Reasons include:

- It would result in a much higher traffic volume along Rio Vista, which has significantly increased already with the building of the Kum & Go. This causes congestion with cars and service trucks turning into and out of the daycare and gas station and would increase even more with a fast-food restaurant with a constant flow of traffic.
- This would create a significant amount of trash around our properties from littering and wind carrying refuse from dumpsters or outdoor trash cans, which results in a safety and health concern (organic waste from this type of business will attract rodents and other pests) for those of us living adjacent to this property. The trash and rotting food in the empty lot has been a concern with just the gas station on the corner and would become significantly greater with a fast food restaurant even closer to our homes.
- It would create lower air quality in our homes and on our property due to emissions from the restaurant. Rather than enjoying time in our yards and in our homes, we would have a constant smell of fried food.
- It would result in greater noise, which is inherent in a drive through business i.e. loudspeakers and people yelling orders etc. In addition to the increased commercial lighting directly behind our homes that would interrupt our daily activities.

We believe that the person or persons made the decision to purchase this parcel knowing that the southern half of this property was zoned for multifamily dwellings. We understand that it makes good business sense to have the entire parcel zoned PBC, but it is not in harmony with the residential neighborhood adjacent to it. We did inquire, prior to purchasing, what the adjoining property was zoned for. We were told it was zoned for multifamily dwellings. With this in mind, we proceeded with the purchase of our home. We would have looked elsewhere if the adjoining property was zoned PBC.

If this zoning change request were to be approved, this would be detrimental to the neighborhood and an even greater detriment to the adjoining home owners. We therefore strongly oppose rezoning of this property from R-5/cr to PBC/cr.

Sincerely,

Dan and PJ O'Sullivan
5760 Gunshot Pass Dr.
Colorado Springs, CO 80917
Email dano80917@gmail.com

Thelen, Lonna

From: Shirley Robbins <sdrobbins@icloud.com>
Sent: Friday, August 29, 2014 1:00 AM
To: Thelen, Lonna
Subject: COMMENTS REGARDING POPEYE'S RESTAURANT

DEAR MS. THELEN,
I WOULD LIKE TO SUBMIT COMMENTS REGARDING THE POPEYE'S RESTAURANT BEING PROPOSED NEAR THE COME-AND-GO MARKET ON LOT NEAR NORTH CAREFREE AND RIO VISTA.

I AM NOT IN FAVOR OF THIS PROPOSAL. I LIVE AT 5740 GUNSHOT PASS AND THE LOCATION OF THE RESTAURANT WOULD BE IN CLOSE PROXIMITY TO THE BACK OF MY HOME.

THE REASONS I OBJECT TO THE PROPOSAL ARE THE FOLLOWING:

1. THE NOISE THAT WOULD BE GENERATED BY TRAFFIC COMING AND GOING TO THE RESTAURANT WOULD SIGNIFICANTLY ADD TO THE NOISE THAT ALREADY EXISTS DUE TO TRAFFIC ON POWERS, NORTH CAREFREE AND RIO VISTA, AS WELL AS THAT FROM THE COME-AND-GO MARKET. THE REGULAR TRAFFIC NOISE IS TOLERABLE. HOWEVER, THERE ARE A LARGE NUMBER OF VEHICLES IN THIS AREA WHO HAVE MODIFIED THEIR EXHAUST SYSTEM TO BE UNBEARABLY LOUD. THE RESTAURANT WILL VERY LIKELY DRAW EVEN MORE OF THESE VEHICLES WHICH WOULD BE A TREMENDOUS DISTURBANCE TO THOSE OF US WHOSE HOMES BACK UP TO THE PROPOSED SITE.
2. THE LIGHTS FROM THE RESTAURANT WOULD COMBINE WITH THE BRIGHTNESS OF THE LIGHTS OF THE COME-AND-GO MARKET MAKING IT TWICE AS BRIGHT. THE LIGHTS SHINE INTO THE WINDOWS OF THE HOMES IN THE AREA MAKING IT DIFFICULTY TO SLEEP.
3. IT IS WELL KNOWN THAT FAST FOOD RESTAURANTS GENERATE AN ODER FROM THE GREASE USED TO FRY THE FOOD. THE CONSTANT SMELL COMING FROM THE POPEYE'S RESTAURANT WOULD BE SICKENING TO SAY THE LEAST. I CAN'T IMAGINE HAVING TO SMELL THAT EVERY TIME I OPEN MY WINDOWS OR GO OUTSIDE.
4. FINALLY, THE LOT BEHIND OUR HOMES PROVIDES A SMALL BARRIER BETWEEN US AND THE MEGA-COMMERCIAL ELEMENT IN THE AREA. LOOKING OUT OF MY BACK WINDOWS TO THE VIEW OF A POPEYE'S RESTAURANT WOULD FEEL LIKE THE COMMERCIALISM IN THE ARE WOULD BE ENCROACHING UPON THE PEACE AND TRANQUILITY OF MY HOME AND NEIGHBORHOOD. I UNDERSTAND THAT IT IS INEVITABLE THAT THE LOT BE DEVELOPED IN SOME WAY. AS A COMPROMISE, I WOULD NOT OBJECT TO SOMETHING LIKE A PROFESSIONAL OFFICE BUILDING BEING BUILT THERE. IT WOULD BE A LOT LESS INTRUSIVE AND WOULD NOT DRAW NIGHT-TIME TRAFFIC.

I WOULD GREATLY APPRECIATE CONSIDERATION BEING GIVEN TO MY OBJECTIONS. I WORKED VERY HARD AND MADE A LOT OF SACRIFICES TO PURCHASE MY HOME. THIS IS A GREAT NEIGHBORHOOD AND I LOVE LIVING HERE. IT WOULD MAKE ME VERY SAD TO SEE THE QUALITY OF MY NEIGHBORHOOD BE NEGATIVELY AFFECTED BY ALLOWING A FAST FOOD RESTAURANT TO BE BUILT SO CLOSE TO OUR HOMES.

THANK YOU,

SHIRLEY ROBBINS
5740 GUNSHOT PASS
COLORADO SPRINGS, CO 80917
PH: 719-213-1772

3.

Thelen, Lonna

From: Mary Kurth <marykurth@live.com>
Sent: Monday, September 01, 2014 5:59 PM
To: Thelen, Lonna
Subject: Comments Regarding N. Carefree & Powers

Dear Lonna,

Thank you for accepting comments from the residents neighboring the lot at N. Carefree & Powers that is currently being considered for re-zoning, a new development plan and amendment to the concept plan. My family and I live at 5720 Gunshot Pass Drive and our house backs directly to the piece of land we are referencing.

A large concern we have with the current applications is the zone change of any part of the property that is currently R5 to PBC. We feel that the land owners wish to re-zone the entire lot eventually and are just doing so one small piece at a time until there is not enough space left for a multi-family residential structure and adequate parking, etc. The land owners indicated that they had conducted a feasibility study in regards to the remaining property being able to be developed as an R5 lot, however that was not provided and we feel it should have been. We would like to see a concept plan showing that this change would still allow for the development of the southern portion of the property as it is currently zoned.

One of the requirements for a zone change is that the action will not be detrimental to the public interest, safety, health, convenience or general welfare and we do not believe this zone change and concept plan indeed meets that requirement. The public interest that should be most considered would be that of the residents of the existing neighborhood. The greater interest lies in keeping the area a residential neighborhood without the existence of retail or commercial development on land that is intended for residential development. The zone change and acceptance of the development plan to build a Popeye's restaurant would greatly affect the quality of life for those living nearby. Reasons include:

- It would result in a much higher traffic volume along Rio Vista, which has significantly increased already with the building of the Kum & Go. This causes congestion with cars turning into and out of the daycare and gas station and would increase even more with a fast-food restaurant with a constant flow of traffic. The amount of traffic along Rio Vista that is using it as essentially a frontage road to avoid Powers is much greater than the City Traffic Engineer realizes based on her comments at the neighborhood meeting held on August 25th which gives me great concern about how additional traffic will be handled, or not handled.
- This would create a significant amount of trash around our properties from littering and wind carrying refuse from dumpsters or outdoor trash cans, which results in a safety and health concern for those of us living adjacent to this property. The trash and rotting food in the empty lot has been a concern with just

the gas station on the corner and would become significantly greater with a fast food restaurant even closer to our homes.

- It would create lower air quality in our homes and on our property due to emissions from the restaurant. Rather than enjoying time in our yards and in our homes, we would have a constant smell of fried food.
- It would result in greater noise and commercial lighting directly behind our homes that would interrupt our daily activities.

When we bought our house in 2009, we specifically looked into the zoning of this lot as we did not wish to own a house that backed up to a commercial lot of any sort. We hope that the city planning division sees that the zone change is not in the best interest of the general public, potentially does pose a safety and health hazard to the neighboring residences and is greatly detrimental to the general welfare of the property owners adjacent to this lot. We strongly urge the City of Colorado Springs to deny the applicant's request. We plan to show through a petition and gathering of support from neighbors that there is a significant amount of opposition to this zone change and development plan and hope that the city will make the decision that is in the best interest of the residents of the surrounding neighborhood, rather than a single land owner.

Regards,

Bryan and Mary Kurth

5720 Gunshot Pass Drive
(719) 229-8984

Thelen, Lonna

From: Robert K <rakski@msn.com>
Sent: Sunday, September 07, 2014 9:47 AM
To: Thelen, Lonna
Subject: Re-zoning: SW Corner of N. Carefree Circle & N. Powers Blvd.

REF: Re-zoning southwest corner N. Carefree Circle & N. Powers Blvd. (Popeye's south of the Kum & Go)

I am opposed to a new retail outlet (Popeye's Fast Food) to be located near to the already busy intersection of Rio Vista Drive and North Carefree Circle.

Since, the new Kum & Go has been in business, exiting off of Mosquito Pass Drive has become more hazardous.

If additional Popeye's customer traffic is added to Rio Vita Drive; I will be forced to drive to Buckskin Drive or further to the south to exit my neighborhood safely on to Rio Vista Drive. This will add gasoline cost to my household budget; I am retired on a fixed income.

It will also add traffic to the residential streets in the neighborhoods south of Mosquito Pass Drive. My neighbors have expressed the same exiting route.

It would not be wise to make Rio Vista Drive more congested and hazardous; since, Rio Vista Drive is mostly a residential street. This could add to the City's liabilities in respect to good traffic engineering safety.

(signed)

Robert A. Kalkowski, RA
5541 Mosquito Pass Drive
Colorado Springs, CO 80917-4711
(719) 574-3145

Thelen, Lonna

From: Mary Kurth <marykurth@live.com>
Sent: Tuesday, September 16, 2014 7:52 PM
To: Thelen, Lonna; Robert K; Dan & PJ
Subject: RE: Popeye's resubmittal

Hi Lonna,

Thank you for the information and keeping us informed. I will notify the neighbors I have information for as to the date and time since several that live up Mosquito Pass and Buckskin Pass that would like to be involved are not included in the most recent mailings as we discussed.

I'd like to request too that you re-pull the list for future mailings, like for the October hearing, rather than use the same list if possible because the houses on both sides of us were sold in the last couple months and the new owners have not received any mailings regarding anything going on (the Service Street Public Hearing notice, the neighborhood meeting mailing, etc.) That way if there are any others that were missed as well they are included for the mailing regarding the hearing in October.

I'm really disappointed to see that the only thing in the attached document regarding traffic states that the City Traffic Engineer took the view that any traffic problems that may exist on Rio Vista are not a land use related issue as that is simply not the fact. If it was, then we would not have seen the significant increase in traffic that we have since the opening of the Kum & Go. If her view that the traffic along Rio Vista is entirely neighborhood traffic, then that would not explain the cars that go all the way through from South Carefree to North Carefree without turning, and it would mean that the only people entering the Kum & Go parking lot from the entrance on Rio Vista are those who live directly off Rio Vista and there is no way that would produce the volume of business they get on any given day through that entrance.

The problem is that all of the following is occurring on Rio Vista within a 500 foot space:

- Southbound cars on Rio Vista are trying to turn left into the Kum & Go
- Southbound cars on Rio Vista are trying to turn left into the day care
- Northbound cars on Rio Vista are trying to turn left onto Buckskin or Mosquito Pass
- Northbound cars are stopped and lined up waiting for the light to change at North Carefree
- Northbound cars are turning right into the daycare and Kum & Go entrances
- Cars are exiting the Kum & Go entrance turning both north and south
- Cars are exiting the Day care entrance turning both north and south

Furthermore, there are no left hand turn lanes on Rio Vista for northbound traffic turning onto Buckskin or Mosquito Pass or for southbound traffic turning into the daycare or Kum & Go so this stops all traffic behind them as they yield to oncoming traffic. All of this will be made worse with the automotive repair shop contributing additional traffic to this small space along Rio Vista and adding a fast food restaurant that would draw in additional traffic would likely overburden the existing street and space there on Rio Vista. Especially because all traffic coming in from Powers would be turning left onto Rio Vista from North Carefree (unless they do a u-turn at North Carefree).

Regarding the comments about the Popeye's on Austin Bluffs having had no complaints regarding lights, odors or noise other than the one instance, I feel that it is likely because people don't know how or who to submit a formal complaint to, thus the restaurant owners are simply unaware of any issues neighbors may have with the restaurant . Furthermore, of the 9 homes along Indianpipe Circle which are closest to the Popeye's, all but one have been purchased by the current home owners since the opening of the restaurant and therefore they were able to make the decision to purchase their home knowing it was next to a fast food restaurant. That is not the case for us along Gunshot Pass Drive. It's the opposite actually; we purchased our homes knowing that the land adjacent to ours was zoned for residential purposes because we specifically did not want to live next to a commercial property.

I will plan to present these and all of our concerns to the City Planning Commission as well at the public hearing but I appreciate you including them in the preliminary aspects of the process as well.

Thank you,

Mary

Mary Kurth
Independent Business Owner - Mary Kay
(719) 229-8984
www.marykay.com/marymesward

> From: Lthelen@springsgov.com
> To: marykurth@live.com; rakski@msn.com; Danandpj@comcast.net
> Subject: Popeye's resubmittal
> Date: Mon, 15 Sep 2014 18:17:33 +0000
>
> Good morning,
> You are receiving this email because you expressed concern about the Popeye's project proposed south of the Kum & Go at N Carefree & Powers. I've attached the resubmittal letter that addresses the comments raised, the revised development plan, and the revised concept plan.
> This item will be scheduled for the October 16th City Planning Commission meeting.
> Let me know by September 23, 2014 if you have any additional concerns on this project or if you have further questions.
> Thanks,
> Lonna
>
> Lonna Thelen, AICP, LEED AP
> Planner II
> P 719-385-5383
>

Thelen, Lonna

From: Mary Kurth <marykurth@live.com>
Sent: Tuesday, September 16, 2014 5:59 PM
To: Thelen, Lonna
Cc: sdrobbins@live.com; Dan O'Sullivan; mkmrolson@q.com
Subject: N. Carefree & Powers Project
Attachments: Petition with Signatures as of 9.14.15.pdf

Dear Lonna,

Attached is a petition, written by several of the home owners along Gunshot Pass, opposing the zone change, development plan and concept plan for the property located on the Southwest corner of North Carefree & Powers Blvd. Due to prior commitments and the limited time we were given between the meeting on August 25th and now (which is when you indicated you'd like to receive this petition), we were only able to collect signatures over the weekend of September 13th & 14th. So you will find signatures from 88 home owners and renters representing 67 homes along the residential streets closest to the property. We plan to continue to collect signatures over the next month from those who we were unable to connect with thus far in order to show the City Planning Commission compelling evidence that the majority of home owners and residents in the surrounding neighborhood are opposed to the zone change, concept plan and development plan submitted by the owners of the property.

Please notice that the owners of *every* home adjacent to the property along the southern border have signed the petition, as we will be the individuals most impacted by this decision. We hope that the City will realize the negative impact this development would have on the hundreds of residents in the nearby homes and therefore vote in favor of the multitude of property owners opposed to these changes rather than voting in favor of the one property owner submitting these applications.

Please let me know if you have any questions.

Thank you,

Mary

Mary Kurth
Independent Business Owner - Mary Kay
(719) 229-8984
www.marykay.com/marymesward

Petition to Deny Zone Change, Concept Plan and Development Plan for
Property Located at the Southwest Corner of North Carefree Circle & Powers Blvd.

Background: The undeveloped southern portion of the property located on the Southwest corner of Powers Blvd. and North Carefree (El Paso County Assessor Schedule # 6325400021) is zoned R-5 (multi-family residential). The owner of the property, CAREFREE & POWERS SW, INC., has submitted the following applications to the City of Colorado Springs, Land Use Review Division:

File No.: CPC ZC 14-00076 – A zone change from R-5 (multi-family residential) to PBC (Planned Business Center)
File No.: AR CP 11-00482-A1MJ14 – A major amendment to the concept plan to add a fast food restaurant
File No.: CPC DP 14-00077 – A development plan for Popeye’s Restaurant
File No.: CPC FP 14-00078 – a final plat for two lots

If these applications are approved, the owner plans to construct a Popeye’s restaurant south of the existing Kum & Go and east of the existing daycare center. A significant number of homeowners and neighbors adjacent to, and nearby the property, wish for this land to remain zoned R5 and oppose the concept and development plans for a zone change and a Popeye’s Restaurant to be built. We feel a zone change to this property for any commercial use would negatively and significantly affect our neighborhood. We oppose the above referenced applications for the following reasons:

- The proposed changes are not harmonious to the surrounding residential neighborhood and would result in a decreased quality of life for those living in the area due primarily to the traffic, increased activity, noise, lights, trash and odor that would result from a fast food restaurant being built.
- This development plan would result in a significant increase in traffic on Rio Vista and North Carefree. This would include an increase in traffic noise, volume and congestion which will be a burden to those living in the neighborhood and would overburden the capacity of Rio Vista. This will pose an unnecessary danger to children playing and elderly walking in the neighborhood on either side of Rio Vista between North Carefree and South Carefree.
- The proposed changes would result in an increase in activity in this residential neighborhood all hours of the day and most hours of the night, which would result in a decreased feeling of safety among those already living in the surrounding neighborhood. There is potential for an increase in criminal activity as there would be more non-residents in the neighborhood and harder for neighbors to identify suspicious activity.
- The building of a fast food restaurant would cause an increase in noise and light pollution. The reduced noise and light in a residential area as compared to a commercial area is a large factor many of us took into consideration when we purchased our home. We want to keep our neighborhood residential and continue to have minimal light and noise.
- Fast food restaurants, such as a Popeye’s Restaurant, cause significant air pollution including cooking odors, greasy fume and fallout, and emissions of fine particulate matter. Studies have shown that many odorous hydrocarbons or VOCs (volatile organic compounds) are formed in the cooking process and emissions of such particulate matter have adverse health implications. The neighbors in the area would be forced to breath in these odors and fumes 7 days a week, 12-16 hours per day.
- The proposed landscaping and fences do not provide an adequate buffer from undesirable views, noise, lighting, odors and littering that will negatively impact the adjoining properties. There is already a problem with blowing trash, littering and rotting food refuse on this property since the Kum & Go was built.
- The zone change and addition of a fast food restaurant would significantly decrease property values for the homeowners in the area.
- There was no concept plan provided showing the remaining portion of the property as it might be developed with R5 zoning. As a neighborhood, we are concerned that the property owner is attempting to piece-meal the lot and re-zone one portion at a time resulting in the undeveloped portion being unable to be developed for a multi-family residential purpose.

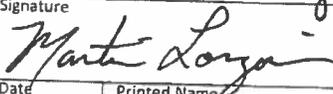
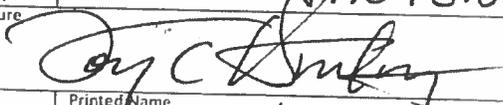
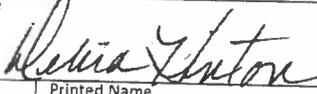
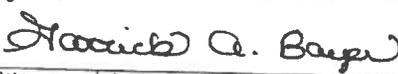
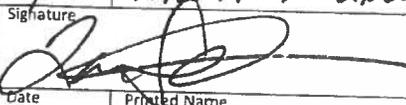
Petition: We, the undersigned, ask the City of Colorado Springs Land Use Review Division, City Planning Commission and City Council to deny the following development applications: File No.: CPC ZC 14-00076, File No.: AR CP 11-00482-A1MJ14, File No.: CPC DP 14-00077, File No.: CPC FP 14-00078 in regards to the property on the Southwest corner of North Carefree Circle and North Powers Boulevard (Schedule #6325400021).

Date	Printed Name	Address
9/7/14	Mary Kurth	5720 Gunshot Pass Drive
Signature		Phone/E-Mail
		marykurth@live.com 719.229.8984
Date	Printed Name	Address
9/7/14	Bryan Kurth	5720 Gunshot Pass Drive
Signature		Phone/E-Mail
		bryankurth@hotmail.com 719.313.1537
Date	Printed Name	Address
	Steven M. Hornyak	5730 Gunshot Pass Drive
Signature		Phone/E-Mail
		stevehornyak@gmail.com 719.235.6859
Date	Printed Name	Address
9/13/14	Shirley Robbin	5740 Gunshot Pass
Signature		Phone/E-Mail
		sdrobbins@live.com 719-213-1772
Date	Printed Name	Address
9-14	Gertrude Wagner	5750 Gunshot Pass Dr. 80917
Signature		Phone/E-Mail
		719-596-7930
Date	Printed Name	Address
9-13-14	Joy Gutierrez	5785 Gunshot Pass Dr 80912
Signature		Phone/E-Mail
		—
Date	Printed Name	Address
9/13/14	Peggy Hester	5765 Gunshot Pass Dr 80917
Signature		Phone/E-Mail
		(719) 591-2262
Date	Printed Name	Address
9/13/14	Brandon Mann	5745 Gunshot Pass Dr 80917
Signature		Phone/E-Mail
		P 719432 5642
Date	Printed Name	Address
13 SEP 14	JOE FURLOWE	5725 GUNSHOT PASS DR
Signature		Phone/E-Mail
		joe753@hotmail.com

Date	Printed Name	Address
9/13/2014	Rosalba M. Wilzenburga	5753 Gunshot Pass Dr.
Signature		Phone/E-Mail
		719-432-5842 Rosalbamorales@comcast.net
Date	Printed Name	Address
9/13/2014	Debra A. Henry	5643 Gunshot Pass Dr.
Signature		Phone/E-Mail
		719-433-2929 Debra.Henry2@gmail.com
Date	Printed Name	Address
9/13/14	James Brown	5511 Gunshot Pass Drive
Signature		Phone/E-Mail
Date	Printed Name	Address
9/13	Dennis Westery	5481 Gunshot Pass Dr.
Signature		Phone/E-Mail
	Dennis Westery	
Date	Printed Name	Address
12/24/14	MARK S. RIDDER	5455 GUNSHOT PASS DR CO S, CO 80917
Signature		Phone/E-Mail
		572-0923 / MARK - NORMA I. @ MSN.COM
Date	Printed Name	Address
	NORMA D. RIDDLE	5455 Gunshot Pass Dr.
Signature		Phone/E-Mail
	Norma D. Riddle	
Date	Printed Name	Address
13/9/14	Amy Cook	5460 Gunshot Pass Dr.
Signature		Phone/E-Mail
Date	Printed Name	Address
7/13/14	CHRIS BLESSEMAN	5480 GUNSHOT PASS DR COLORADO SPRINGS CO 80917
Signature		Phone/E-Mail
		719 660 4205
Date	Printed Name	Address
9/13/14	Zachary H. Bleseman	5460 Gunshot Pass Dr Colorado Springs CO 80917
Signature		Phone/E-Mail
		(719) 492-6331
Date	Printed Name	Address
9/13/14	Julie Blesman	5460 Gunshot Pass Dr. Colorado Springs, CO 80917
Signature		Phone/E-Mail
		(719) 573-0355

Date	Printed Name	Address
9/13	Russell Moad	5484 Gunshot Pass Dr
Signature		Phone/E-Mail
		Piece of Korn@icloud.com
Date	Printed Name	Address
9/13	Theresa James	5504 Gunshot Pass Dr
Signature		Phone/E-Mail
		freedawn@hotmail.com
Date	Printed Name	Address
9/13/14	Heather Quinlan	5524 Gunshot Pass Dr.
Signature		Phone/E-Mail
		hwoolstein@yahoo.com
Date	Printed Name	Address
9/13/14	John Woodard	5531 Gunshot Pass Dr
Signature		Phone/E-Mail
		j.woodard@msn.com
Date	Printed Name	Address
9/13/14	SHARNA QUINLAN	5524 Gunshot PASS DR
Signature		Phone/E-Mail
		SQUINLAN@MFCPINC.COM
Date	Printed Name	Address
9/13/14	Alise D. Hunter	5554 Gunshot Pass Drive
Signature		Phone/E-Mail
		rockies.fan.forever@live.com
Date	Printed Name	Address
9/13/14	David E. Vandenburg	5561 Gunshot Pass Dr. Colorado Springs CO 80917
Signature		Phone/E-Mail
		719-322-7972 vandeb@live.com
Date	Printed Name	Address
13 Sept	Amy Sanchez-Mtz	5603 Gunshot Pass 80917
Signature		Phone/E-Mail
		719-576-2991 vase.baera@yahoo.com
Date	Printed Name	Address
13 Sept	Vernon Q Reynolds	5610 Gunshot Pass Dr
Signature		Phone/E-Mail
		719-373-8188 1ee.reynolds1971@gmail.com
Date	Printed Name	Address
13/sep	Ursula M Brooks	5630 Gunshot Pass Dr. 80917
Signature		Phone/E-Mail
		Bevo2119@msn.com

FIGURE 3

Date SEP. 13, 14	Printed Name ROBERT A. KALKOWSKI	Address 5541 MOSQUITO PASS DRIVE
Signature 	Phone/E-Mail 574-3145 / rakski@msn.com	
Date Sep 13 2014	Printed Name Mary E. Olson	Address 5511 Mosquito Pass Dr. 80917
Signature 	Phone/E-Mail 719-637-1756	
Date Sep 14 2014	Printed Name Michael F. Olson	Address 5511 Mosquito Pass Dr 80917
Signature 	Phone/E-Mail 719-6371756 MKMROLSON@q.com	
Date 9/14/14	Printed Name Martin Longoria	Address 5534 Mosquito Pass Dr.
Signature 	Phone/E-Mail martin.longoria@outlook.com	
Date	Printed Name Curtis Hargler	Address 5533 Mosquito Pass Dr. 80917
Signature 	Phone/E-Mail	
Date 9/14	Printed Name FOY C. HINTON	Address 5471 Mosquito Pass Dr
Signature 	Phone/E-Mail FOYHINTON@LIVE.COM	
Date 9/14	Printed Name DEBRA HINTON	Address 5471 Mosquito Pass Dr.
Signature 	Phone/E-Mail	
Date 9/14/14	Printed Name GARRICK A. BAYER	Address 5521 MOSQUITO PASS DR. COL. SPRINGS, CO 80917
Signature 	Phone/E-Mail 719-243-8222 gabayercos@gmail.com	
Date 9/14/14	Printed Name THOMAS W. GROWDER	Address 5544 MOSQUITO PASS DR COS, CO 80917
Signature 	Phone/E-Mail 719-287-0539	
Date 9/14/14	Printed Name Adam Horkert	Address 5594 Mosquito Pass Dr
Signature 	Phone/E-Mail 763-607-3269	

Date	Printed Name	Address
9/14/14	Barbara Gees	5642 Mosquito Pass Dr.
Signature		Phone/E-Mail
Date	Printed Name	Address
9/14/14	Zachary Aafort	5561 Mosquito Pass Dr.
Signature		Phone/E-Mail
		631-525-2692
Date	Printed Name	Address
9/14/14	Ashleigh Miller	5501 Mosquito Pass Dr.
Signature		Phone/E-Mail
		706 697 5221
Date	Printed Name	Address
9/14/14	Judith Bayer	5521 Mosquito Pass Dr.
Signature		Phone/E-Mail
Date	Printed Name	Address
9/14/14	DAVID WHEAT	5504 Mosquito Pass Dr.
Signature		Phone/E-Mail
		mosquitolodge@comcast.net
Date	Printed Name	Address
9-14-14	SUSAN OLNEY	5504 Mosquito Pass Dr.
Signature		Phone/E-Mail
Date	Printed Name	Address
9/14/14	Jacqueline Krapp	5514 Mosquito Pass Dr.
Signature		Phone/E-Mail
		Jackie.krapp@gmail.com
Date	Printed Name	Address
Signature		Phone/E-Mail
Date	Printed Name	Address
Signature		Phone/E-Mail
Date	Printed Name	Address
Signature		Phone/E-Mail

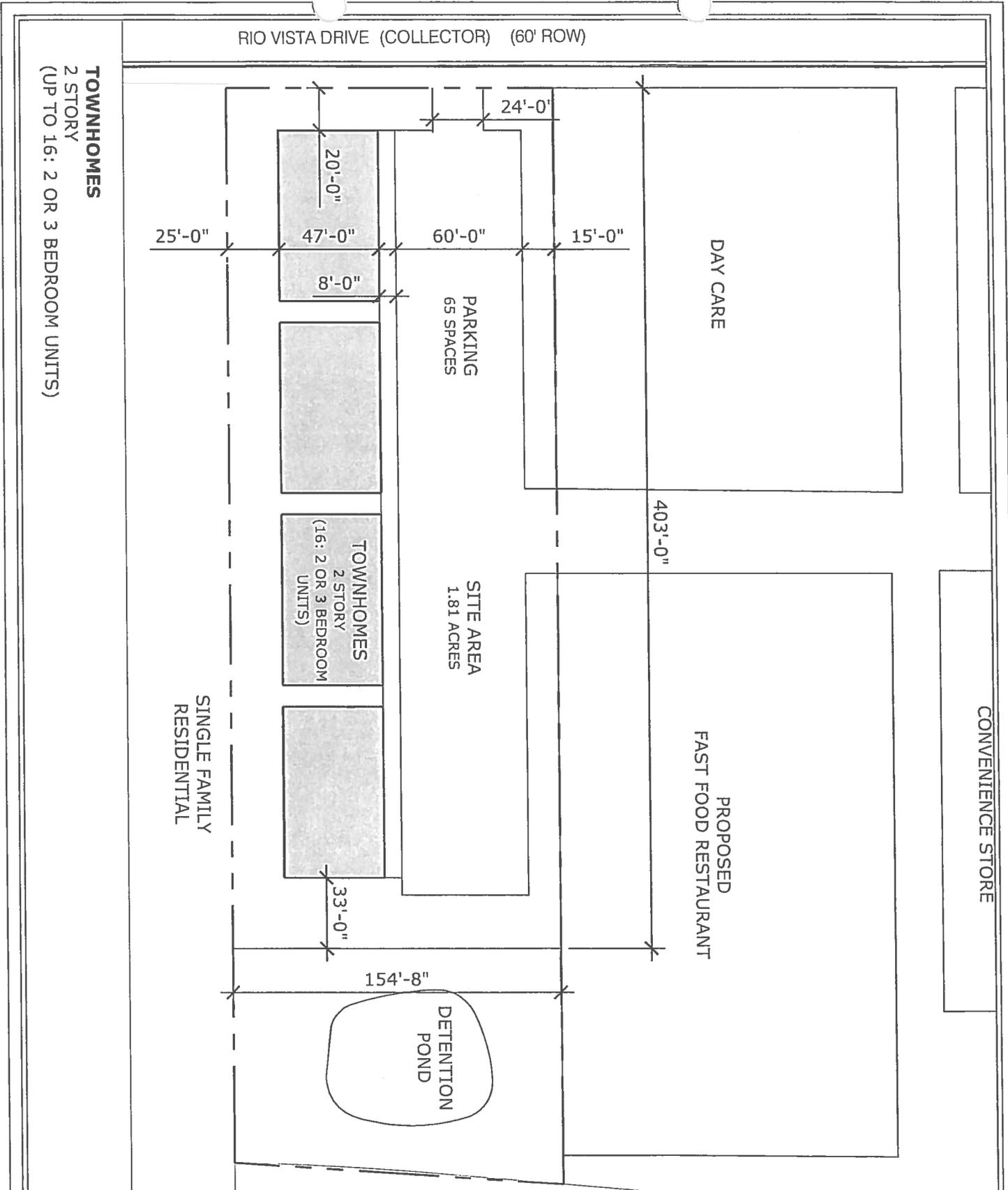
Date	Printed Name	Address
9-14	Cynthia Haigler	5533 MOSQUITO PASS DR
Signature		Phone/E-Mail
		—
Date	Printed Name	Address
	Robert Nebinger	5460 Mosquito Pass Dr
Signature		Phone/E-Mail
		719-287-2467 RTNebinger@gmail.com
Date	Printed Name	Address
	Angela Nebinger	5460 Mosquito Pass Dr
Signature		Phone/E-Mail
		719 964 0843 ANebinger@gmail.com
Date	Printed Name	Address
9-14	Karlene Hammann	5441 Mosquito Pass Dr
Signature		Phone/E-Mail
		719 646-9596 Karlene512s@aol.com
Date	Printed Name	Address
7-14	Brian DeFord	5444 Mosquito Pass Dr.
Signature		Phone/E-Mail
		719-659-8938 Brian.DeFord@yale.com
Date	Printed Name	Address
9/14	Micnelle DeFord	5444 MOSQUITO PASS DR
Signature		Phone/E-Mail
		(719) 660-1178 MicnelleDeFord@parco.com
Date	Printed Name	Address
9/14	Bryan Roland	5468 Mosquito Pass Dr.
Signature		Phone/E-Mail
		bryanroland@gmail.com
Date	Printed Name	Address
9/14	EDGAR BEAUN	5472 MOSQUITO PASS DR
Signature		Phone/E-Mail
		596-7343
Date	Printed Name	Address
9/14	Kristi Crander	5544 Mosquito Pass Dr.
Signature		Phone/E-Mail
		307-761-2152 KristiCrander3440@comcast.net
Date	Printed Name	Address
9/14	SHAWN WATKINS	5611 MOSQUITO PASS DR
Signature		Phone/E-Mail
		—

Date 7-13-2014	Printed Name RANDALL S JOHNSON	Address 5640 GUNSHOT PASS DR
Signature 		Phone/E-Mail 719-591-2637
Date 9-13-14	Printed Name Karen Olerich	Address 5624 N. Buckskin Pass Dr
Signature 		Phone/E-Mail —
Date 14 Sept 14	Printed Name Constance L. Williams	Address 5750 Gunshot Pass Dr.
Signature 		Phone/E-Mail 719 591 - 5714
Date 14 Sept 2014	Printed Name Clarence J. Williams Jr.	Address 5750 Gunshot Pass Dr.
Signature CJ Williams Jr.		Phone/E-Mail (719) 591-5714 clarencewilliamsJT@yahoo.com
Date 9-14-14	Printed Name P.J. O'Sullivan	Address 5760 Gunshot Pass Dr
Signature 		Phone/E-Mail 719 591-6025
Date 9-14-14	Printed Name DAN O'Sullivan	Address 5760 Gunshot Pass Dr
Signature 		Phone/E-Mail 719 591-6025
Date 9/14/14	Printed Name Christine Dieringer	Address 5770 Gunshot Pass Dr.
Signature 		Phone/E-Mail 719-550-9177 cdieringer@aol.com
Date 9/14/14	Printed Name Judy Stevenson	Address 5820 Gunshot Pass Dr.
Signature Judy Stevenson		Phone/E-Mail —
Date 9/14/14	Printed Name DENNIS SKINNER	Address 5810 GUNSHOT PASS DR
Signature D. Skinner		Phone/E-Mail SKINMAN@JUNO.COM
Date 9/14/14	Printed Name Mel Salazar	Address 5565 N Buckskin Pass Dr
Signature Mel Salazar		Phone/E-Mail 719-293-8779

Date	Printed Name	Address
	José Salazar	5641 Buckskin Pass DR
Signature		Phone/E-Mail
		—
Date	Printed Name	Address
	Jalissa Sanchez	5641 Buckskin Pass DR
Signature		Phone/E-Mail
		—
Date	Printed Name	Address
9/14	F.M. SWIDER	5555 BUCKSKIN PASS DR. N
Signature		Phone/E-Mail
Date	Printed Name	Address
9/14	(Callie Ruffledge)	5521 N. Buckskin Pass
Signature		Phone/E-Mail
		719-211-4909
Date	Printed Name	Address
9/14	Peter Harman	3521 N. BUCKSKIN DR
Signature		Phone/E-Mail
		719 2014435
Date	Printed Name	Address
9/14	APRIL HARMAN	3521 N BUCKSKIN PASS
Signature		Phone/E-Mail
		719 287 1777
Date	Printed Name	Address
9/14	ANDY HELDMAN	5522 N. BUCKSKIN PASS DR
Signature		Phone/E-Mail
		719-596-3432
Date	Printed Name	Address
1/14	Blanca S Dudak	5515 N. Buckskin Pass Dr
Signature		Phone/E-Mail
		blanca45@gmail.com
Date	Printed Name	Address
9/14	Kenneth Courtney	5505 N. BUCKSKIN PASS DR.
Signature		Phone/E-Mail
		Kensite55@yahoo
Date	Printed Name	Address
4/14	Bonnie Shartzner	5532 N. Buckskin Pass Dr.
Signature		Phone/E-Mail
		abshartzner@aol.com

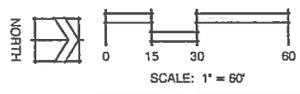
Date	Printed Name	Address
9/14/14	Donna Shvartz-cr.	5532 Buckskin Pass
Signature		Phone/E-Mail
		(719) 243-2741
Date	Printed Name	Address
	Brett Shartzer	5532 Buckskin Pass
Signature		Phone/E-Mail
		(209) 400-1692
Date	Printed Name	Address
	ROBERT E COYNE	5552 BUCKSKIN PASS W
Signature		Phone/E-Mail
		719-597-1081 COYNE62@GMAIL.COM
Date	Printed Name	Address
9/14/14	Roger Henry	5643 Gunshot Pass Drive
Signature		Phone/E-Mail
		719-433-2928 Rog.Henry@gmail.com
Date	Printed Name	Address
9/14/14	Kelli Remmert	5710 Gunshot Pass Dr.
Signature		Phone/E-Mail
		719-246-0907 Kellij.363@yahoo.com
Date	Printed Name	Address
Signature		Phone/E-Mail
Date	Printed Name	Address
Signature		Phone/E-Mail
Date	Printed Name	Address
Signature		Phone/E-Mail
Date	Printed Name	Address
Signature		Phone/E-Mail

Date 9/14/14	Printed Name Martha Mendoza	Address 5719 201-5243 59206 Gunshot Pass
Signature 		Phone/E-Mail montesmartha86@yahoo.com
Date 09-14-2014	Printed Name JASON HOWCROFT	Address 5950 GUNSHOT PASS DRIVE
Signature 		Phone/E-Mail HOWCROFTJA@YAHOO.COM
Date 9/14/14	Printed Name Larry Evans	Address 5781 Stony Pass Dr.
Signature 		Phone/E-Mail 719 661 9200
Date 9/14/14	Printed Name JEROME DSUNDEE II	Address 5775 STONEY PASS DR.
Signature 		Phone/E-Mail 719 963-8156
Date 9/14/14	Printed Name Linda Baxter	Address 6010 Gunshot Pass
Signature 		Phone/E-Mail 951) 741-8019
Date 9/14/14	Printed Name JEFF HALL	Address 5739 Hermit Pass
Signature 		Phone/E-Mail 719-574-2534
Date 9/14/14	Printed Name Pam Edmonds	Address 5771 Forest Creek Pass
Signature 		Phone/E-Mail 437-1103
Date	Printed Name	Address
Signature		Phone/E-Mail
Date	Printed Name	Address
Signature		Phone/E-Mail
Date	Printed Name	Address
Signature		Phone/E-Mail



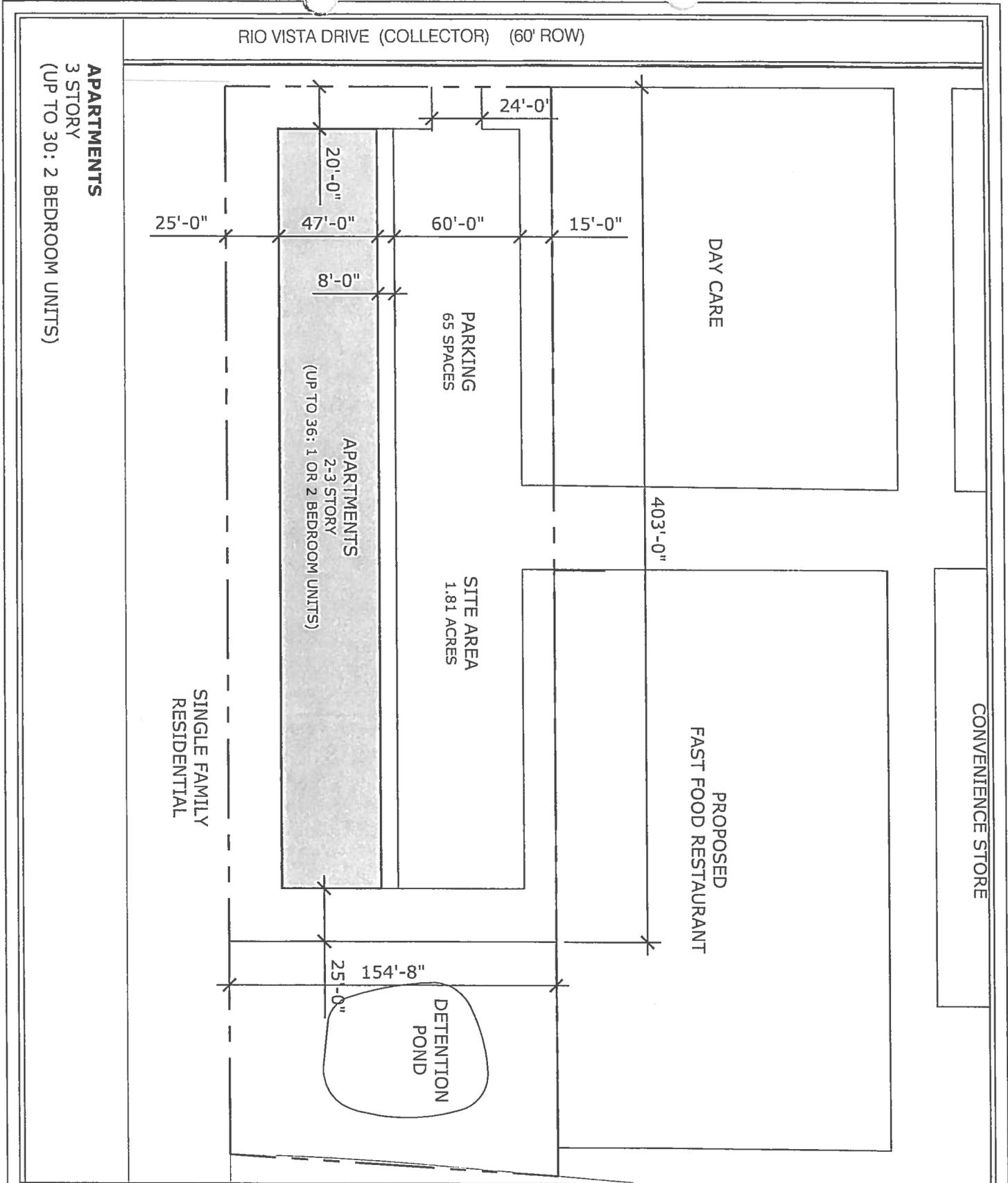
R-5 ZONED PROPERTY AT RIO VISTA DRIVE/ N. CAREFREE CIRCLE
 ILLUSTRATIVE LAYOUT OF ALLOWABLE USES: *TOWNHOMES*

DATE 7-17-14



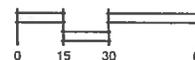
N.E.S. Inc.
 508 South Tejon Street
 Colorado Springs, CO 80903
 Tel. 719.471.0073
 Fax 719.471.0267
 www.nescolorado.com

FIGURE 4



R-5 ZONED PROPERTY AT RIO VISTA DRIVE/ N. CAREFREE CIRCLE
 ILLUSTRATIVE LAYOUT OF ALLOWABLE USES: APARTMENTS

DATE 7-17-14



SCALE: 1" = 60'

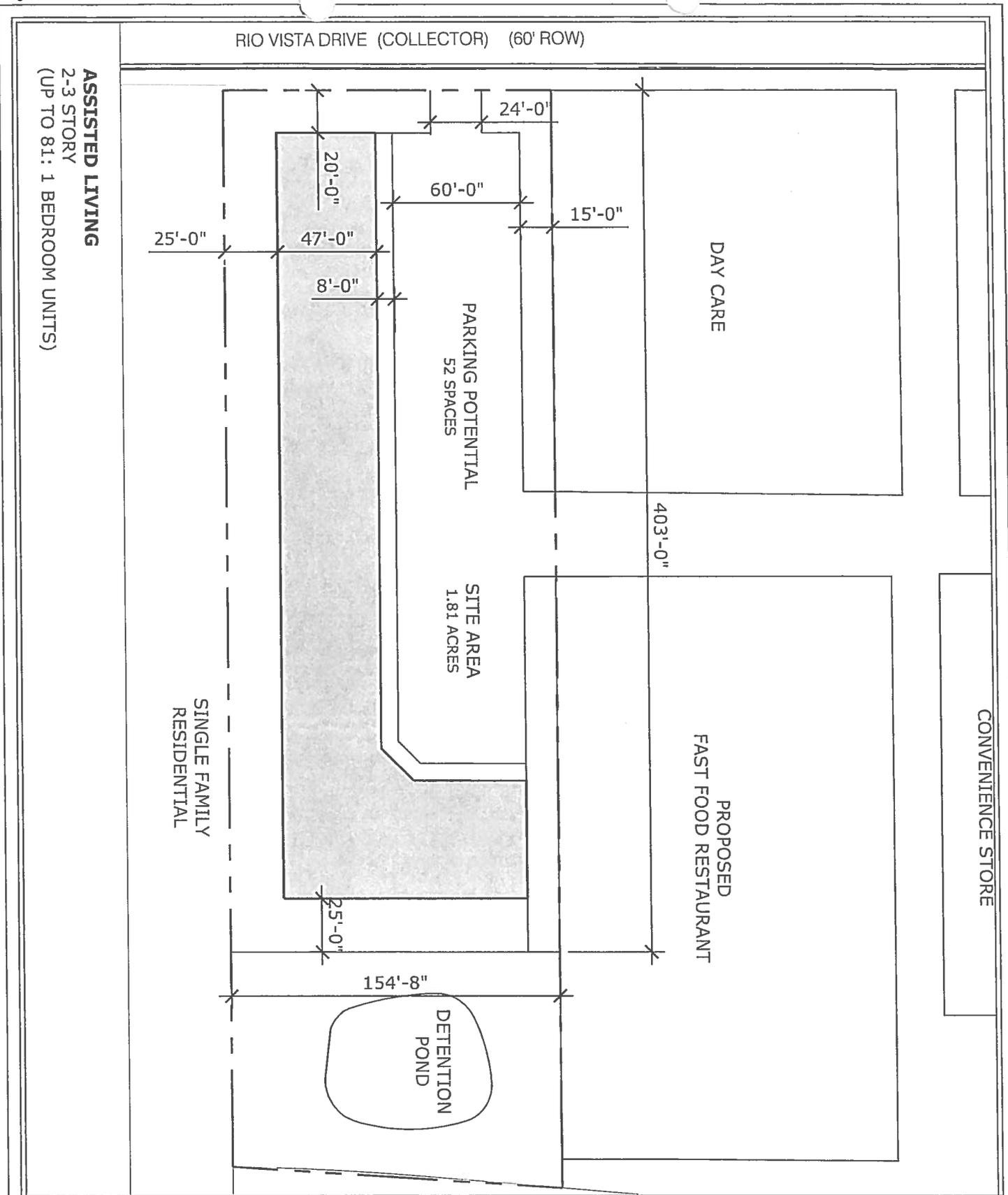


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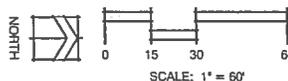
www.nescolorado.com

FIGURE 4



R-5 ZONED PROPERTY AT RIO VISTA DRIVE/ N. CAREFREE CIRCLE
 ILLUSTRATIVE LAYOUT OF
 ALLOWABLE USES: *ASSISTED LIVING*

DATE 7-17-14



N.E.S. Inc.
 508 South Tejon Street
 Colorado Springs, CO
 80903

Tel. 719.471.0073
 Fax 719.471.0267

www.nescolorado.com

FIGURE 4

RESPONSE TO NEIGHBOR'S COMMENTS

Rezoning: Concern is expressed regarding the principle of rezoning from R-5 to PBC, encroachment of the commercial area closer to the existing residential, and the viability of redeveloping the reduced R-5 parcel. As explained in the Project Statement accompanying the Popeye's application, the remaining R-5 zoned land between the extended commercial and residential areas will continue to provide an appropriate land use transition and substantial buffer. An expanse of 150 feet will remain between the boundary of the residential neighborhood and the southern boundary of the application site. This distance increases to 220 feet when measured from the edge of the proposed Popeye's restaurant to the nearest residential property boundary to the south. Additional buffer and screening is proposed along the southern boundary of the Popeye's site, comprising a 20-foot landscape setback planted with trees and shrubs and a 6-foot cedar fence.

The Concept Plan amendment appropriately refers solely to the existing/proposed PBC zone district. The owner has not included the residual R-5 area into the Concept Plan as there are currently no plans, either firm or aspirational, for that parcel. An area of 1.8 acres of R-5 zoned land will remain which, excluding the detention pond in the south eastern corner of the site, leaves approximately 1.45 acres of developable land. Three illustrative layouts that demonstrate the viability of developing the remaining R-5 area for a selection of permitted R-5 uses, including town homes, apartments, and an assisted living facility, were provided with the original submittal. These demonstrate that development of the remaining R-5 area is feasible, with adequate access, parking, and setbacks provided. This information is openly available in the City's public file for these applications. We attach these feasibility studies again for clarification.

Traffic: The City's Traffic Engineer took the view that any traffic problems that may exist on Rio Vista Drive are not a land use related issue. The City's Traffic Engineer has committed to undertaking a study of the traffic volumes and speed on Rio Vista to establish if and what traffic calming measures are required. Traffic issues relating to noise from individual vehicles with modified exhaust systems is a matter for the Police. There is no evidence to support the implication that a Popeye's restaurant would specifically attract customers with such vehicles.

Noise/Light/Odor: The subject site is located at the intersection of Powers Boulevard and North Carefree Circle, with a Kum & Go service station adjacent to its northern boundary. We consider that the activities and light from the proposed Popeye's restaurant would be barely discernible in the context of the ambient noise and light levels from these busy streets and the 24/7 Kum & Go operation.

Popeye's operate an existing restaurant and drive-thru at 3450 Austin Bluffs Parkway. This facility has single-family and multi-family residential development immediately adjacent to its northern boundary, with only 40 feet separation between the restaurant and the nearest residential lot. The restaurant has been operational since 1982. During that time there have been no complaints regarding activities on the site and, in particular, no complaints relating to lighting or odors. One complaint was received in relation to the volume of the ordering speaker, which is located at the north-east corner of the property, directly behind the homes. This was addressed immediately by management to the satisfaction of the neighbor, and the volume control for the speaker is now within a locked box that cannot be accessed by employees. We attach an exhibit of the Popeye's at Austin Bluffs that shows the proximity of the residential properties to the restaurant.

Notwithstanding the above comments, Popeye's/the Owner are willing to initiate the following measures to offset the neighbors' specific operational concerns.

Noise/Activity:

Popeye's are willing to limit operating hours to 10:00 PM for the restaurant and 11:00 PM for the drive-thru. This is a reduction from the hours noted at the neighborhood meeting of 10:00 PM for the restaurant and 12:00 AM for the drive-thru.

The volume of the ordering speaker will be controlled by management and volume adjustment will be within a locked box that cannot be adjusted by employees.

Lighting:

Four parking lot lights are proposed; two on the southern boundary facing away from the neighbors, one on the western boundary, and one on the northern boundary. The light on the northern boundary is positioned so it will be screened from the homes to the south by the restaurant building. As requested by City Planning, the light poles will be 20 feet tall with full cut-off light fixtures, which will mitigate light effusion.

Based on the proposed closing of the drive-thru at 11:00 PM, the operator proposes the following lighting schedule to minimize the impact on the residents to the south:

1. Parking lot lights on the west and south sides will go off at 11:15 PM
2. Parking lot lights on the north side will go off at 12:15 AM (giving the employees time to get to their cars)
3. The interior lighting in the service/kitchen area will stay on 24 hours. There are no windows in this area other than the small pick-up window. The dining area lights will go off at 10:30 PM.
4. Exterior building lights (goosenecks) will go off at 12:15 AM
5. Building signage will go off at 11:00 PM (closing)
6. Pole signage will go off at 11:00 PM (closing)
7. Drive-thru menu signage will go off at 11:00 PM (or as soon as the last car is through the drive-up).

Neighbor's expressed concern that the proposed parking lot lighting would be more intense than for a multi-family residential development. This is not the case, as similar lighting levels are required for multi-family and commercial uses, with the exception that multi-family parking lot lights would be required to remain on throughout the night for safety.

Odor:

Popeye's will install a Captivaire Pollution Control Unit with Odor Removal module to reduce the odor emanating from the building. Details are attached and more information is available at <http://captiveaire.com/CatalogContent/PollutionControl/PCU/index.asp>.

As noted above, odor has not been an issue at other facilities in the area where residential properties are located much closer to the restaurant than is the case in this situation. The nearest property to the proposed Popeye's is approximately 220 feet away (restaurant to residential property line). The Pollution Control Unit will be attached to the exhaust system on the roof of the Popeye's building,

approximately 32 feet above the first floor grade of the nearby homes (15 foot grade change, plus 17 foot building height). The warm air and odors from the cooking process will have a tendency to rise and are not likely to filter down to the residents, 220 feet away and 32 feet below the restaurant.

Trash:

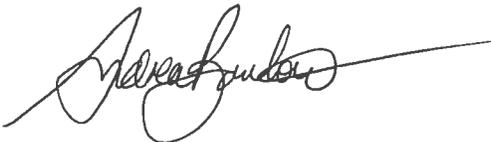
The location of the trash enclosure in the northwest corner of the site should limit trash escaping on to the vacant land to the south. In order to further reduce this prospect, the following additional measures are proposed:

1. An increase in the height of the trash enclosure to 8-feet.
2. There will be two to three trash collections a week, but additional collections will be arranged as necessary to avoid excessive trash accumulation in the containers.
3. Trash will be picked-up on and around the site every morning by Popeye's staff prior to opening.
4. The Owners of the vacant property to the south will monitor the site and will address any trash accumulation issues.

Three full-size copies and one 11 X 17 of the revised development plan, one full-size and one 11 X 17 of the concept plan, and one full-size and one 11 X 17 of the final plat are enclosed as requested. Please confirm that these applications will be placed on the October 16, 2014 City Planning Commission meeting agenda.

If you have any questions or would need to arrange a meeting to discuss this review letter, you may contact me at 884-1370.

Sincerely,



Andrea Barlow, AICP
Project Manager
N.E.S. Inc.

CITY PLANNING COMMISSION AGENDA

ITEMS: 5.A, 5.B

STAFF: MICHAEL SCHULTZ

FILE NOS:

CPC MP 89-71-A2MN14 – QUASI-JUDICIAL

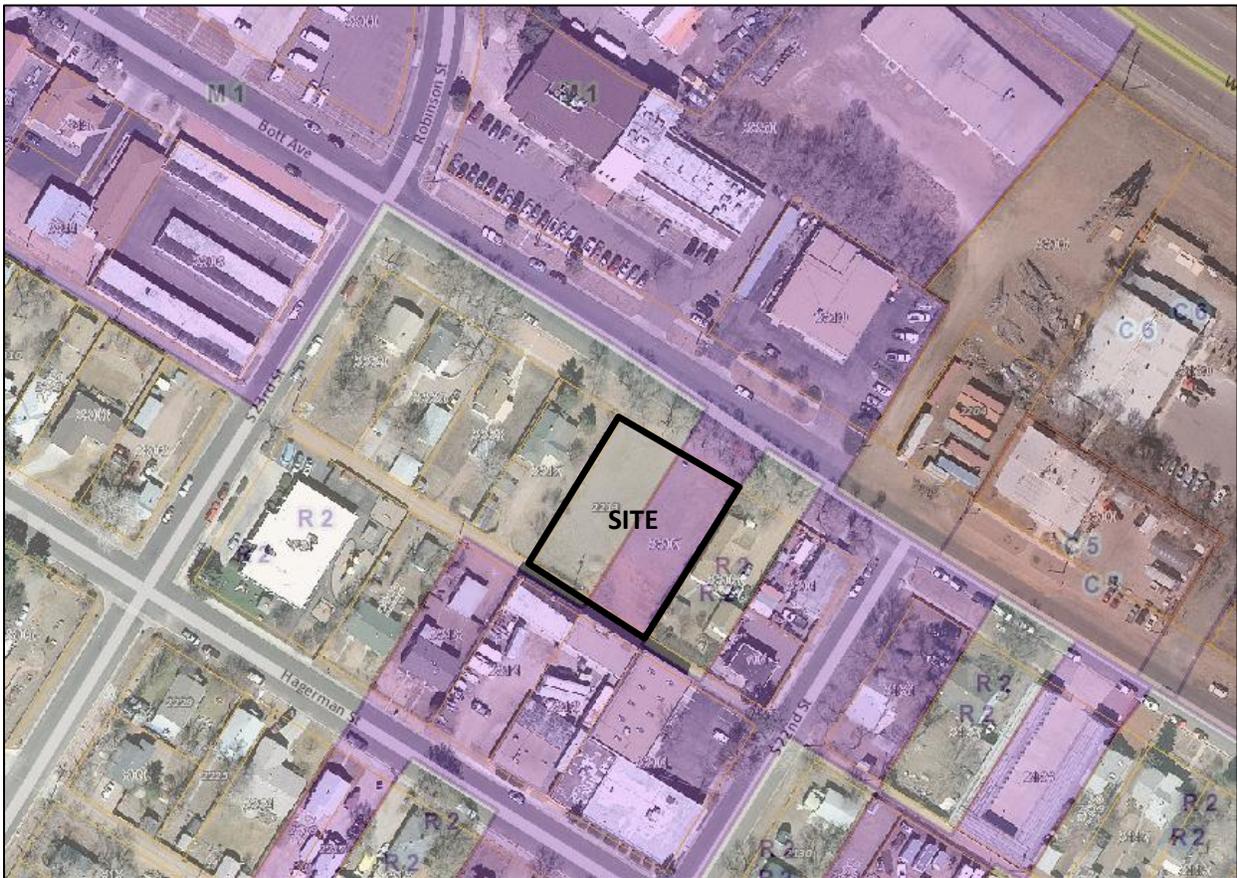
CPC ZC 14-00083 – QUASI-JUDICIAL

CPC CP 14-00085 – QUASI-JUDICIAL

PROJECT: PUB DOG RESTAURANT

APPLICANT: TARA AND SCOTT DOWNS

OWNER: ROBERT & JIM VIDMAR



PROJECT SUMMARY:

1. Project Description: This project includes concurrent applications for a minor amendment to the Midland Master Plan, zone change, and concept plan for a .41-acre parcel located along the south side of Bott Avenue and approximately mid-block between 22nd and 23rd Streets.

The minor master plan amendment proposes to change the land use from “low density residential” to “commercial-office”. The rezoning request is to change the existing zoning from R-2 (Two-family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record).

Because of the need to amend the Midland Master Plan and the existing mix of adjacent land uses, including residential, staff required that a concept plan accompany the zone change to demonstrate the intent of the property. The concept plan demonstrates a 2,340 square-foot restaurant with outdoor patio and off-street parking. A development plan will be required prior to issuance of a building permit, which will be reviewed administratively.

2. Applicant’s Project Statement: **(FIGURE 1)**.
3. Planning and Development Department’s Recommendation: Approve the minor amendment to the master plan **(FIGURE 2)**, change of zone along with the proposed conditions of record, and concept plan **(FIGURE 3)**.

BACKGROUND:

1. Site Address: 2207 and 2213 Bott Avenue
2. Existing Zoning/Land Use: R-2 and M-1 / Vacant (the home at 2313 Bott Ave was razed in 2005, and the home at 2207 was razed in 2010).
3. Surrounding Zoning/Land Use: **(FIGURE 4)**
North: M-1 (Light Industrial) / Light Industrial, Offices, Warehouse & Storage, Senior Services (Silver Key)
South: M-1 / Warehouse & Storage, Single-family, Large Day Care
East: Immediately Adjacent: R-2 (Two-family Residential) / Single-family Residential and
Next lot to the east: M-1 / Warehouse & Storage
West: R-2 / Single-family Residential (currently vacant)
4. Comprehensive Plan/Designated 2020 Land Use: General Residential (Neighborhood Commercial is an allowed use in that designation).
5. Annexation: Colorado City, 1917
6. Master Plan/Designated Master Plan Land Use: Midland Plan, 1986 / Low Density Residential
7. Subdivision: Anthony Botts Addition No. 2, 1887.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site is relatively flat with a slight raise in grade toward the alley to the south. Mature street trees exist along the front tree boulevard.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Notification postcards were mailed to 58 property owners located within 500 feet of the property; several residents voiced concerns of traffic, noise and light, but none were willing to provide

their concerns in writing. In lieu of holding a neighborhood meeting the applicants went door-to-door to discuss the proposed restaurant with surrounding property owners.

Staff had discussions with the Organization of Westside Neighbors (OWN) concerning the amendment to the Midland Plan which was originally adopted as an amendment to the Westside Plan; OWN generally supports the proposal (**FIGURE 5**). Staff did forward a notification to the Midland neighborhood representative, Marty Miller, but did not receive any communication with Mr. Miller (the Planning Department's HOA contact lists only addresses, with no e-mail address or phone number).

Public notification postcards were again mailed to the 58 property owners prior to the Planning Commission meeting.

All applicable agencies and departments were asked to review and comment on the change of zone. No significant concerns were identified.

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

1. Review Criteria/ Design and Development Issues:

Minor Amendment to Master Plan and Existing Land Uses:

The request is to amend the Midland Master Plan from "low density residential" to "commercial-office". The Midland Plan was adopted in 1989 as a sub-plan to the Westside Master Plan; the plan area is located south of Highway 24 from 8th Street to 31st Street and south to Lower Gold Camp Road.

Some of the objectives within the master plan include:

- Encourage rezoning of properties where there significant differences in use;
- Encourage new development and redevelopment which maintains or improves compatibility between neighboring land uses;
- Protect character, scale and integrity of the existing residential neighborhoods in the area;
- Increase compatibility between commercial and industrial uses and the existing residential neighborhoods.

The plan shows Bott Avenue and a portion of Robinson Street as becoming the transition zone between industrial, commercial and office uses (north of those streets to Highway 24) to what is identified as low density residential (See Map 6 of the Midland Master Plan: Recommended Land Use in Midland Master Plan preceded by master plan use descriptions on p. 21).

The existing land uses along Bott Avenue appear to have remained largely unchanged since the adoption of the master plan. Land uses that can be seen along both sides of Bott Avenue include mini-warehouse, warehouse, light industrial, day care, social service (Silver Key), retail/bakery (Wimberger's and Little London Cakes), as well as single-family residential.

This area of the Midland neighborhood likely will see continued redevelopment interest having already seen the redevelopment of the Roundhouse at Highway 24 and S. 21st Street, the refurbished restaurant for Garden of the Gods Gourmet (S. 26th Street), the

development of Rudy's Restaurant (S. 31st Street), and the continued build-out of the Gold Hill Mesa development.

Staff supports the minor amendment to the master plan to allow commercial use on the south side of Bott Avenue due to several factors:

- Commercial uses continue, and have even thrived, since the adoption of the master plan in 1989;
- The master plan takes a "Euclidian" approach to zoning and land uses, essentially separating land uses to designated areas based on the master plan. The neighborhood has an eclectic mix of land uses, which generally has been occurring in this neighborhood for several decades; support of the amendment would continue this "mixed use" approach.
- Implementation of the master plan on its own has been difficult during the 25 years of the plan without a proactive implementation strategy from either (or both) residents and the City. Staff encourages the neighborhood to re-evaluate the existing master plan to consider alternatives that would allow a "mixed use" approach, particularly along Bott Avenue.

Change of Zone:

The requested change of zone is from R-2 (Two-Family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record). The conditions attached to the zoning would assist in protecting surrounding residential neighbors from potential nuisances. Staff is suggesting the following conditions of record be placed on the property as part of the proposed change of zone:

Conditions of Record

Only the following land uses are permitted within this zone:

1. Restaurant;
 - a. Quick Serve;
 - b. Sit Down.
2. All Residential Land Use types as allowed under the C-5 zoning (e.g. detoxification center to remain as a conditional use);
3. All Office Land Use types;
4. Bed and Breakfast;
5. Food Sales;
6. Liquor Sales (off-site);
7. Mixed Commercial-Residential;
8. Mixed Office-Residential;
9. Personal Consumer Services;
10. Personal Improvement Services;
11. Retail, General;
12. Veterinary Service, small animal clinic;
13. Cultural Services;
14. Day Care Services;
15. Educational Institutions (all subcategories);
16. Religious Institution.

Staff considers the above uses as non-intrusive to the neighborhood either because the uses can be found currently within the Midland neighborhood or are uses considered as part of a "mixed use" neighborhood.

Staff is also suggesting the following conditions be applied:

1. Outdoor dining areas to be closed by 9 p.m. Sunday through Thursday and 10 p.m. on Friday and Saturday.
2. Closing hours for all other uses shall be no later than 10 p.m.
3. All ground mounted signs to be no than four feet in height.
4. No animal kenneling or animal day care to occur with use as a restaurant.

Staff supports the change of zone based on the fact that the request meets the three (3) review criteria when approving a change.

Zone Change Criteria

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

Concept Plan:

The concept plan shows intended purpose of the property as a sit-down restaurant; the plan includes the proposed 2,340 square-foot building footprint, off-street parking, and general site layout on the parcel. Access is planned off of Bott Avenue with no vehicular access to the existing alley to the south. A patio is planned on the back portion of the site intended for outdoor seating, shuffle board, and a play area for dogs.

Although the business models of proposed uses generally are not to be taken into account for zoning purposes, the intended business model for this restaurant should be briefly discussed. The owner has received a variance from the State Health Board (**FIGURE 6**) that allows animals (specifically dogs) within the restaurant space where current health code prohibits animals within restaurants, even on patio space. The restaurant space inside will be separated, one side allowing pets and another side prohibiting pets.

Staff has taken this business model into consideration and has added the above conditions limiting the outdoor patio hours and ensuring that other “accessory” uses do not become associated with the restaurant.

2. Conformance with the City Comprehensive Plan:

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 LU 4: Encourage Infill and Redevelopment

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

Objective N 1: Focus On Neighborhoods.

Objective N3: Vary Neighborhood Patterns.

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

Staff finds that the zone change and concept plan request substantially comply with the Objectives, Policies and Strategies outlined in the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

As indicated above, a minor amendment to the Midland Master Plan is necessary for the rezoning of the subject property. Acceptance of the minor amendment to "commercial-office" is necessary in order to support the requested change of zone to C-5/cr.

STAFF RECOMMENDATION:

Item: 5.A CPC MP 89-71-A2MN14 – Minor Amendment to Master Plan

Approve the minor amendment to the Midland Master Plan based upon the finding that the minor amendment complies with the review criteria in City Code Section 7.5.408.

Item.: 5.B CPC ZC 14-00083 – Zone Change

Approve the zone change for from R-2 (Two-family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record) consisting of .41 acres, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B, and is subject to the following conditions of record:

Conditions of Record

Only the following land uses are permitted within this zone:

1. Restaurant;
 - a. Quick Serve;
 - b. Sit Down.
2. All Residential Land Use types as allowed under the C-5 zoning (e.g. detoxification center to remain as a conditional use);
3. All Office Land Use types;
4. Bed and Breakfast;
5. Food Sales;
6. Liquor Sales (off-sale);
7. Mixed Commercial-Residential;
8. Mixed Office-Residential;
9. Personal Consumer Services;
10. Personal Improvement Services;
11. Retail, general;
12. Veterinary Service, small animal clinic;
13. Cultural Services;
14. Day Care Services;
15. Educational Institutions (all subcategories);
16. Religious Institution.

Staff is also suggesting the following conditions be applied:

1. Outdoor dining areas to be closed by 9 p.m. Sunday through Thursday and 10 p.m. on Friday and Saturday.
2. Closing hours for all other uses shall be no later than 10 p.m.
3. All ground mounted signs to be no than 4-feet in height.
4. No animal kenneling or animal day care to occur with use as a restaurant.

7-26-2014

1

Project Plan

Description – Pub Dog Colorado is the first and only restaurant approved through the health department to allow our patrons to dine indoors with their dog(s). We will be building new on four vacant lots at 2207 and 2213 Bott Avenue (lots 9,10,11, &12 BLK 252 Anthony Bott Add 2, Colorado City, Colorado Springs, Co. This area of Bott Avenue is 80% commercial uses. Pub Dog is a restaurant and craft brew house specializing in pizza, sandwiches, and salads. We will have craft beer on tap, wine, and a limited cocktail selection. Our hours of operation are 10:30 AM to 9PM Sunday through Thursday, and 10:30 AM to 10PM Friday and Saturday. We will have an over 800 SF patio, and an outdoor shuffle board court. Our projections show 150 people per day beginning in year 3. At 1.6 people per car trip, we expect 94 vehicle trips per day from our patrons, 16 vehicle trips from our staff, and 6 from delivery and vending. Daily total vehicle trips are 116. For the first time in State of Colorado’s history, dog lovers can enjoy an outdoor OR an indoor dining experience 12 months out of the year with their dog.

Justification – This neighborhood is 80% commercial and 20% residential with most of the residential needing some level of repair or removal. Our project and building design will be one of, if not the nicest in the area and should help to promote investment in other properties near this project. The classic “Barn” design matches two other barns on this same street. Bott Avenue is a 50ft wide street with parallel parking. The 25’ buffer between the street and the front edge of our property is filled with 75 year old trees that we **will not** be removing. These trees provide a beautiful 150’ x 30’ canopy over the city R.O.W. and the north portion of our lot. Our entry placement allows you to drive under this canopy to access our parking and is an important natural feature to our streetscape. We intend to receive permission from the city to allow us to care for this buffer as part of our landscaping. This buffer transition allows controlled safe access into or out of our parking lot from Bott Ave. We are able to provide all required parking internally while including (2) handicap sites. Handicap sites are located close to the front entry of the restaurant. Our building plan and siting, privacy fencing, and heavy use of landscaping to soften and blend our internal zones will be an asset to both adjacent neighbors as well as the neighborhood as a whole. Our exterior lighting will be of a “dark sky” design and direct away from neighbors toward the interior of our project. Currently there is no sidewalk in front of these addresses. We intend to build the sidewalk, plant and irrigate the R.O.W. with grass, and maintain the grass and existing trees. The structure and lighting will utilize the latest technologies to maximize efficiencies while minimizing impact on neighbors. We will incorporate extreme energy efficiencies with special care given to minimizing sound transmission. Active and passive solar applications will work well based on the sit orientation of the building. In Summary, we believe that we will be a welcome addition to the neighborhood setting the new standard for future development and remodel activity.

7-26-2014

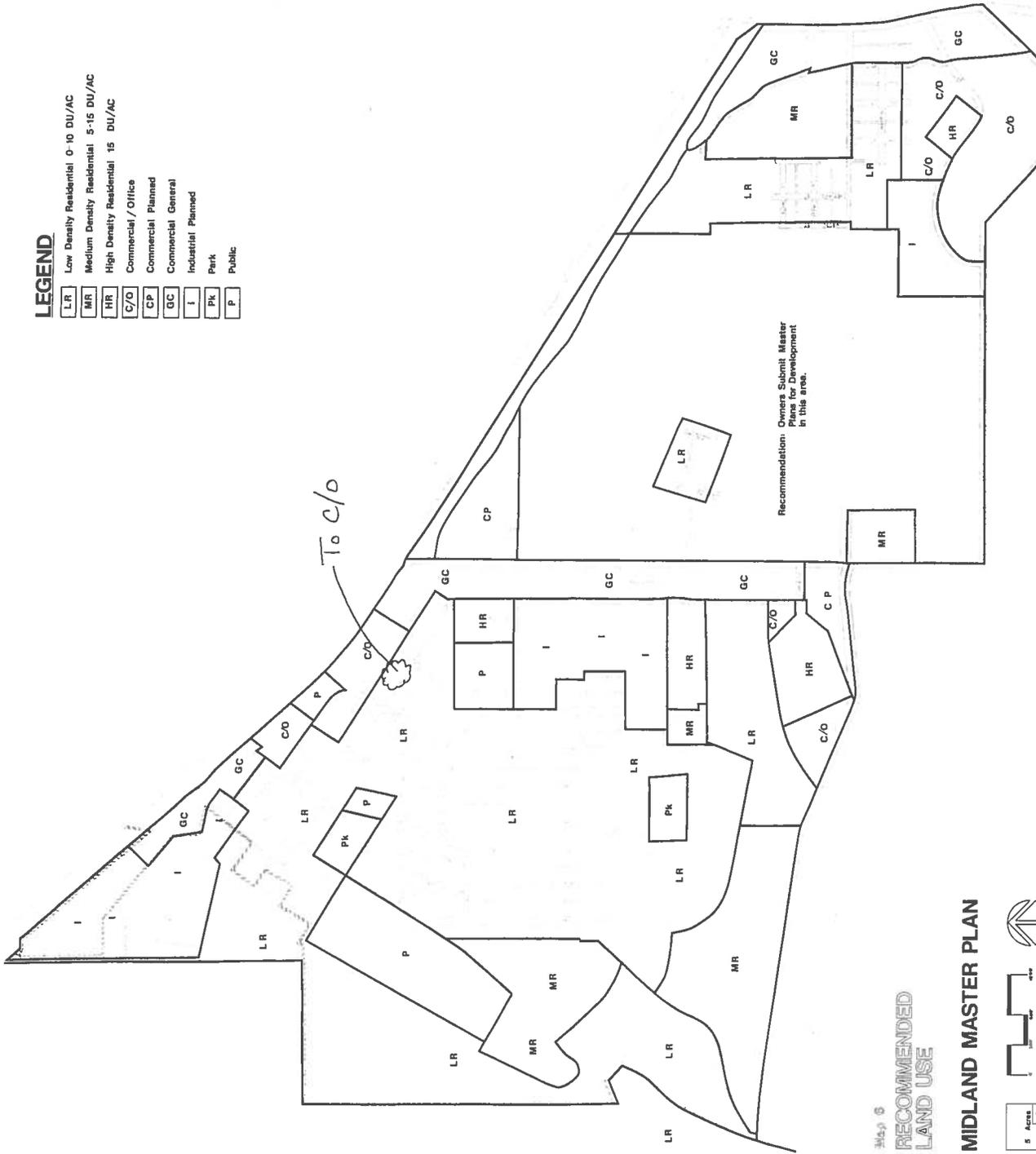
2

Project Plan continued...

Pre-application process – The pre-application process was extremely helpful to us. Planning staff coached us to canvas the neighborhood for support or possible negative sentiment. Over the course of a week, we met with every business and property owner but one on the block and were overwhelmed by the support and education about our new neighborhood. Staff also recommended we speak to the “Organization of West Side Neighbors”. This led us to the most education 1.5 hrs. we have had and not only support for the project but strong coaching from the president of “OWN” Welling Clark and Ms. Sallie Clark, our county commissioner from this district. With suggestions from staff we moved the building for a better site orientation and a better parking lot. Numerous minor changes like adding more privacy fencing, landscape ideas, and site planning came from these meetings, and our project is better for it. This process allowed for a functioning team to emerge from the process and full staff support.

LEGEND

LR	Low Density Residential	0-10 DU/AC
MR	Medium Density Residential	5-15 DU/AC
HR	High Density Residential	15 DU/AC
C/O	Commercial/Office	
CP	Commercial Planned	
GC	Commercial General	
I	Industrial Planned	
PK	Park	
P	Public	







RECOMMENDED LAND USE

MIDLAND MASTER PLAN

FIGURE 2

PUB DOG RESTAURANT

PROJECT INFORMATION:

APPLICANT(S):
 SCOTT DOWNS
 TARA DOWNS

LEGAL DESCRIPTION:

LOTS 9, 10, 11, 12 BLK 252
 ANTHONY BOTT ADD 2,
 COLORADO CITY,
 COLORADO SPRINGS, CO

SITE ADDRESS:

2207 BOTT AVE
 COLORADO SPRINGS, CO 80904

PROJECT TEAM

CONTRACTOR:
 PUB DOG RESTAURANT CONSTRUCTION CO
 1000 WOODLAND PARK, CO 80904
 P O BOX 9046
 WOODLAND PARK, CO 80904
 O 719.539.5101
 F 719.539.8703
 INFO@PUBDOGRESTAURANTCONSTRUCTION.COM

DESIGN ARCHITECT/INTERIORS:
 OPEN RANGE CONSTRUCTION CO
 1000 WOODLAND PARK, CO 80904
 P O BOX 9046
 WOODLAND PARK, CO 80904
 O 719.539.5101
 F 719.539.8703

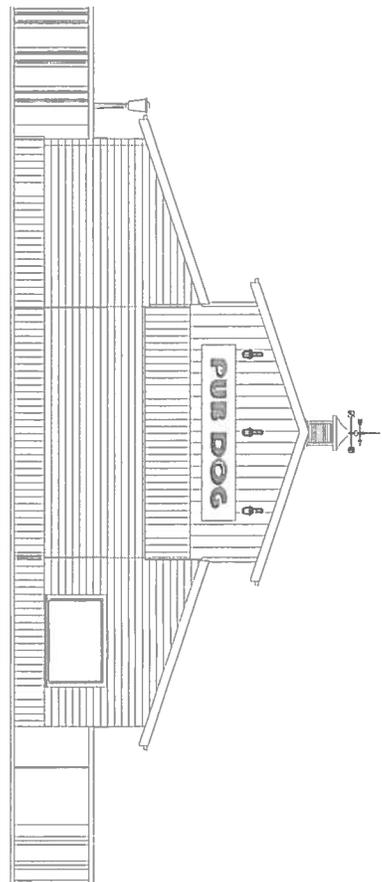
DHS BUILDING COMPONENTS INC
 3529 N. EL PASO
 COLORADO SPRINGS, CO 80907
 O 719.483.3171

REINFORCING:
 SCHEPPEL SUPPLIES, INC.
 P O BOX 3101
 COLORADO SPRINGS, CO 80904
 O 719.481.9200

LANDSCAPE ARCHITECT:
 INNOVATIVE SCAPESOLUTIONS, LLC
 P O BOX 196
 COLORADO SPRINGS, CO 80901
 O 719.574.4200

GOVERNING AGENCIES:
 PUEBLO PEAK REGIONAL BUILDING
 DEPARTMENT

IF ADDITIONAL GOVERNING AGENCIES ARE
 REQUIRED TO BE INVOLVED, IT IS THE
 RESPONSIBILITY OF THE OWNER
 TO OBTAIN THE NECESSARY
 APPROVALS TO COMPLETE THE PROJECT
 AUTHORITIES



BUILDING SF	2,340
PATIO SF	669
BUILDING PARKING REG.	1 X 100 SF = 24
PATIO PARKING REG.	1 X 200 SF = 5
TOTAL REQUIRED	29
TOTAL PROVIDED	30
LANDSCAPE REG.	10,000 X 5% = 500 SF
LANDSCAPE PROVIDED	10,240 SF

FEMA FLOOD PLAN STATEMENT

THE FLOOD MAP FOR THE SELECTED AREAS NUMBER 08041(C)1205, EFFECTIVE ON 09/17/1997
 PROPERTY IS DETERMINED
 TO BE OUTSIDE THE 500
 YEAR FLOOD PLAN



PUB DOG

PUB DOG IS THE FIRST AND ONLY RESTAURANT IN THE STATE OF COLORADO APPROVED
 THROUGH THE STATE OF COLORADO HEALTH DEPARTMENT TO ALLOW PATRONS TO DINE
 INDOORS WITH THEIR DOG(S).

PUB DOG RECEIVED APPROVAL MAY 4, 2014 WITH A VARIANCE TO CODE 8-106(A) OF THE
 COLORADO RETAIL FOOD ESTABLISHMENT RULES AND REGULATIONS

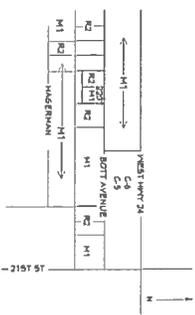
APPROVAL SUBMITTED WITH THE PROJECT STATEMENT

2207 BOTT AVE.	PUB DOG
COLORADO SPRINGS, CO 80904	
APPLICANT:	SCOTT DOWNS TARA DOWNS
LOT OWNER:	ROBERT VIDMAR JAMES VIDMAR
LEGAL:	LOTS 9, 10, 11, 12 BLK 252 ANTHONY BOTT ADD 2, COLORADO CITY, COLORADO SPRINGS, CO
W/M/F/R	<20,000 GPD
SCHEDULE #5	7411316004 - 741131 - 6003
ZONE, CURRENT:	L9+10 - M1 L11+12 - R-2
ZONE, PROPOSED:	C5
LOT SIZE:	10,000 SF - 413 ACRE 120' WIDE 150' DEEP

CONCEPT PLAN ONLY - PRELIMINARY
 PLATTING SUBMITTAL BY RAMPART
 SURVEYS, INC.

CONCEPT PLAN NAME: PUB DOG

**MIDLAND MASTER PLAN
 VICINITY MAP**



INDEX MAP

ARCHITECTURAL	COVER SHEETNOTES
A1	FLOOR PLAN
A2	SECTION ELEVATIONS
A3	FOUNDATION ELEVATIONS
A4	NORTHSOUTH ELEVATIONS
A5	SITE PLAN

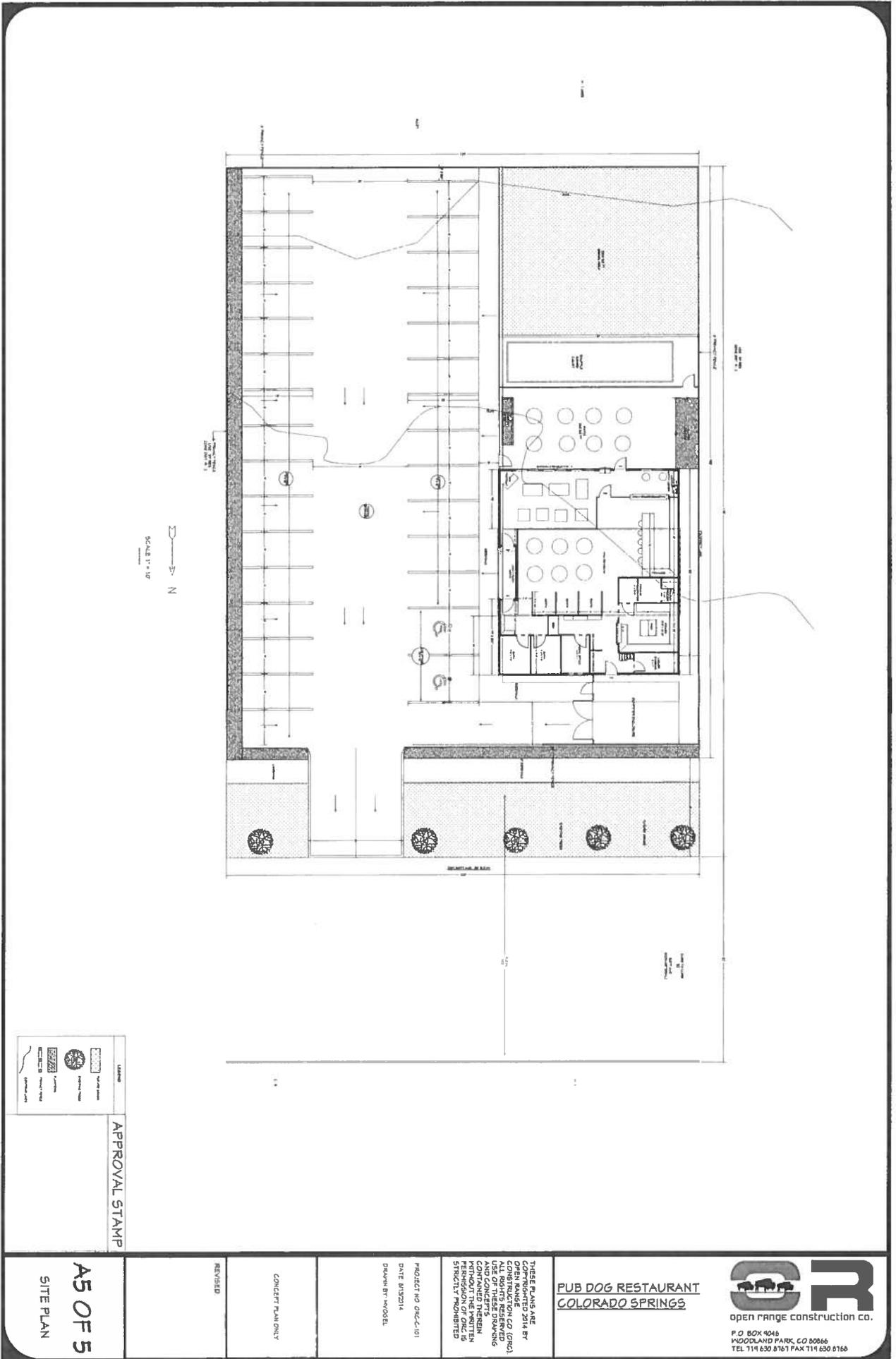
APPROVAL STAMP

A1 OF 5
 COVER SHEET/
 NOTES

**PUB DOG RESTAURANT
 COLORADO SPRINGS**

open range construction co.
 P.O. BOX 9046
 WOODLAND PARK, CO 80906
 TEL 719 530 8767 FAX 719 530 8766

FIGURE 3



	Concrete
	Asphalt
	Gravel
	Landscaping
	Site Boundary

APPROVAL STAMP

A5 OF 5
 SITE PLAN

REVISION

CONCEPT PLAN ONLY

PROJECT NO. OHC-C-101
 DATE: 8/15/2014
 DRAWN BY: WJDEB

THESE PLANS ARE
 OPEN RANGE 2014 BY
 CONSTRUCTION CO (ORC)
 ALL RIGHTS RESERVED
 USE OF THESE PLANS FOR
 ANY OTHER PROJECTS
 AND CONCEPTS
 WITHOUT THE WRITTEN
 PERMISSION OF ORC IS
 STRICTLY PROHIBITED

PUB DOG RESTAURANT
COLORADO SPRINGS

open range construction co.
 P.O. BOX 4045
 WOODLAND PARK, CO 80066
 TEL 719 630 8761 FAX 719 630 8766

FIGURE 3

1- Residential 2- Commercial/Industrial

Surrounding Zoning and Land Uses



Legend

Parcels

Base Zone - Fill

- A
- R
- R1-6
- R1-4
- R2
- RM
- RS
- TND
- OR
- OC
- PRC
- CS
- CS
- PP1
- PP2
- M1
- M2
- PF
- PK
- APD
- PCR
- PUD
- SU
- UND

Base Zone - Outline

- National Forest
- Parks
- Military
- Towns
- Bus Stops
- Schools
- Park Trails
- Urban Paved
- Urban Gravel
- Urban Natural
- Golf Fairways
- Parcels

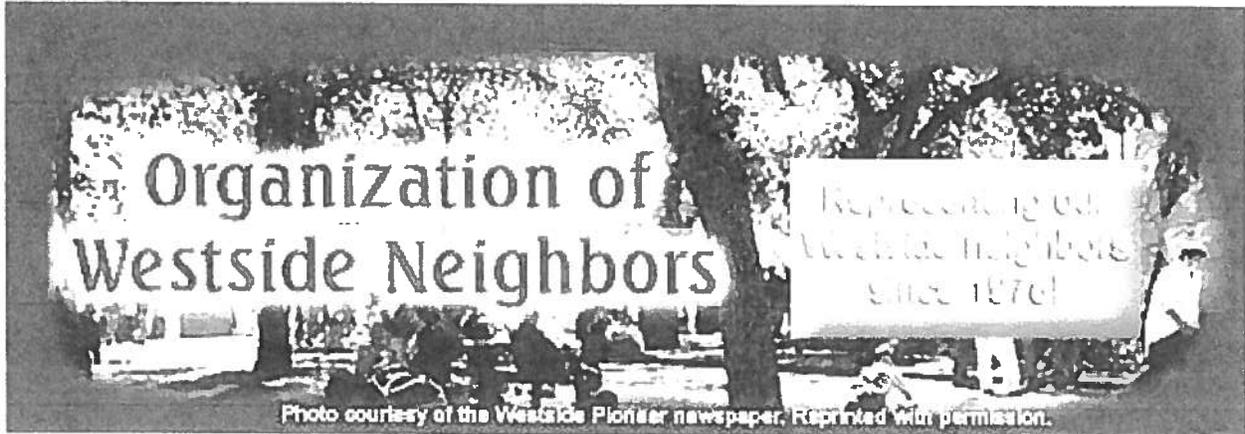
1:1,545

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

0.0 0.02 0.0 Miles

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
 © Latitude Geographical Group Ltd

FIGURE 4



30 June 2014

On Saturday 29 June 2014, I met with Mr. Scott Downs and Ms. Tara Downs to discuss the “Pub Dog” development (a small pub type operation where people and their dogs can partake in a food service establishment). Mr. Downs requested an opinion letter from me as soon as possible. I am responding as President, Organization of Westside Neighbors (O.W.N.); not the full board nor the surrounding residents. The statements below are exclusively my own observations, insights, and recommendations; not vetted through anyone. If desired I can engage the OWN board and residents for a formal determination.



I am certain that the neighborhood would not support spot-zoning an R-2 lot into an M-1 lot. I would recommend a variance be attached to the R-2 zoned property to allow for a Pub Dog/Pub type operation (similar to other Westside business operations that are located on R-zoned properties). This would protect the neighborhood residential properties from industrial business encroachment and allow a business to upgrade a currently vacant lot. The layout and proposed planned design appears to take into account buffers/screening for the purposes of privacy to the surrounding properties. It has adequate off-street parking. A few blocks to the west on Bott is a structure similar in size and architecture to the proposed Pub Dog business. I view this as a “mom & pop” type business; such of which are found throughout the Westside. I believe it would make a good transition from the light industrial to the residential zoned properties.

Sincerely,

Welling

Welling Clark, President
Organization of Westside Neighbors

Cc: OWN Board

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

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

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

May 9, 2014

Pub Dog Colorado
Mr. Scott Downs & Mrs. Tara Downs
710 Sunrise Cr.
Woodland Park, CO 80863

SUBJECT: Variance Request #14-100 - Pub Dog Colorado – Colorado Springs, CO – El Paso County

Dear Mr. Scott Downs & Mrs. Tara Downs:

The request for variance from *8-106 (A) of the *Colorado Retail Food Establishment Rules and Regulations* was received and reviewed by this department. The request is to allow dogs on the premises of a retail food establishment, specifically in covered and open patio areas and in a designated fenced area.

Section *8-106 (A) states:

Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment.

Facts learned from the appeal letter were as follows:

- The proposed retail food establishment is a restaurant brew-pub offering pizza, sandwiches, salads, and beverages.
- It is designed to accommodate dogs and their owners, providing a safe and clean environment for them to eat, drink, and have fun.
- Without the approval of the variance this restaurant will not exist.
- Signage will be posted at the entrance, directing customers to the areas where dogs are allowed and to the areas where dogs are not allowed at their preference. Patrons directed to the “No Dogs Allowed” area will have access to restrooms, a dining room, the kitchen,

and a bar. Patrons directed to the “Canine Club Member” area will have access to a covered patio, an open patio, and a fenced “Off Leash” area.

- A large detailed sign notifying the responsibilities of the dog owner while on premise will be mounted at the point of entry.
- The retail food establishment is designed to limit the accessibility for dogs to enter the “No Dogs Allowed” area(s).
- The covered patio will be used year round and is connected to an open patio ringed with 12 feet of artificial grass. Both of these areas will require dogs to be on a leash.
- The covered patio will be heated and contain three 12-foot roll up glass garage doors. The door will be rolled up when weather permits and rolled down during inclement weather.
- Food service will be available for patrons utilizing the “Canine Club Member” area by ordering food from the bartender through a service window that is 4 feet high and 12 feet wide.
- Food will be made in the kitchen, delivered by wait staff to the bartender/service window, and picked up by patrons.
- The food service to this area will include pizza, sandwiches, salads, and beverages served on multi-use tableware.
- Patrons are to return their tableware after use to a designated area near the service window.
- There will be no table service provided in the “Canine Club Member” area.
- Designated employees will have access to both the “No Dogs Allowed” area and the “Canine Club Member” area.
- Designated employees will perform specific tasks including transferring dirty tableware from the “Canine Club Member” area to the dishware washing area in the kitchen, cleaning outdoor furniture and dog feces that are not cleaned up by the dog owner.
- An easily accessible handsink will be installed in the “Canine Club Member” area and be utilized by both patrons and the designated employees.
- A self-closing door will be located in between the “No Dogs Allowed” area and the “Canine Club Member” area. This door will be utilized by employees for emergencies only, such as a dog fight or a dog bite. Panic hardware, also known as emergency exit door hardware, will be installed to prevent patrons from utilizing it.
- A third area for dogs will be available south of the open patio and will be fenced. This area will be designated as an “Off leash” area.
- All furniture on the covered patio and the outdoor patio will be durable and easily cleanable.
- Dogs will not be allowed on furniture, seats, or tables in the “Canine Club Member” area.
- Lockers will be provided and stocked with clean rags, cleaning solutions, and single use bags to pick up and dispose of dog feces.
- Multiple waste disposal containers will be located throughout the “Canine Club Member” area.

Facts learned from Tom Gonzales, El Paso County Public Health are as follows:

- The proposed floor plan and operational procedures are consistent with the protection of Public Health.
- El Paso County Public Health supports the approval of the variance request.

The variance request was heard by a panel of Colorado Department of Public Health and Environment, Division of Environmental Health & Sustainability retail food inspection staff. It was the opinion of the panel that the variance be approved.

Please be advised that Section 11-601(E) of the rules and regulations states:

“A variance shall expire upon a change of circumstances from those supporting the variance or upon change of ownership of the retail food establishment.”

Should you have any questions concerning this matter, feel free to contact Therese Pilonetti, Delegated Programs Unit Manager, Division of Environmental Health & Sustainability at 303-692-3642 at your convenience.

Sincerely,



Sean Scott
Deputy Division Director
Division of Environmental Health & Sustainability

cc Tom Gonzales, El Paso County Public Health
Variance Coordinator, DEHS
Local Assistance Program Personnel, DEHS

CITY PLANNING COMMISSION AGENDA

ITEM NO: 6

STAFF: RICK O'CONNOR

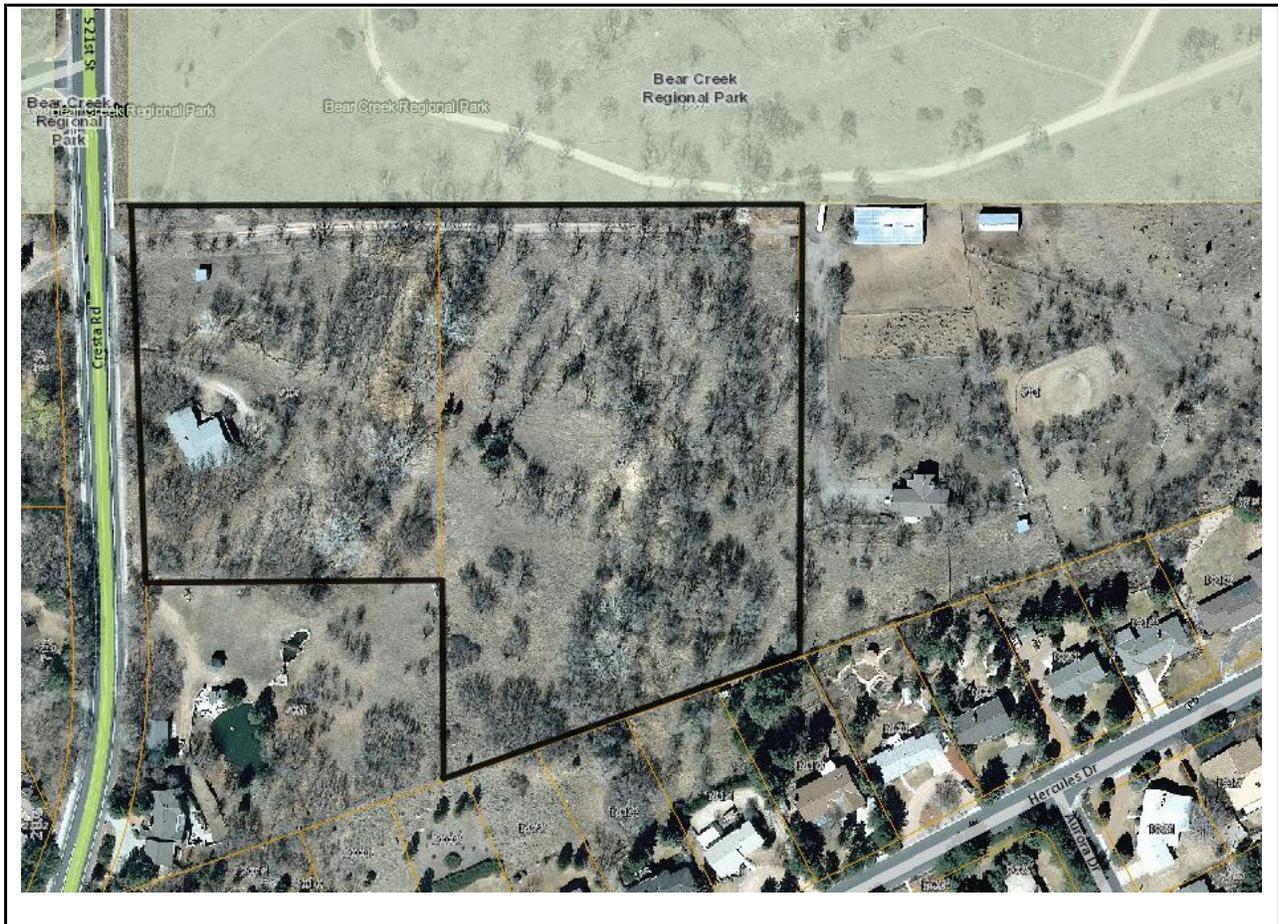
FILE NO:
AR PFP 13-00486 – QUASI-JUDICIAL

PROJECT: THE SANCTUARY AT BEAR CREEK

APPLICANT: N.E.S. INC

OWNER: MARVIN KORF

APPELLANT: JEANNE MATTHEWS



This request represents an appeal by Jeanne Matthews of an administrative approval of the preliminary and final plats for The Sanctuary at Bear Creek. The plats were approved on September 12, 2014, and the appeal was filed within the requisite ten days. The appeal is based on several issues (FIGURE 7) raised by the appellant.

PROJECT SUMMARY:

1. Project Description: This request represents a preliminary plat and a final plat (**FIGURE 1**). The subdivision consists of 17 lots, three tracts and a public street on 8.59 acres. The property is zoned R1-9000 which requires minimum 9,000 square foot lots. Lot sizes range from 12,389 square feet to 38,839 square feet. The average lot size is 15,976 square feet.
2. Applicant's Project Statement: (**FIGURE 2**)
3. Planning and Development Department's Recommendation: Reaffirm the administrative approval of the preliminary and final plats.

BACKGROUND:

1. Site Address: 707 Cresta Road
2. Existing Zoning/Land Use: R1-9000 (single family)/one single family dwelling
3. Surrounding Zoning/Land Use:
North: PK/Bear Creek Park
South: R1-9000 (single family)/single family
East: R (Estate)/large lot single family (with horse barn)
West: R1-9000 HS (single family with hillside overlay)/single family
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: The property was annexed as part of the Southwest Annexation in 1980.
6. Master Plan/Designated Master Plan Land Use: Not Applicable
7. Subdivision: Not previously platted.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property is characterized with considerable tree growth (primarily Elms) and grasses. The property has areas with running water (from offsite springs) that traverse through the property. There are also two small ponds on the property located within the northwest and south/south central portions of the site. A house is located on the westerly portion of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT: An initial notification was provided to 46 property owners within 500 feet of the request during the internal review. The property was also posted for the internal review. Subsequently a second notification was sent for a neighborhood meeting which was held in December, with approximately 13 individuals in attendance. An additional postcard notification and posting will occur prior to the Planning Commission meeting.

Staff has received eight comments from neighbors with concerns/issues or opposition to the request. (**FIGURE 3**).

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES:

The request is to subdivide an 8.59-acre property into 17 lots. The property is zoned R-1 9000, which is a single family zone district requiring a minimum lot size of 9,000 feet. The property is not within the hillside or streamside overlays. Therefore, a development plan is not required and only a preliminary plat is necessary to plat the property. Since there is no development plan, the development plan review criteria do not apply. The only criteria applicable to this request are the subdivision criteria found within Chapter 7, Article 7.

The particulars of the development include the following:

- Seventeen lots with lot sizes ranging from 12,389 square feet to 38,839 square feet;
- The average lot size is 15,976 square feet;
- A public street which ends in a cul-de-sac serves this development and connects with Cresta Drive on the west;
- An 18,568 square-foot detention and water quality pond is located on the site, to be owned by a home owners association. This pond regulates the release of water to the north;
- A track located within the most northerly 60 feet of the property, which is owned by this property owner yet provides access to the Matthews property (by a recorded right-of-way) to the east.

This property does have high ground water and active flowing water within three drainage ways through the property (observed during a site visit). Staff has been informed that the source of water is from upstream springs (from the south and one from the west) The geotechnical report indicates that of the seven test borings, five had water at less than ten feet (four, six, seven and one half and eight feet respectively). The geotechnical report discusses this constraint and the report indicates engineering methods to address the high ground water. These consist of capillary under slab drains, interceptor/excavation drains and no basements on some of the lots. While high ground water poses a constraint, it can be mitigated with accepted engineering methods. One of the drainage ways is being intercepted with a storm sewer that is diverting the water to the water quality pond at the base of the road where a retaining wall will be installed.

Steep areas exist along the most southerly portion of the property. This area has been identified as an area to avoid as building pads and is identified on the plat as a preservation area.

City Engineering has found the study acceptable and the geologic information was sent to the Colorado Geological Survey (CGS) for evaluation. CGS, while noting concerns (**FIGURE 4**), did not raise issues that cannot be addressed or otherwise mitigated.

The adjoining property owner to the east (Matthews property), has raised several concerns, one of which concerns impacts to their shallow well. This is typically not an issue with city properties as municipal water and wastewater is provided. However, the Matthews have utilized this well and continue to do so for both domestic water and the watering of horses located on the property. Information concerning this development and any potential impact to the Matthews' well was forwarded to the Division of Water Resources. They indicated that they "do not see compelling evidence that would suggest this will cause a direct impact to Ms. Matthews' well; in fact, as stated in the June 4, 2014 correspondence from Entech Engineering, Inc., "The groundwater gradient on the site is expected to flow south to north. The drains installed for the

springs are not expected to affect the Matthews' well as they are at similar elevations." (**FIGURE 5**)

Other comments received from neighbor's state that these lots are not compatible as they are smaller than the immediately surrounding lots. While those adjoining lots are larger, generally in the range of 25,000 to 28,000 square feet, the lots further east along Hercules and those within the following row to the south are considerably smaller (12,000-14,000 sq.ft.), though zoned R1-9000 also. The minimum lot size contained within the R1-9000 zoning on this property is 9,000 square feet. The smallest lot within this development is 12,389 square feet.

This submittal underwent extensive review by several agencies. In addition to those noted and the typical City departments, the Army Corp of Engineers indicated this site is not subject to a 404 permit (**FIGURE 6**); City Traffic Engineering has no traffic concerns (their only comment was that construction documents will need to be provided to Traffic Engineering and Engineering for review); El Paso County Parks has indicated they have no further comment on the project (based on the revisions submitted to them in March).

As noted, a development plan is not required to plat the property, only a preliminary plat. What was submitted as a preliminary plat includes the level of information that is generally consistent with that of a development plan.

Appeal Provisions

Section 7.5.906 A.4 of the Code indicates:

Criteria for Review of an Appeal of an Administrative Decision: In the written notice, **the appellant must substantiate the following:**

- a. Identify the explicit ordinance provisions which are in dispute.
- b. Show that the administrative decision is incorrect because of one or more of the following:
 - (1) It was against the express language of this zoning ordinance, or
 - (2) It was against the express intent of this zoning ordinance, or
 - (3) It is unreasonable, or
 - (4) It is erroneous, or
 - (5) It is clearly contrary to law.
- c. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

The appellant's justification for the appeal are found within **FIGURE 7**.

STAFF RECOMMENDATION:

Item No: 6 AR PFP 13-00486 – APPEAL OF ADMINISTRATIVE DECISION

Reaffirm the approval of the Sanctuary at Bear Creek Preliminary and Final plats, based upon the finding that the items comply with the subdivision criteria in City Code Chapter 7, Article 7, Subdivision Regulations.

\\C:\P\2014\13\AR\13-00486\FIG 1 PRELIMINARY PLAN.dwg, 4/11/2014 10:21:25 AM, 1:1

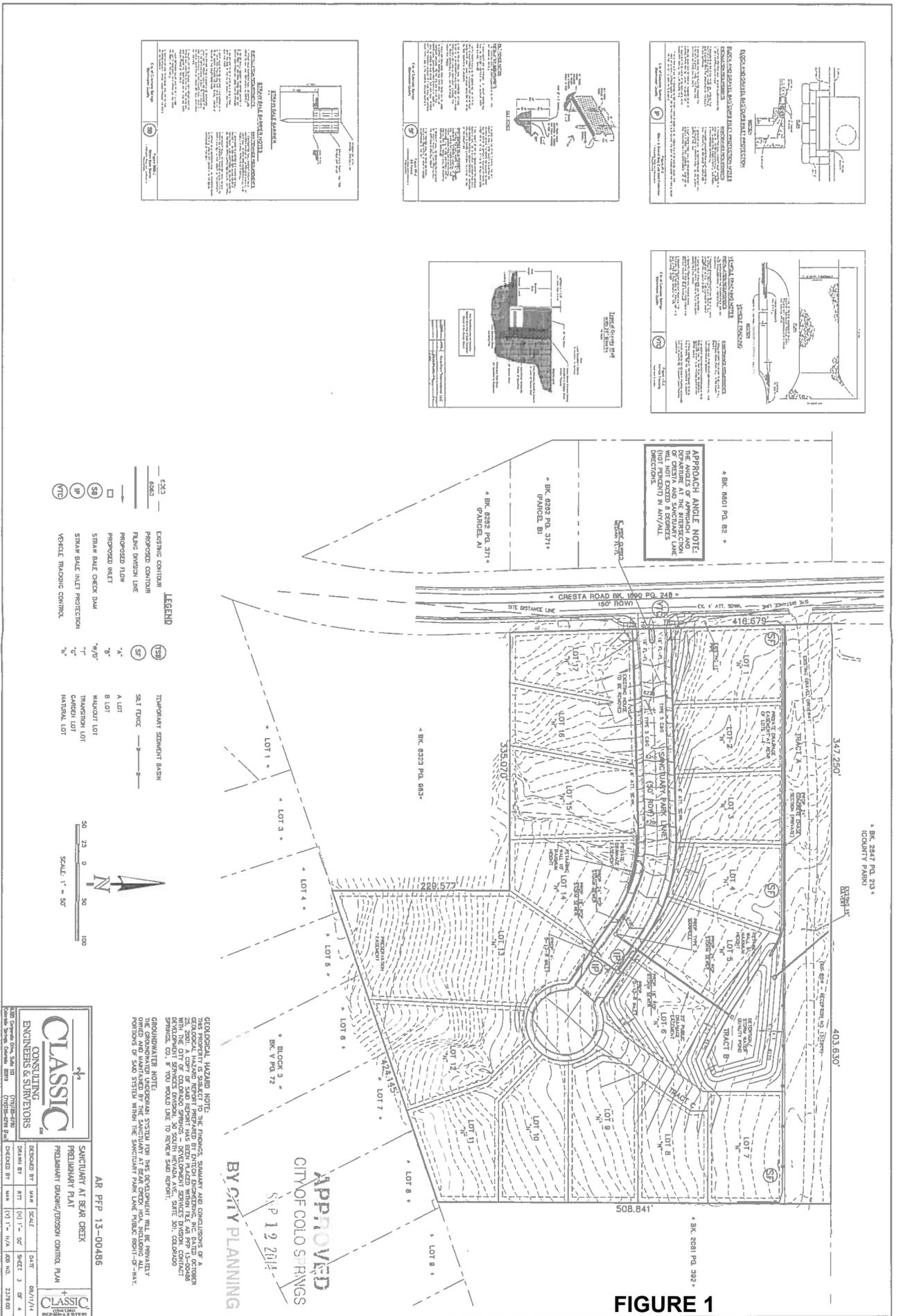


FIGURE 1

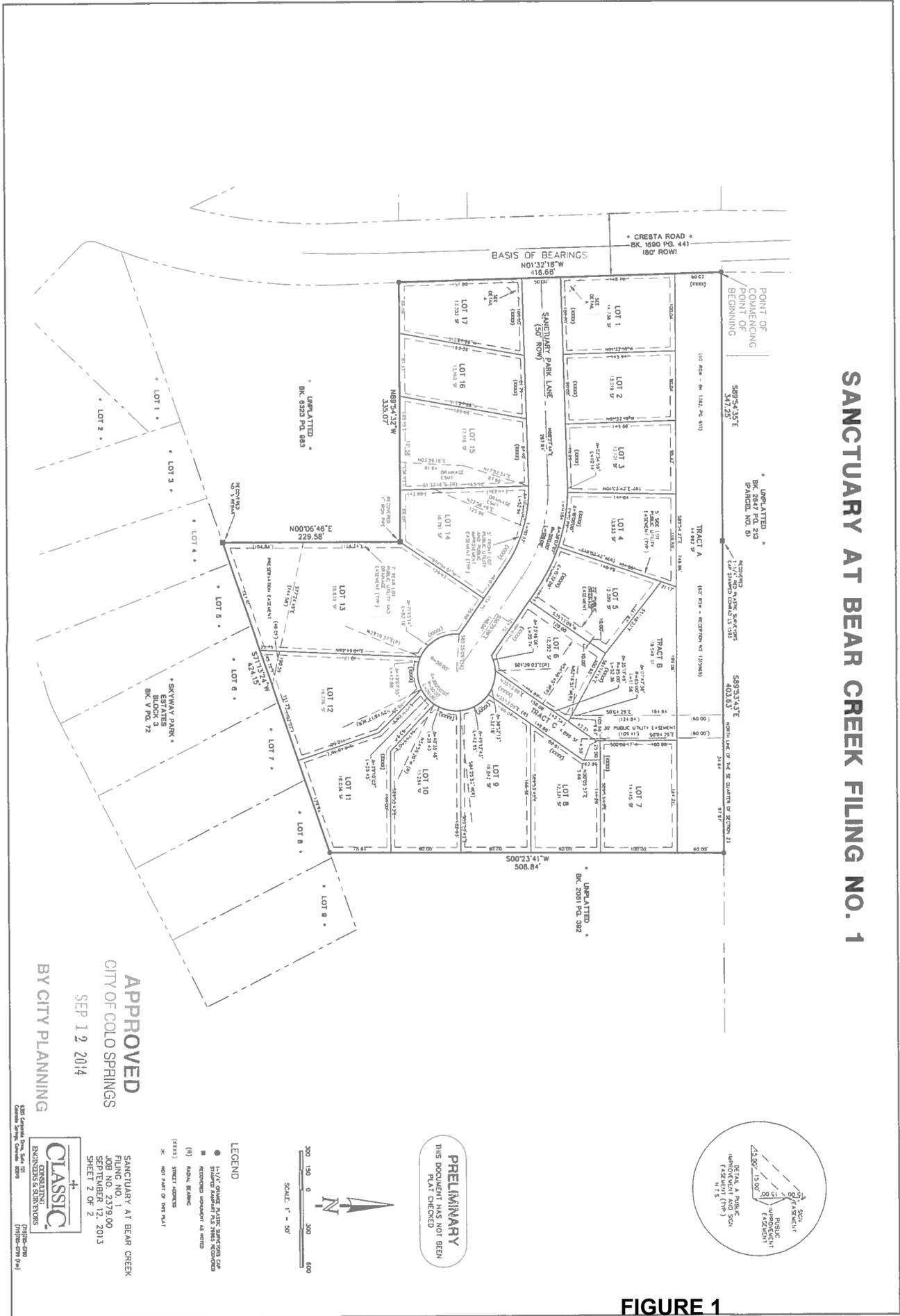


FIGURE 1

Project Statement
Sanctuary at Bear Creek
Preliminary/Final Plat
September 2013

The Sanctuary at Bear Creek is located on the east side of Cresta Road, north of the southern boundary of Bear Creek Park, an El Paso County Regional Park. The parcels to be subdivided are 8.59 acres in size. The site is zoned R 1-9000; no change in zone is proposed. Site improvements include a vacant and boarded home with a driveway access to Cresta Road. An additional driveway is located within a 60 foot wide easement and is located along the southern boundary of the property. This driveway and easement give access to a property to the east.

The proposed subdivision will create 17 single family lots ranging in size from more than 12,000 square feet to over 38,000 square feet. The minimum lot size in the existing R 1-9000 Zone is 9,000 square feet.

Access to the subdivision will be via a new public street cul-de-sac off of Cresta Road. This cul-de-sac is approximately 600 feet in length. It is to be located slightly south of the existing drive to the existing, vacant home. In addition to the tract to be created for the 60 foot wide access easement described above, an additional tract will be provided for water quality and detention. A third tract that will convey water to this pond will also serve as a common access to lots 7 & 8.

Site features include a drainage way that parallels the southwestern boundary of the site, then turns north through the site and exits onto Bear Creek Park. South of the new road accessing the proposed lots, this drainage will be carried within easements on lots 14 & 15. At the proposed new road, the drainage will be conveyed in the street to the east, and piped to the detention/water quality pond.

Along the western edge of the property exists a pipe under Cresta Road that allows a natural spring, west of Cresta to enter the site. The current owner of this project also owns the rights to the spring and will continue to allow these natural flows to enter the site. A combination of storm pipe and drainage swale will be required on lot 12 to help divert these flows around the house planned for this lot. These flows will then continue to sheet flow in a northeasterly direction directly onto the County Parks property as currently taking place today.

There are two applications associated with this request: a Preliminary Plan and a Final Plat, all for the entire property of the owner.

The proposed subdivision is consistent with the current zone of R 1-9000. Setbacks as required by the zone are shown on the Preliminary Plan. The land use proposed for this parcel is consistent with both the current zone and with the City Comprehensive Plan, which shows this property as General Residential land use. No access is proposed to the adjacent Bear Creek Park, in part because there is an existing Park pedestrian access located adjacent to the northeast corner of the property. This access links Cresta Road with the Park trail system. Sidewalks provided by this subdivision will link to this access.

There is a steep sloped area along the southern boundary of the site. The area constrained by down slope creep (see geotechnical report) has been placed in a No Build area. The drainage area within the site, where well defined, has been placed in an easement that will preserve the natural character of the watercourse. Rerouting and detention will insure that drainage from this site will not impact the downstream property, Bear Creek Park. The subdivision design arranges larger lots on areas of the site where design flexibility in terms of home location will allow the most trees to be retained.

It should be noted that this property is overgrown with potentially dangerous undergrowth. Development will cause a significant amount of "fuel" to be removed thereby mitigating for wildfire danger.

City utilities exist in the general vicinity of this site. There is existing capacity to serve the proposed 17 lots. Storm drainage is addressed by on site detention and water quality.

The land use proposed by this subdivision is consistent with surrounding land use, which is:

- South – Bear Creek Park/Open Space
- East – Single Family residence, Zoned R
- South – Single Family Residential, Zoned R 1 – 9000
- West – Cresta Road, Single Family Residential, Zoned R 1 - 9000

October 21, 2013

Erin McCauley
Colorado Springs Planning Department
30 S. Nevada Ave.
Suite 105
Colorado Springs, CO 80901

Ms. McCauley:

This is in response to AR PFP 13-00486, a preliminary and final plat for the Sanctuary at Bear Creek. My mother and I are the owners of the 5.25 acres adjacent on the east of the proposed subdivision.

1. Tract A is a 60' right of way, as described in our deed, which gives us access to our property. We have built and solely maintained this road since we purchased the property in 1965. We have also been the sole user of this road since 1983. We will not allow, approve or agree to any change to the grade or surfacing of this road.
2. According to the proposed plan, lots 1, 2, 3, 4 and 7 would have secondary access via Tract A. There is the possibility this could impede our access to our property. Also, where lots 1-4 are located the grade of the road will make it very difficult and possibly dangerous for exit from those lots onto Cresta Road.
3. Tract B, a detention pond, encroaches onto our 60' right of way as does a proposed silt fence. Again, we will not allow, approve or agree to this. If this pond were to overflow or break, it would run onto our drive, causing damage and impeding our access. This detention pond must not be anywhere near our property or road.
4. The proposed location of Sanctuary Lane off Cresta Road is an extremely dangerous spot. That is the area at the top of the hill, and cars moving north coming off the level section of Cresta Road are often speeding. It will be difficult for drivers to see cars coming from the south. Turning left onto Cresta Road would be extremely hazardous.
5. From the drainage plan, the applicant obviously expects the water from Skyway running north down Cresta Road to drain down Sanctuary Lane. This is a tremendous amount of water. The sizeable amount of runoff down this road will result in massive maintenance. Plans show drainage going down Sanctuary Lane into a 24" pipe to the detention pond. This could result in the pond overflowing onto our road or the sides of the pond breaking, causing damage and impeding our access. Also, in his narrative the applicant states drainage will exit onto Bear Creek Park. This would effect the trails located to the north which are highly used.
6. There is an underground spring which runs under Cresta Road along the south end of the properties on the east side of the Cresta Road to the end of Canopus Drive. We use this

spring as the source for our water. I am concerned development near this spring could affect the water flow and quality, and thereby disrupting our water supply.

7. The proposed size of the lots does not fit in line with the neighborhood. The property to the east is 5.25 acres, and the property to the southwest is 3 acres. The lots on Hercules Drive are one-half to three-quarter acres in size. The lots on the west side of Cresta Road are also larger than average subdivision lot size. The proposed lots are much smaller.
8. The water table on this property is very high. The plans do not address this or the water that runs like a creek on the property. In the past, Classic Homes abandoned plans for developing this property due to the water table.
9. The plans do not address the large ditch which runs through the middle of the property. This is a natural drainage for runoff and building over it shouldn't be allowed.
10. The plans do not address where the applicant intends to get gas for these homes. As to the sewer, the line the applicant is planning to use may not be able to handle 17 more homes. It use to erupt all the time, and according to utilities this was because it couldn't handle the load. For this reason, the city put a new additional sewer line in which is located just south of the El Paso County Parks Administration Building to service Skyway Estates.
11. The slope of the land is not suitable for building multiple homes. The no build zone is designated as such because there is no way to access a home in that area.
12. The applicant has stated in his narrative building in this area would eliminate fuel for fires and thereby mitigating wildfire danger. The property is currently covered with lush green grass growing in very wet ground. We do not want to see the applicant come in and tear up the grass and trees, leaving dirt and weeds until someone comes along and decides to build a home. An example of this is the development in the gully area of Cresta Road and Parkview Blvd.
13. We raise and train horses on our property. I am concerned neighbors will complain about the horses. This has happened in other developments within Colorado Springs (Rustic Hills and Park Vista are two examples) and home owners complain to the city. We have had horses here since 1965, have lived on the property since 1969, and have no intentions of relocating.

Thank you for taking my concerns into consideration before approving this development.

Sincerely,



Sandra Matthews
701 Cresta Road
Colorado Springs, CO 80906-1201
651-0857

**BILL D. BAKER
1910 HERCULES DRIVE
COLORADO SPRINGS, COLORADO
80905-7127**

October 27, 2013

Station 13
Colorado Springs Fire Department
1475 Cresta Road
Colorado Springs, CO
80906

Re; Proposed Development
Access and Hill Side Concerns
Formally Addressed 740 Cresta Road
North-East Inter-Section Cresta and Hercules Drive

I am Bill D. Baker a resident of 1910 Hercules Dr. for 49 years. I am a retired Architect, Planner and Developer. Hercules Dr. aka: Heaven Can Wait Terrace.

I reviewed the proposed development with a representative of the Planning Department and was amazed at the entry/exiting configuration onto Cresta Road. The driveway into the property indicates a 15% drop into the development with no platform for vehicles to enter or exit. Fire trucks entering would be exposed to the North bound traffic over the hill from Hercules Dr. directly with stopped and turning fire trucks. During snow/icy conditions this is concerning with both Entry and North bound traffic. We also noted that there was no concern relating to the Hill Side (10%) proposed lots.

Please take a close look at this proposed plan.

Thank You:



Bill D. Baker

Encl: Plan
c.c. Ms. Sandy Mathews

FULLVIEW... SECTION 23, TOWNSHIP...
A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP...
RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

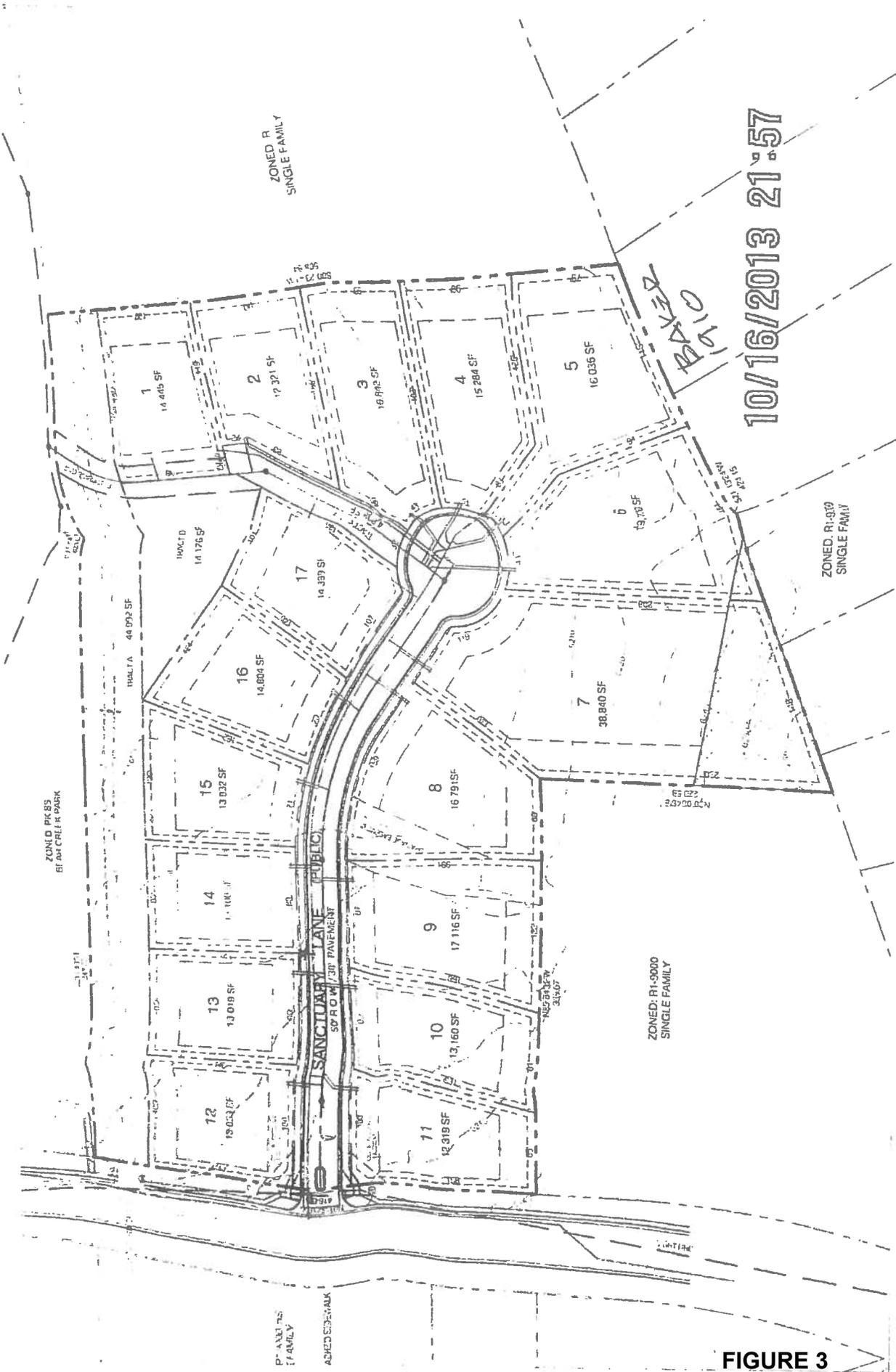


FIGURE 3

McCauley, Erin

From: meg evans <megerina@yahoo.com>
Sent: Monday, October 21, 2013 11:02 AM
To: McCauley, Erin
Subject: Concerns about the plans for the Sanctuary at Bear Creek property

Hi Erin, and thanks for walking with us Thursday to get a look at the property adjacent to the Mathews. I hope the walk gave you a better feel for the property and the challenges it provides to a dense development. While I understand the property will be developed in some form or fashion, I'm not confident it could or should be developed into 17 small lots

1. The water table, Despite several years of drought there are at least three areas with running water on the property, of which the plans seemed to address none. The ground is squishy, and soggy, even during the last winter there were sheets of ice on the ground from the freezing of the wetland. This would need some fairly extreme mitigation, even if the currently planned detention pond was left in place. Basements wouldn't be viable, or much of any living space at or below ground level.
2. Possible impacts on the water of the neighbors. There is some possibility the extreme mitigation to put in a dense development would impact the drinking water on at least three properties that abut this proposed development. I would strongly recommend a water geologist look at the potential impacts of regrading the area for mitigation and what it will do to the neighboring horizontal wells.
3. Location of the proposed detention pond. This can directly impact the access to Cresta by the Matthes family and have severe potential should the pond fail as far as washing out, not only the Matthews access, but also the main multi-use trail in Bear Creek Park East. As far as the proposal to let all runoff drain into the park, has anyone contacted the El Paso County Parks Department on this, as well as possible impacts to the wetlands area inside BCE?
4. Neighborhood conformance. This particular area of Sky way has a few houses on large lots, mostly 1/2 to 3/4 acre lots with some multi-acre lots. This is the density the neighbors bought and expected to keep. Putting in 5,000 sq ft lots is not in keeping with the usual size and use of the area.
5. This proposed development is in a high fire danger area. Given the recent fire history around Colorado Springs, what access for fire personnel, and what plans for fire resistance will be built into the Sanctuary? The plans don't seem to have addressed this, or the need to rapidly empty a dense development. See Figure 13 of http://www.springsgov.com/units/fire/CWPP_COS_2011a.pdf

Again, I recognize the need and right of every person to be able to develop their property, but I think 17 homes this densely packed, in a wet zone with neighbor impacts is a little much.

Thanks again for your consideration

Meg Evans
719-231-2444

McCauley, Erin

From: John and Lisa <jlanthayer@comcast.net>
Sent: Wednesday, October 23, 2013 10:43 AM
To: McCauley, Erin
Subject: Sanctuary at Bear Creek

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Erin,

I know I am beyond the normal comment period, as I was out of town on pleasure, but wanted to add concerns about the project. I suspected it would only be a matter of time before development was proposed there, as it is a unique piece of land. However, I do have some concern as to the effect on traffic entering and exiting the proposed development, as it is on a hill. I am really hoping there will be no stoplight there, and will be exit and perhaps merge lanes involved, as it exists on the middle of a steep hill. Weather conditions, particularly in the winter could present a real hazard.

I had review the plans some, but was hoping to get more clarification on the traffic plans especially.

Thank you,
John Thayer

McCauley, Erin

From: Steve Horner <sahorner@gmail.com>
Sent: Friday, October 18, 2013 5:30 PM
To: McCauley, Erin
Cc: Tammy Horner
Subject: Re: File No.: AR PFP 13-00486

Hi Erin,

I will list my wife's and my comments regarding AR PFP 13-00486.

- 1) The lot size does not seem in line with the neighborhood - they are too small. According to the assessor's page, the typical neighboring lot size is 24,000 sq. ft. on average without much variance. The proposed small lots are not in line with the neighborhood.
- 2) We are concerned about storm water run off into the park - there will be a large increase in impervious surfaces increasing run off.
- 3) The ground water appears high - how is this much construction possible. How will this affect the park?
- 4) Concerned about the springs coming out of the hillside and gathering in a small stream - I don't believe there are water rights affiliated with this type of water, as mentioned in the application document.
- 5) We have a permitted well on our property at 1816 Hercules. It is a shallow well and we are concerned how this development may affect our water availability.
- 6) Concerned about the traffic entering and exiting Cresta - seems dangerous due to the hill and amount of passing traffic.
- 7) With the high ground water/springs, we are concerned construction may commence and the landscape and trees will be removed and the developer will not want to deal with the water issues, leaving the land in disrepair as was done to the south in the next valley south of Parkmoor Street.
- 8) Due to the terrain and water, it seems the land should only support two to three residences - much as it has for the past several years.

Please review these comments and provide responses.



Thank you for your consideration,

Steve and Tammy Horner

On Tue, Oct 15, 2013 at 11:09 AM, McCauley, Erin <EMcCauley@springsgov.com> wrote:

Hi Steve,

You can feel free to email them to me. You can also write a letter and send it to my physical address below, if you'd rather do that.

Thanks,

Erin McCauley AICP LEED AP BD+C

McCauley, Erin

From: H.J. Scarinzi <hjscarinzi@gmail.com>
Sent: Thursday, October 17, 2013 1:08 PM
To: McCauley, Erin
Subject: Proposed Sanctuary at Bear Creek

I own 2.8 acres(6323 pg 983) to the south of proposed development-Sanctuary at Bear Creek--- Have seen proposed drawings and feel that is much too much development for that tract of land---it has serious water drainage problems-- realistically it could accomidate 4 new homes---17 is unrealistic--- and I would therefore oppose the development as planned.. Sincerely H.J.Scarinzi

October 21, 2013

Colorado Springs Planning Department

30 S. Nevada Ave.

Suite 105

Colorado Springs, CO 80901

Subject: Comments on SANCTUARY AT BEAR CREEK proposed development; AR PFP 13-00486

Attention: Erin McCauley, AICP LEED AP BD+C, Reviewing Planner:

Below are comments to AR PFP 13-00486, a preliminary and final plat for the Sanctuary at Bear Creek. We are the owners of the property across the street from the proposed development. Our property is 704 Cresta Road, CSC, 80906, shown on the plans as Book 6801 at Page 82; 1.2 acres.

The global comments to be addressed below are:

- Water Rights
- Ingress and Egress to proposed development – 60-foot right of way (R/W)
- Grading and drainage

Water – Rights; The Project Statement cites in the fourth paragraph the applicant owners water rights across the street. This is a false statement and has no basis in fact. We have a private water source for potable and irrigation water for our property that was first recorded in the El Paso County records in August 1934.

The overflow from this water source drains to the northeast on to public R/W, Cresta Road (westerly side of R/W), then captured via an open wooden channel flowing north to a collection inlet, then piped easterly under Cresta Road via a corrugated metal pipe (CMP), to outfall on the easterly R/W of Cresta Road.

This public drainage system was improved by the City of Colorado Springs (City) circa early 2000's. The development of CRESTFIELD HEIGHTS created some changes in the underground aquifer and caused a surface eruption in Cresta Road, about 50 to 100 feet southerly (uphill) from the existing CMP under Cresta Road. The City built a "French drain" system from the eruption area to tie into the existing CMP and is still operating today. The volume of water difference from the wooden trench on the westerly R/W of Cresta Road and the outfall from the CMP on the easterly side of Cresta Road is a clear indication of the "French drain" system working well.

We would like the applicant to revise the statement of water rights ownership to reflect fact in the Project Statement for public knowledge.

Ingress and Egress to proposed development – 60-foot right of way (R/W); There are deeds in the El Paso records that show a 60 foot R/W on the northern portion of the proposed development. It's unclear who has the fee ownership of the 60 foot R/W, but the intent seems clear; retain a 60 foot R/W for public use, to serve the properties south (uphill), and east of the proposed development, so as to not land lock any properties from public R/W.

Having two R/W's connecting to Cresta Road \pm 200 feet apart (centerline to centerline) does not seem to be safe. Traffic coming down Cresta (40 MPH speed limit) at a \pm 7% grade and coming up Cresta (30 MPH speed limit) at a \pm 7% grade with two access R/W's to the development doesn't seem like a good idea. Since there exists a 60 foot R/W in place the use of it seems more appropriate as a sole R/W connection to Cresta Road.

Grading and drainage; As stated in the water rights section above; historic drainage has taken place on the proposed development for decades. As improvements take place on the proposed development, surface flows will increase due to the addition of impervious surfaces. It seems like good planning and engineering to use the historic drainages across the proposed development.

The proposed Detention / Storm Water Quality Pond does not seem to be a well thought out solution to increased developed flows.

First: it's blocking the existing 60 foot R/W

Second: there exists a Detention / Storm Water Quality Pond \pm 330 feet downstream with a mature bio-filtration system that has been in place for decades. There is an existing channel system with underground piping already in place. Some minor piping increases may have to be accomplished, but re-inventing the wheel does not seem practical.

We would like to have public input regarding this proposed development, and not have it approved administratively.

Respectfully,

Dave and Jessie Kraettli
704 Cresta Road
Colorado Springs, CO 80906
Home phone: 719-313-9886

O'Connor, Rick

From: Doug Stoyer <dstoyer@yahoo.com>
Sent: Friday, February 28, 2014 3:10 PM
To: O'Connor, Rick
Subject: Development plan - AR PFP 13-00486

I left you a voice mail. But I figured I'd follow up with an e-mail.

I am writing regarding the development plan for the area adjacent to Beak Creek. I believe it is AR PFP 13-00486. From what I have seen, the Development that is planned seem too congested for the area. I am familiar with the general development process, having been through it myself.

As I recall, one of the general criteria is to fit in with existing development in the areas. But this development doesn't look to me to "fit in." it is too congested in my opinion and especially being right up against beautiful Bear Creek park. I would like to see the lot size being maybe twice or more the proposed size which would result in about half or less as many houses in the development.

I didn't see enough information to see if there was a height restriction. But if not, I would think that some reasonable height restriction on houses would be good too(maybe 25 to 30 ft above natural grade). I don't know if this property is part of the Hillside ordinance, if so, that height is probably already taken care of.

The access to 21st street is also a concern for me. Having previously lived on Hercules Dr., I know that section of 21st street already has some blind spots. This development would put considerable more traffic, which could be a concern.

I still live in the area and will drive by this development often. So I would like to keep our neighborhood and park area pleasant and not too congested.

Those are my thoughts, I look forward to hearing back from you.

Doug Stoyer - 482-5232

COLORADO GEOLOGICAL SURVEY

Colorado Geological Survey
1500 Illinois Street
Golden, Colorado 80401
Web site: www.coloradogeologicalsurvey.org



A Department of the
Colorado School of
Mines

Karen Berry
Acting State Geologist

EP-14-0021
Legal: SE, Sec. 23, T14S, R67E, 6th M.

July 17, 2014

Mr. Rick O'Connor
City of Colorado Springs
Community Development Dept.
Land Use Review Division
30 S. Nevada Ave.
PO Box 1575, Mail Code 155
Colorado Springs, CO 80901-1575

RE: The Sanctuary at Bear Creek preliminary and final plat review of geologic conditions

Dear Rick:

Thank you for the development plan submittal. At your request the Colorado Geological Survey (CGS) has provided a technical review of the development plan with regard to potential geologic hazards and geologic conditions that may impact the proposed land use. Included with your request were plan sheets, drainage plan, and, pertinent to this review, a Geologic Hazard Study and Preliminary Subsurface Soil Investigation by Entech Engineering, Inc. dated October 5, 2001 and revised December 20, 2013 (Job #131720). Included in your packet was a subsequent letter from Entech dated June 4, 2014 that discusses questions concerning existing springs and proposed drains. The site is on north-facing slopes along the southern boundary of Bear Creek Park with access from Cresta Road.

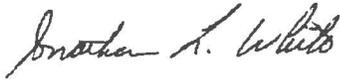
We have reviewed the site plan and first noted that the development plan has different lot numbers than are shown in the Entech report. This is confusing since the Entech report specifically references the locations of various geologic constraints and potential hazards by lot numbers. Since the geologic hazard report is specifically mentioned in the plat, the lot numbers should match. It also appears that there are several errors in the plotted contour lines in the plan sheets from Classic and Entech, most noticeable within lot 12 (Entech #6) and lot 17 (Entech #11). The contour map used in the drainage report appears more consistent.

The site is east of, and outside the steeply dipping bedrock zone. However, the steeper slopes of the site do lie within the potential landslide susceptibility zone of Colorado Springs. While no landslides have been identified along this slope, they have been mapped nearby. The steeper slopes are underlain by near-surface Pierre Shale and the site ponds and borings from 2001 indicate seasonally high water levels. The water levels in the Entech report were recorded at the end of September 2001 and likely represent the lowest seasonal ground-water levels of the year. The slope is about 60-feet high to the south, much of it is outside the property boundary. Entech considers the steep slopes as downslope creep areas. However, in their June 4, 2014 letter they describe how perched water conditions on the Verdos Alluvium form springs along the contact with the underlying Pierre Shale. We think there

is a possibility that small, shallow soil slips could possibly occur on the steeper slopes if fully saturated during very wet periods, but consider the probability low because the dip direction of the shale is normal to the slope direction. However, the city should consider limiting the building footprints for lots 11, 12, 16, 17, and especially 13 (Entech #5, 6, 10, 11, and 7) to the lower slopes of their respective lots to reduce structure exposure to off-lot ground disturbance from above if slips were to occur.

Other potential geologic hazards include potentially swelling soil and seasonally high groundwater levels. The Entech report addresses those potential hazards and other geologic constraints. Provided site specific foundation and drainage designs are prepared and all open foundation, utility, and drain excavations are inspected by the geotechnical consultant, the CGS has no other concerns with the proposed subdivision as shown in the development plan. Questions about water supply or adjudicated water rights are outside the CGS land-use review function. If you have any questions, please contact this office at (303) 894-2650 or e-mail: jwhite@mines.edu

Sincerely,



Jonathan L. White
Senior Engineering Geologist

Cc: LUR file

O'Connor, Rick

From: Jon White <jwhite@mines.edu>
Sent: Monday, July 21, 2014 8:36 AM
To: O'Connor, Rick
Subject: Re: Sanctuary at Bear Creek

Sorry for the garbled suggestion. All I was trying to say was to limit the building footprint so structures will be as far from the steeper slopes as possible. Some of the lots are not that bad.

Jon

Sent from my iPhone

On Jul 21, 2014, at 7:35 AM, "O'Connor, Rick" <RKOConnor@springsgov.com> wrote:

Jon-could you provide me with some guidance in your statement below? Not sure what you mean by limiting footprints; by size, in a different location on the lot???

Thanks

Rick

“However, the city should consider limiting the building footprints for lots 11, 12, 16, 17, and especially 13 (Entech #5, 6, 10, 11, and 7) to the lower slopes of their respective lots to reduce structure exposure to off-lot ground disturbance from above if slips were to occur.”

From: Jon White [<mailto:jwhite@mines.edu>]
Sent: Friday, July 18, 2014 5:57 PM
To: O'Connor, Rick
Cc: Karina Baylor
Subject: RE: Sanctuary at Bear Creek

Rick,

Attached is my review. If you have any questions, please call or e-mail.

Regards,

O'Connor, Rick

From: Foy - DNR, Caleb <caleb.foy@state.co.us>
Sent: Friday, September 05, 2014 5:45 PM
To: O'Connor, Rick
Cc: Rachel Zancanella - DNR
Subject: Re: well impact
Attachments: TheProsAndConsofAdjudicatingExemptAndNonExemptWells_OGLE.pdf;
AdjudicatingExemptWells_19980709_Jeffers.pdf

Good Afternoon Mr. O'Connor,

I apologize for the delay in response, but wanted to make sure this office provided a thoughtful, yet appropriate, response regarding the proposed development known as Sanctuary at Bear Creek in Colorado Springs. As we have previously discussed, our agency provides comments to counties regarding proposed subdivisions pursuant to Section 30-28-136(h)(l), C.R.S. This process, including what information we ask for, what we review, and the opinion we provide, is described in the 2005 Memorandum Regarding Subdivisions found online at: <http://water.state.co.us/groundwater/GWAdmin/Pages/SubdivisionWSP.aspx>. In this particular case, it does not seem that Ms. Matthews is concerned with the proposed water supply of the subdivision, but is more concerned with the possibility that the development may impact ground water migration in the area and ultimately impact the production of the shallow well located on her property. I have reviewed the information submitted to our office regarding the proposed subdivision, and have the following to offer regarding the well located on Ms. Matthews' property. The comments provided herein are cursory in nature and are provided as a courtesy only. The comments provided herein cannot be used to guarantee a viable water supply plan or infrastructure, the issuance of a well permit, or physical availability of water.

According to this office's records, it appears the well on Ms. Matthews' property is registered under well permit no. 292919. This permit was issued on November 18, 2013 for the registration of an existing well constructed and put to use prior to May 8, 1972 pursuant to C.R.S. 37-92-602(5). The well was registered for 10 gallons per minute for ordinary household purposes inside one single family dwelling, fire protection, the watering of domestic animals and poultry, and the irrigation of not more than 1,000 square feet of home gardens and lawns, with a claimed date of first beneficial use of December 31, 1969. According to the application and information obtained by staff of our office, the well is a shallow, gallery-style well that is approximately 14 feet deep and is located on the eastern side of Ms. Matthews' property.

It appears that one of the concerns outlined in the Entech Engineering, Inc. report *Geologic Hazard Study and Preliminary Subsurface Soil Investigation* is the occurrence of shallow ground water at the site. In the report, Entech recommends the use of subsurface perimeter drains for areas with shallow ground water where useable space below finished grade (ie basement) is desired. Additionally, the report states that underslab capillary drain systems and interceptor/excavation drains may be required on some of the lots. Although, the presence of such drains would affect the migration of ground water underlying the development, I do not see compelling evidence that would suggest this will cause a direct impact to Ms. Matthews well; in fact, as stated in the June 4, 2014 correspondence from Entech Engineering, Inc., "The groundwater gradient on the site is expected to flow south to north. The drains installed for the springs are not expected to affect the Matthews well as they are at similar elevations."

I do understand that Ms. Matthews may still be concerned with potential ground water changes on her property from the development of the adjacent property; therefore, I offer the following

suggestions for Ms. Matthews. The only way to establish a direct cause/effect relationship between the development of the adjacent property and material injury to Ms. Matthews well would be to collect pre-development baseline data. Therefore, I recommend that Ms. Matthews begin to observe and document the production of her well and the depth to ground water on her property. This information could potentially assist her in pursuing an allegation that the development has caused her material injury, which would most likely be pursued in a civil court setting. If the well were to stop producing, Ms. Matthews would be eligible to apply to replace the existing well (drill deeper) with the same uses as allowed by existing well permit no. 292919. Lastly, I have included information regarding the pros and cons of adjudicating (obtaining a water right for) an exempt well, such as well permit no. 292919.

Please feel free to contact me directly should you have any further questions or concerns regarding this matter.

Sincerely,

Caleb Foy, E.I.T.
Water Resource Engineer



P 303.866.3581, x8272 | F 303.866.2223
1313 Sherman Street, Room 818, Denver, CO 80203
Caleb.Foy@state.co.us | www.water.state.co.us



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
SOUTHERN COLORADO REGULATORY OFFICE
200 S. SANTA FE AVENUE, SUITE 301
PUEBLO, COLORADO 81003

January 27, 2014

Regulatory Division

SUBJECT: No Permit Required – Action No. SPA-2014-00035-SCO, Highland Properties & NES, Inc., near Bear Creek Park, Colorado Springs, El Paso County, Colorado

Elizabeth Klein
Kiowa Engineering Corporation
1604 South 21st Street
Colorado Springs, CO 80904

Ms. Klein:

I am writing this letter in response to your request requesting a jurisdictional determination for the Highland Properties located at approximately latitude 38.8176, longitude -104.8586 in Colorado Springs, El Paso County, Colorado. We have assigned Action No. SPA-2014-00035-SCO to this project. Please reference this number in all future correspondence concerning the project.

Based on the information provided, we have determined that a Department of the Army permit is not required since the site is an upland swale, thus not containing any jurisdictional waters of the U.S.

If you have any questions, please contact me at 719-543-6915 or by e-mail at Van.A.Truan@usace.army.mil. At your convenience, please complete a Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

A handwritten signature in black ink, appearing to read "Van Truan", written over a horizontal line.

Van Truan
Chief, Southern Colorado
Regulatory Branch



LAND USE REVIEW DIVISION
PLANNING & DEVELOPMENT TEAM

APPLICATION FORM FOR APPEAL OF ADMINISTRATIVE DECISION

Appellant: Jeanne M. Matthews Telephone 635-0031 / 651-0857 Fax _____
Address: 701 Cresta Road Zip Code 80906 e-mail sandmarc@redgeckointernet.net

Premises Involved:
City Planning File Number (if applicable): AR PFP 13-00486
Address: 703 and 707 Cresta Road
Direction from nearest street intersection: south of Hercules Dr., north of Crestfield Grove
Tax Schedule No. 74234-00-886 Acreage 8.6
(The tax schedule number can be obtained from the El Paso County Tax Assessor located at 27 E. Vermijo Avenue on the 2nd Floor; phone: 520-6600 or at their web site <http://www.land.elpasoco.com>)

Date of Receipt of Notice and Order or Date of Final Administrative Decision _____

Appeal of Decision Regarding:

- Development/Landscape Plan _____ Subdivision Plat Notice and Order _____
- Hillside Site Plan _____ Administrative Relief _____ Non-Conforming Use _____
- Sexually Oriented Business _____ Temporary Use Permit _____ Relocation payments _____
- Similar Use Determination _____ Property Boundary Adjustment _____
- Preservation Area Boundary Adjustment _____ Building Permit to Unplatted Land _____
- Building Permit prior to Platting _____ Historic Preservation Board Determination _____
- Home Occupation Permit _____ Human Service Establishment _____
- Other: _____

OFFICIAL CITY PLANNING USE:

Fee Receipt # 25938 Date Application Accepted 9/22/14
 Completed Form Intake Staff [Signature]
 Appeal Statement (2) Vicinity Map _____
 Authorization Copy of Notice and Order (if applicable) NA
 Applicant informed of Poster Pickup Date? Yes ___ No ___ If Yes, Date of Poster Pickup _____
 Notification Options: Waive Notification _____ Adjacent _____ 500' 1,000' _____
 Assigned to: [Signature] (Notice to be sent at time of CPC/CC Hearing only)

OWNER/APPLICANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

Jeanne M. Matthews 9-22-14
Signature of Appellant Date

AR PFP [Signature]
(3.08486.AP)

I am appealing the administrative approval of AR PFP 13-00486 pursuant to city code Section 7.5.906.A.2.d(5) regarding Article 7 parts 2 and 3 of Chapter 7 (preliminary or final subdivision plat). This is for 17 houses on 8.6 acres located at 703 and 707 Cresta Road.

The administrative decision to approve the preliminary and final plat for the identified project is incorrect because it is erroneous and unreasonable. It is erroneous because it is based on erroneous information submitted by the applicant. What has been submitted to the planning department by Entech Engineering, Inc. regarding water and drainage is erroneous. It is stated in their Geological Hazard Study and Preliminary Subsurface Soil Investigation the drainage is from south to north. From historical observations over 50 years I can state this is not true. The water runs west to east. Drainage from rainfall and snowfall is non-existent. There is currently no sheet flow of water across our deeded right of way, located at the north end of the property, and has not been in the 50 years we have owned the property. The development as proposed would alter the sheet flow across our drive. The only water that drains onto our driveway is water from Cresta Road that is resultant of a heavy rainstorm or snow melt, which drains down the drive and curves off onto Bear Creek Park. There is a minimal stream of water from a broken well that does drain south to north but the water is absorbed into the ground. The water from the pond on the west side of the property drains to the east into a culvert as does the overflow water which runs from the west side of Cresta Road under the street onto Lot 1.

The applicant has not done due diligence regarding the impact of his development on the state permitted wells on properties to the east. The applicant's property has a very shallow water table. Entech's report states when drilling core samples, they hit ground water at as little as four feet (page 8) although from personal experience I can assure you the water table is higher than that, and the ground is often soggy to walk on. The report deals with drainage and underground water as it pertains to the construction of houses, but not the underground water used by these eastern properties. The construction of houses on the south end of the property (Lots 11, 12 and 13) will likely disrupt this water flow. In specific, our water system, which we have had for 50 years, is fed by underground springs which are not very deep. Our water services not only our house but our livestock as well. When we built our home in 1968, we had Lincoln Devore Engineering develop our water system, and we were told at that time we had enough water for over 100 years. To disrupt this water flow will put an extreme burden on us. I am currently having an independent study done to validate my points, and the results will be available soon.

Our family constructed our driveway in 1965, and have maintained it since then. Since 1982, we have been the sole users of this road. This is a 60 foot deeded right of way. The applicant has this right of way marked as Tract A access, private open space and landscaping. It is not open space or to be landscaped. It is the only means of access to our home. The plan also indicates Lots 1-5 will have sheet flow across our drive as well as the installation of a storm pipe under it. The developer has not addressed maintenance issues if sheet flow or damage occurs due to excavation or construction, or if the planned detention pond overflows or breaks. Neither the applicant nor his predecessors have ever maintained any portion of the right of way even though the Plat states "maintenance by property owner." It is not true today, I have no reason to believe

this will be true in the future and I fear the development will be continually destructive in my maintenance of this road.

Furthermore, this development is unreasonable for the following reasons:

- This development is not harmonious or compatible with the neighborhood. The density of this development is much higher. This surrounding neighborhood consists of homes on lots which are 3/4 acre or larger.
- The development does nothing to minimize the impact of these structures on our property. The final subdivision plat indicates houses will be built right along the eastern property line of our 5¼ acres, some less than 50 feet from our barn. Houses are planned for the south property line where they will likely interfere with our water supply.
- The plans do not provide any landscaping, fences or walls to create a buffer for adjacent properties from negative influences of this development on us.
- At the required neighborhood meeting, many of the attendees voiced concern regarding the traffic. The location of the proposed street, Sanctuary Lane, is on the slope of the hilly part of Cresta Road, which is a very busy street. Neighbors all along Cresta Road already have difficulty being able to turn out of their drives due to oncoming traffic. Neighbors asked about a turn lane for the development to help with the smoothness of traffic flow. However, Cresta Road may not be wide enough to accommodate such a request and no one has addressed this issue since.
- This design requires the elimination of several acres of 75+ year old but healthy trees and deep luscious grass. The plans also call for filling in and building over a natural drainage channel that has been there well over 75 years. This channel was full and had a large amount of water running through it when we had the heavy rains last fall. The preservation easement on Lots 12 and 13 is marked as such only because it is difficult for the developer to get to that area to build on it. There is the concern by neighbors the developer will come in and start excavating, taking out the old trees and deep grass, find out the land isn't suitable for building after all due to the shallow water table or buyers for the development can't be found, abandon the project and leave the ground in disrepair. This has happened in our area previously.

This appeal should be approved because the adverse impacts of this development outweigh the benefits. Construction of houses on lots 11, 12 and 13 will likely disrupt the water flow to the wells to the east of this property and cause harm and hardship to the property owners. This development is not suitable for the surrounding area and provides no benefits to the neighborhood and several detriments.

PROJECT SUMMARY:

1. Project Description: This project includes concurrent applications for a change of zone request and PUD Development Plan. The change of zone requests a change from PBC (Planned Business Center) and R-2/cr (Two-family Residential with conditions of record) to PUD (Planned Unit Development). The PUD development plan proposes an expansion of the existing church to be completed in three phases that includes expanded off-street parking, a new youth center, and a larger worship center.
2. Applicant's Project Statement: **(FIGURE 1)**.
3. Planning and Development Department's Recommendation: Approve the PUD zone change and PUD development plan **(FIGURE 2)**.

BACKGROUND:

1. Site Address: 501 Castle Road (a portion of the subject property is located north of Willamette Avenue). (Includes buildings and parcels: 505 Castle Road, 2925 King Street, 525 30th Street, 415 Wilhelmia Street).
2. Existing Zoning/Land Use: PBC and R-2/cr (condition of record that a development plan is required with any development) / Religious Institution and vacant. **(FIGURE 3)**
3. Surrounding Zoning/Land Use:
North: (North of King Street and Church) R-1 6000 (Single-family Residential) / Single-family residential
Northeast: PUD / Multi-family residential and R-4 / Multi-family residential
South: R-4 / Multi-family residential
East: (South of Willamette) R-4 (Multi-family Residential) / Multi-family residential and Single-family residential; (East of Wilhelmia Avenue) PUD / Single-family residential
West: (Immediately adjacent) PBC / Commercial center; (West of 30th Street) R-1 6000 / Single-family Residential
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Pleasant Valley #4, 1954 and O'Brien, 1955
6. Master Plan/Designated Master Plan Land Use: Westside Master Plan / Medium Density Residential
7. Subdivision: Pleasant Valley, Glen View and Victorian Heights Subdivisions
8. Zoning Enforcement Action: The church expanded its parking lot on the southeast corner of 30th Street and King Street without amending their development plan and meeting the landscape requirements of the Zoning Code. The proposed plan will include that the additional parking area and landscape requirements.
9. Physical Characteristics: The existing church property is developed with the existing worship building (18,570 square foot footprint / 28,780 square feet floor area), youth center (16,000 square feet) and a commercial office building (2,468 square feet). Surface parking exists throughout the property and has recently been expanded toward the intersection of 30th and King Streets. The site slopes down toward 30th Street from the worship and youth center buildings; east of those the building the property contains a terraced parking field. The existing site sits above the properties immediately to the west and south with an extensive retaining wall system.

The portion of the property to the east of the church and located along a portion of Willamette Avenue has remained undeveloped and contains a fairly significant slope that runs mainly north to south until it reaches Wilhelmia and then slopes from east to west (the neighborhood east of the site sits atop a mesa, this area was developed as part of Panorama Estates with most of the homes constructed in the early 1980's).

STAKEHOLDER PROCESS AND INVOLVEMENT:

Notification postcards were mailed to 252 property owners located within 750 feet of the property during the internal review notification as well for two neighborhood meetings that were held regarding the proposed project. The first meeting was held on May 15th (approximately 15 homeowners attended) and the second held on July 10th (approximately 27 homeowners attended). A follow-up meeting was held with several volunteer representatives of the neighborhood along with two representatives of the Organization of Westside Neighbors (OWN) on August 28th in an attempt to mediate a number of outstanding neighborhood issues (those invited included Larry Hudson, Bob Besaha, Bryan Boisvert, Chad White (OWN) and Joel Beck (OWN)).

Neighborhood issues regarding the proposed development and phased expansion include:

- Increase in weekend traffic along King Street and 30th Street; safety at intersections as well as general pedestrian safety in the area.
- Introduction of church traffic along Willamette Avenue, Wilhelmia Avenue and N. 28th Street.
- Increase of on-street parking issues along King Street and into the Pleasant Valley neighborhood particularly on Castle Road during weekend church services.
- Concerns of grading and slope stability of vacant area north of Willamette Ave.
- Concerns if "criblock" retaining wall system is most appropriate system for slope stability and aesthetic compatibility.
- Concerns if stormwater run-off and drainage will negatively impact adjacent properties, in particular those properties located along 28th Street and Wilhelmia Avenue.
- Parking lot lighting.

Public notification postcards were again mailed to the 252 property owners prior to the Planning Commission meeting.

All applicable agencies and departments were asked to review and comment on the change of zone and development plan, remaining review comments are listed within the Technical and/or Informational Modifications listed below.

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

1. Review Criteria/ Design and Development Issues:

Site History:

The main portion of the church property is zoned PBC. Prior to the use as a religious institution a portion of the property (the existing building south of the worship hall and current youth center) was used as a grocery store. Two properties west of the worship hall were purchased in 2013-the existing building directly west of the worship hall was an office building, and a gas station was located on the southeast corner of 30th and King Streets until it was demolished by the church last year (the church expanded parking onto this portion of the property).

The undeveloped portion of the property east of the church has a history of proposed residential projects. The property was originally platted into very narrow lots as part of the Glen View subdivision in 1887. The property was rezoned to PUD in 1980 to permit townhomes on the site (15 dwelling units per acre). The property was later rezoned in 1994 from PUD to R-2/cr (Two-family Residential with conditions of record) to allow eight (8) single-family homes; the condition of record was that a development plan would need to be submitted for any development of the property.

In 1999, a pre-application meeting was held to discuss the proposal to allow six (6) two-family dwellings (12 units total) as part of an affordable housing project. Due to the existing grade and site conditions the developer was required to complete a geologic hazard report to determine if there were and geologic issues. The proposed development and geologic hazard studies went through a lengthy review process involving the Colorado Geologic Survey, City Engineering and City Planning. The consultant of that report concluded that the twelve (12) unit project was feasible with the construction of a concrete soldier pile retaining wall system if excavation cuts were to be made approaching 16 feet; it also determined that if excavation depths of less than 10 feet were completed a retaining wall system would not be necessary.

The project was initially approved by the City Planning Commission in 2006 with a zone change and concept plan; however, it was later brought back due to the discovery of the condition of record requiring a development plan. It was again reapproved later that year with the development plan. The CPC decision was appealed by residents on the basis that the project did not meet all of the development plan review criteria, concerns over the geologic hazard report and slope stability, and that an increase in density (from 8 units to 12 units) was beyond what neighbors reasonably expected. The City Council upheld the appeal concluding that the project was not compatible with the neighborhood.

One issue to note is that the site was given grading plan approval in 1994 when development was anticipated in which a "bench" was graded out for house pads; this may have created potential unstable slope conditions since the site went un-mitigated after grading. There is downward creep that is currently noticeable on the slope.

Change of Zone:

The requested change of zone is from PBC (Planned Business Center) and R-2/cr (Two-family Residential with conditions of record) to PUD (Planned Unit Development). Staff originally discussed rezoning the property in order to designate one zone district over the entire property, as required by the City Zoning Code (7.2.105.B). Staff concluded that the use of the PUD zone would address the necessary encroachment of the retaining wall system into the front yard setback along Willamette Street as well as ensuring the land use and development would be exclusively tied to the zoning of the property. Conversely, rezoning the property to a standard base zone district may have allowed various other land uses in the future.

The PUD zoning will establish the same zoning parameters of the PBC zone district on the western portion of the site as well as maintaining the R-2 standards on the eastern portion. The applicant asked that the maximum building height for the western extent of the property be allowed to remain at 45 feet, same as the PBC zone. Staff requested that the maximum building height be limited to 30 feet on the eastern extent, same as the R-2 zoning, in order to protect adjacent homeowners. The owner agreed to this stipulation and is noted on the front page of the development plan.

The applicant is requesting that the portion of the site along Wilhelmina Avenue (the southeasterly extent of the site) retain the R-2/cr zoning in order to allow it to be sold for future residential use. If the PUD zone change is approved, and when the property is replatted (prior to phase two of the project), this area will be subdivided off from the remainder of the church property and will retain the R-2 zoning along with the condition of record requiring a development plan prior to building permit.

Development Plan:

The development plan for the property identifies proposed site improvements over three phases of the project that include:

- Phase I (Fall 2014) - Expansion of the off-street parking along the eastern extent that includes 107 parking stalls and a proposed vehicular access to Willamette Avenue. Improvements include parking lot, retaining wall system, detention pond and landscaping. Landscaping would also be added to the parking area created at the corner King and 30th Streets.
- Phase II (Spring 2015) – Demolish existing youth center building and construct a 10,120 square-foot, two-story addition (20,400 sq. ft. total floor area) with additional parking (21 stalls) in the location of the razed youth center building.
- Phase III (2020) – Construct a 27,200 sq. ft., two-story addition (50,000 sq. ft. floor area) adjacent to youth center addition to house new worship center space, seating to expand from current 753 seats to 1,780 seats. The parking areas immediately east and west of the addition as well in the northwest portion of the site would be reconstructed and add an additional 38 parking spaces. The existing office building in the northwest portion of the site would also be removed. Two access points along King Street would also be eliminated.

The proposed development will modify the bulk and scale of the church and existing site which currently is comprised of the existing worship hall (north central portion of site and close to King St., two-story, 26,780 sq. ft. floor area), separate youth center building (located south of worship hall, one-story, 16,000 sq. ft.) and office building (one-story, 2,468 sq. ft.). The second two phases of construction will ultimately result in a singular elongated structure (approximately 427-feet) that will be oriented north-south. The height of the existing worship center building is 36 ft., 3 in.; the youth center addition will be 26 ft., 2 in. (a small portion involving a roof cap will be 33 ft., 7 in.) and the new worship center will be 35 feet in height.

The applicant has made some site modifications from the originally submitted development plan after comments made by both neighbors and staff, including the removal of a 40-stall parking lot along Wilhelmina, redesign of the parking areas to offer closer proximity to the church, and removal of a pedestrian stairway proposed at 28th Street and Willamette Ave. An unforeseen benefit of the redesign allowed a reduction in the overall heights of the retaining walls.

Parking, Access and Site Lighting:

The property currently provides 302 off-street parking stalls (including the expanded parking in the northwest portion of the site). The required parking for religious institutions is one (1) stall for every four (4) seats which equates to 188 stalls for the current 753 seats provided within the existing worship hall. Phase one of the project would increase the total number of available off-street parking stalls to 409 with no additional seating capacity being added during either phase one or phase two of the project. Phase three involving the construction of the new worship center, increases the seating capacity from 753 to 1,780, and would require an off-street parking supply of 445 stalls; phase three would also add the necessary off-street parking and provide an overall total of 446 parking stalls.

Staff believes that the current on-street parking issues associated with the church are due to the proximity of the current worship space being closer to King Street than much of the off-street parking, and that some parishioners may also be attempting to avoid traffic congestion at the end of church services. The church has attempted to mitigate these issues by relying on church volunteers to manage incoming traffic to direct parishioners into the parking lot and away from on-street parking into the neighborhood.

The applicant is proposing to expand the available off-street parking as part of phase one in order to help mitigate parking and traffic issues associated with the weekend services held at the church. The intent would be that more parishioners would utilize the added parking and available access off of Willamette Ave. which would relieve the on-street parking and traffic congestion that is currently occurring along King and 30th Streets.

Another potential mitigation the applicant has indicated is to reduce the number of services from the current four being offered (Saturday 6:30 p.m., Sunday 8 a.m., 10 a.m. and noon) to two weekend services after completion of the new worship center (phase three). Although a reduction in the number of services may increase traffic volumes due to the increased seating capacity, it may assist in the overlap of incoming traffic during Sunday services when parishioners may be parking on-street as an alternative to utilizing the parking lot.

City Traffic Engineering has requested that a traffic management plan be provided at the time of phase three (new worship center) for review and acceptance; this has been accepted by the applicant and is noted on the development plan.

The applicant has agreed to control vehicular access at the Willamette Ave. entrance by chaining the access during weekdays and only opening it for weekend services or for emergency access. Site lighting will be limited to 16-foot pole heights with full cut-off housing covers; a photometric plan will be submitted for review and approval prior to final approval of the development plan. The church has also agreed that parking lot lights will only be used during the weekend use of the easterly parking lot.

Geologic Hazard Report, Slope Stability and Retaining Wall

The applicant has provided a geologic hazard report regarding the slope issues involving the property as well as providing a slope stability analysis concerning potential slope impacts (**FIGURE 4**). The geologic hazard report and the development plan were forwarded to the Colorado Geologic Survey (CGS) for its review and comment. Jonathan White, the reviewing Senior Engineering Geologist, corresponded that CGS concurs with the RMG

Engineers report indicating that a parking lot may be the suitable use of the property but that properly constructed retaining walls will be necessary. (**FIGURE 5**)

The applicant proposes to utilize a “crib lock” retaining wall system (**FIGURE 6**) both above and below the benched parking lot area in order to stabilize the slope above the parking lot as well as supporting the bearing load of the proposed parking lot. Due to the slope issues and overall height of the retaining walls, an engineered design is required to be reviewed when a building permit is requested for the series of retaining walls.

The crib-lock, wall cell, design has been a point of contention with several of the surrounding property owners who have indicated that the wall is too “industrial” in appearance and does not add aesthetic value to the neighborhood. Also at issue are the size of the retaining walls, which will range from five feet to almost 17 feet in height, that the neighbors feel are too imposing to the neighborhood. The tallest of the walls will be located along that portion of the site adjacent to Willamette Avenue.

The applicant has contended that the crib-lock system is the most appropriate design since it will allow the wall to lie back against the slope to provide better slope stability. The wall also has an open cell design that allows vegetation growth to help break up the bulk and scale of the wall as well as moisture to freely flow in and out which may avoid freeze-thaw heaving issues. Staff has asked that a hearty vine species be used to help cover the wall; plantings are shown at the top, mid-section, and bottom to help facilitate a rapid coverage of the wall. (**FIGURE 7**)

The proposed retaining walls required for the construction of the parking lot will be placed along the street frontage of Willamette Avenue and parallel to an access drive used by two residents south of the proposed parking lot (this portion of Willamette was vacated in 2013 in anticipation of this proposal). The access drive for the two residences currently encroaches onto the church property but within an existing utility easement. The applicant likely will need to coordinate with the property owners during construction. Staff has not received any opposition from the owners of the two subject properties.

Stormwater and Drainage

An issue raised during the neighborhood meetings is the concern of runoff from the parking lot during heavy rain events. Residents were concerned that stormwater from the site will cause damage to surrounding properties during heavy rain events.

A drainage report has been submitted for review and has generally been accepted by City Engineering Development Review (pending final acceptance of development plan). The project proposes construction of a detention pond in and around the parking lot and entrance off Willamette Ave. This facility will capture runoff from approximately the easterly two-thirds of the new parking lot, and the westerly one-third will flow back toward the church and into an existing inlet system.

Another concern by residents was if the existing storm water inlet located along Willamette Ave. and the outlet along N. 28th Street was not functioning properly and that it was not capable of handling the additional drainage. The City Streets department inspected the inlet and found that the inlet, as well as the “bubbler” along N. 28th Street. is functioning properly. The outlet to the church’s detention facility will tie into the City stormwater system at Willamette Avenue; after stormwater reaches the bubbler, it will flow along the curb and

gutter along N. 28th St. and into another storm inlet at the northwest corner of Uintah Ave. and N. 28th Street.

Landscaping and Irrigation

Landscaping for the project will involve landscaping of all new parking lots including the illegally constructed parking lot at the corner of King and 30th Streets. However, due to the slope issues on the easterly parcel, the retaining wall will be placed just outside of the 30-foot utility easement retained during the vacation of right-of-way of Willamette; this prohibits placement of any ground vegetation at the toe of the wall. Further making it difficult for placement of the wall and landscaping is the current shared driveway location for two residences off Willamette Ave. and N. 28th St.

Staff is requiring that vines be planted at the base, mid-level and atop of the wall in order to provide a vegetative screen of the wall; trees will also be planted atop the wall within landscape islands. Landscaping will be provided along Willamette and just above the parking lot to screen and buffer the wall and parking lot with adjacent properties.

The geologic hazard report is recommending that irrigation not be used on the slope above the proposed parking lots to avoid excess moisture that may bring on a slope failure. Landscaping that is shown above the parking lots will require native vegetation and will need to utilize non-irrigated seed mix. A temporary irrigation system may need to be installed or the site hand watered in order to establish the tree plantings in this area; a final irrigation plan will be required for review and approval prior to construction the parking lot.

Staff finds that the plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605 and the development plan review criteria as set forth in Section 7.5.502.E.

2. Conformance with the City Comprehensive Plan:

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 LU 4: Encourage Infill and Redevelopment

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

Objective N 1: Focus On Neighborhoods.

Objective N3: Vary Neighborhood Patterns.

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

Staff finds that the PUD zone change and PUD development plan request substantially complies with the Objectives, Policies and Strategies outlined in the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

This property is part of the Westside Master Plan; the area is identified as Medium Density Residential on the undeveloped portion and Planned Commercial on the existing church property.

STAFF RECOMMENDATION:

ITEM: 7.A CPC PUZ 14-00055 – CHANGE OF ZONE

Approve the change of zone from PBC (Planned Business Center) and R-2/cr (Two-family Residential with conditions of record) to PUD (Planned Unit Development to allow Religious Institution and accessory uses, a maximum building height of 45 feet and 30 feet as demonstrated on the development plan, and maximum worship space seating capacity of 1,780 seats) based upon the finding that the zone change complies with the zone change review criteria in City Code Section 7.5.603.

ITEM: 7.B CPC PUD 14-00056 – PUD DEVELOPMENT PLAN

Approve the PUD development plan for the Calvary Worship Center development, consisting of a three-phased development including additional off-street parking, new youth center and 1,780 seat worship center based on the finding the plan complies with the review criteria in City Code Section 7.3.606 and subject to the following Technical and Information items: .

Technical and/or Informational Modifications to the Development Plan:

1. Include a photometric plan with the development plan.
2. Include within the notes section (can be added to Note #5) that the lighting within the easterly parking lot will be on only during weekend services or during events when the parking lot is needed.
3. Although noted on the cross section (Sheet 6) call out the intended vines on the preliminary landscape plan.
4. Add a note stating the final landscaping and irrigation plans are due at the time a building permit is requested for the retaining wall system.
5. Provide a revised legal description of the area involving the PUD zone since the area along Wilhelmia Avenue is requested to be excluded from the rezone.
6. Please include both the Colorado Geological Survey (CGS) Review letter dated June 23, 2014 in the Geologic Hazard Study and the RMG response letter in the final version of the Geologic Hazard Study.
7. The geologic hazard report should be revised to include any site layout changes or other changes that impact the information contained in the report.
8. Please note on Figure 3 that the legend shows two symbols that are both for "area of mapped landslide susceptibility".
9. Provide the USDA Soil type for these areas at final landscape plan.
10. Ensure all compact stalls are labeled as part of Phase 3.
11. Ensure the parking counts on Sheet 4 (SD-2) are properly noted in each row of parking.
12. Ensure there is note clarifying when the Willamette Ave. access will be open; provide in both the notes section and on Sheet 3 (Note 13).
13. Correct the zoning as noted on the southeast parcel to remain R-2/cr (Two-family Residential with conditions of record).
14. Ensure all proposed lots are numbered; add line distances/coordinates on proposed lot lines.

HADDON
architecture

June 3, 2014

Mike Schultz, AICP
City of Colorado Springs
Community Development Dept.
Land Use Review Division
Planner II
30 S. Nevada Ave.
Colorado Springs, CO 80901

**PROJECT: CALVARY WORSHIP CENTER – EXPANSION MASTER PLAN:
DEVELOPMENT PLAN – ZONE CHANGE – RE-PLAT
(1301.02)**

Mr. Schultz:

This letter is to serve as the **Project Statement** for the referenced project. The applicant, Calvary Worship Center, requests the City of Colorado Springs to consider approval of their applications for a **Development Plan**, a **Zone Change** and a **Re-Plat**. The ministry organization is experiencing growth and desires to expand its facilities to meet the demands of this growth as well as attend to the needs of the community through its ministry. Specifically, they desire to expand their building facilities and quantity of off-street parking. They have acquired adjacent properties to their site for this purpose, at the northwest and to the east.

The facilities expansion is proposed to occur in three phases, as follows:

Phase 1: Parking Expansion – In the short term this will be needed to facilitate the building construction, providing usable parking while some parking areas are utilized for construction staging and materials storage. In the long term the added parking will support the future new worship center building with increased seating capacity. Under the previous Development Plan approval 263 parking spaces were planned for. Phase 1 will increase the parking to 454 spaces. Desired construction commencement is Summer of 2014.

Phase 2: Building Expansion/Replacement – This first construction effort will replace the uses of the existing (southerly) Youth Ministries building, which is in disrepair. The building has been evaluated by experts and it has been determined the best course of action is to demolish and replace the building. The existing building is 16,000 s.f. and houses elementary age classrooms, a Jr. High and a Sr. High meeting room, a Youth Worship area, and staff offices. These uses will be relocated to the new building addition and the classrooms will be increased in size and quantity. The new addition will be two-stories and add approximately 20,400 s.f. No additional seating at the main worship center space will be provided, therefore, there will be no impact on the required off-street parking. Desired construction commencement is Spring of 2015

Phase 3: Building Expansion / New Worship Center – The new worship center area will be constructed to the south, furthering the expansion in that direction. 1800 seats are desired in the new worship center facility. Additionally, a bookstore, food pantry and staff support areas will be provided. The existing worship center space will be converted to a fellowship hall / recreational area (basketball, volleyball). A new kitchen will be provided as a part of the remodel to support gatherings and as an outreach opportunity to the community. Additional site renovations will occur with this phase in order to maximize off-street parking. The construction will be two-stories and add approximately 50,000 s.f. Desired construction commencement is Spring of 2020.

The Re-Plat application will consolidate the various land acquisitions into a single parcel, unifying the church owned property.

The Zone Change application is intended to provide one Zone District for the property. Currently, the church facilities are located in the PBC Zone District, as are the two properties acquired at the northwest. A Religious Institution is a Permitted Use in the PBC zone. The property acquired to the east is currently zoned R-2. A Religious Institution, as well as other civic uses, is a Conditional Use in the R-2 zone. The application to change both of the current zones to a PUD zone would create a common zone district that would permit the current use of a Religious Institution. There are adjacent properties to the north and east that are also PUD zone districts.

The proposed Zoning Development Standards for this new PUD zone district / Development Plan area as follows:

Height Limit Building – 45'

Front Set Back – 25'

Side Set Back – 25'

Rear Set Back – 25'

Minimum District Size – 1 Acre

Landscape Setbacks – Shall follow article 4, part 2 of chapter 7 of the Colorado Springs City Code.

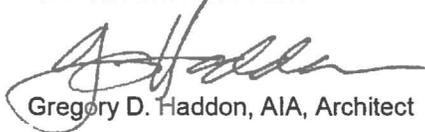
The proposed uses will include Church/Worship Center. Educational uses to include classes (Sunday School) for children, teens and adults (Bible College). A Counseling Center for all aspects of Christian life, including drug & alcohol recovery and crisis pregnancy. The Social Ministry (outreach) shall include but not be limited to food pantry and meals for those in need and the homeless. Also, housing for Bible College students.

Approval of the PUD is based upon Article 7.3.606: Review Criteria For PUD Development Plan, from the City of Colorado Springs Zoning Code. The criteria are as follows:

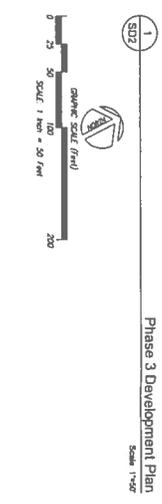
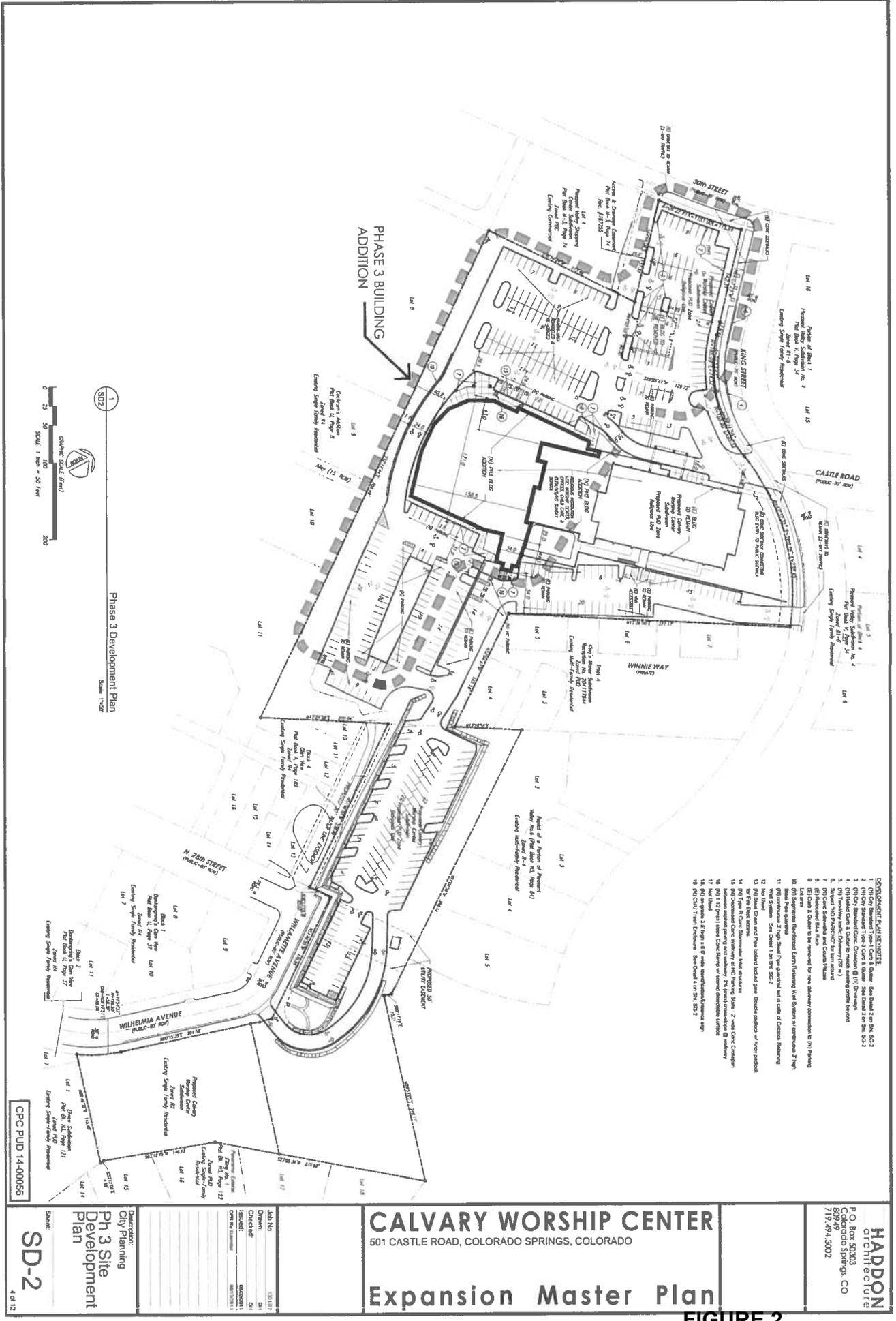
- A. Consistency with City Plans: The proposed development is consistent with the Comprehensive Plan. Also, consistency exists for this proposal because the development is extant and the planned use is consistent with its current (permitted) use.
- B. Consistency with Zoning Code: The proposed development is consistent with the intent and purposes of the Zoning Code. Also, consistency exists for this proposal because the current development is in compliance with the current PBC zone. The proposed PUD standards are equivalent to the current PBC zone standards. Only parking is planned for the current R-2 zone area.
- C. Compatibility of the Site Design with the Surrounding Area:
 1. The circulation plan will minimize traffic on the adjacent neighborhood. The proposed circulation plan will help to equalize the traffic impacts on the neighborhoods. The impacts will be minimal due to the very infrequent (3 times per week) use of the facilities.
 2. The design elements will reduce the impact of the project's density/intensity. (Refer to Drawing A-1 – Preliminary Exterior Bldg Elevations.) Though constructed as a single building, the mass is sufficiently broken up to reduce the intensity of the development.
 3. The proposed placement of the buildings is compatible with the surrounding area. Placement of the building additions is predicated by the existing structure at the north to remain. Refer to Drawing SD-1, Site Development Plan, to see the setbacks from adjacent properties.
 4. Fences, landscaping and grade separation are being employed to help buffer between the parking lots and the adjacent neighborhood.

5. Residential units are not included at this time, however, the provision of adequate setbacks, landscaping, grade separations, and building orientation have been employed to provide a buffer from arterial traffic. (Refer to Drawing SD-1, Site Development Plan.)
- D. Traffic Circulation:
1. The circulation system is designed to be safe and functional and encourage both on and off-site connectivity.
 2. The streets and drives will provide logical, safe and convenient access to the facilities within the project.
 3. Adequately sized parking areas are planned to provide safe and convenient access, avoid excessive parking ratios and avoid expanses of pavement.
 4. Access and movement of handicapped persons and parking of vehicles for the handicapped are appropriately accommodated in the project design.
 5. Provisions for transit will remain in their current state, no changes are planned.
- E. Overburdening Of Public Facilities: The proposed development will not overburden the capacities of existing and planned streets, utilities, parks and other public facilities.
- F. Privacy: Privacy is provided for adjacent residential units by means of setbacks, grade separations, landscaping and building orientation.
- G. Pedestrian Circulation:
1. Pedestrian facilities are provided, principally to the north Public ROW; there is not open space or recreational facilities to connect to.
 2. The pedestrian walkways to the Public ROW are separated from vehicularways. Within the site pedestrian access is primarily via the paved parking lots.
- H. Landscaping:
1. The proposed landscape design complies with the City's landscape code and the City's landscape manual.
 2. The proposed landscape design includes native vegetation and drought resistant species including grasses.
- I. Open Space/Natural Features: There are no existing natural features on the site, such as trees, drainage channels, slopes, rock outcroppings, etc., to be preserved and incorporated into the design of the project.

Haddon Architecture LLC



Gregory D. Haddon, AIA, Architect



CPC PUD 14-00056

Job No.	138112
Client	CM
Project	0402011
Contract	00000000
Sheet	SD-2
Scale	1/4\"/>

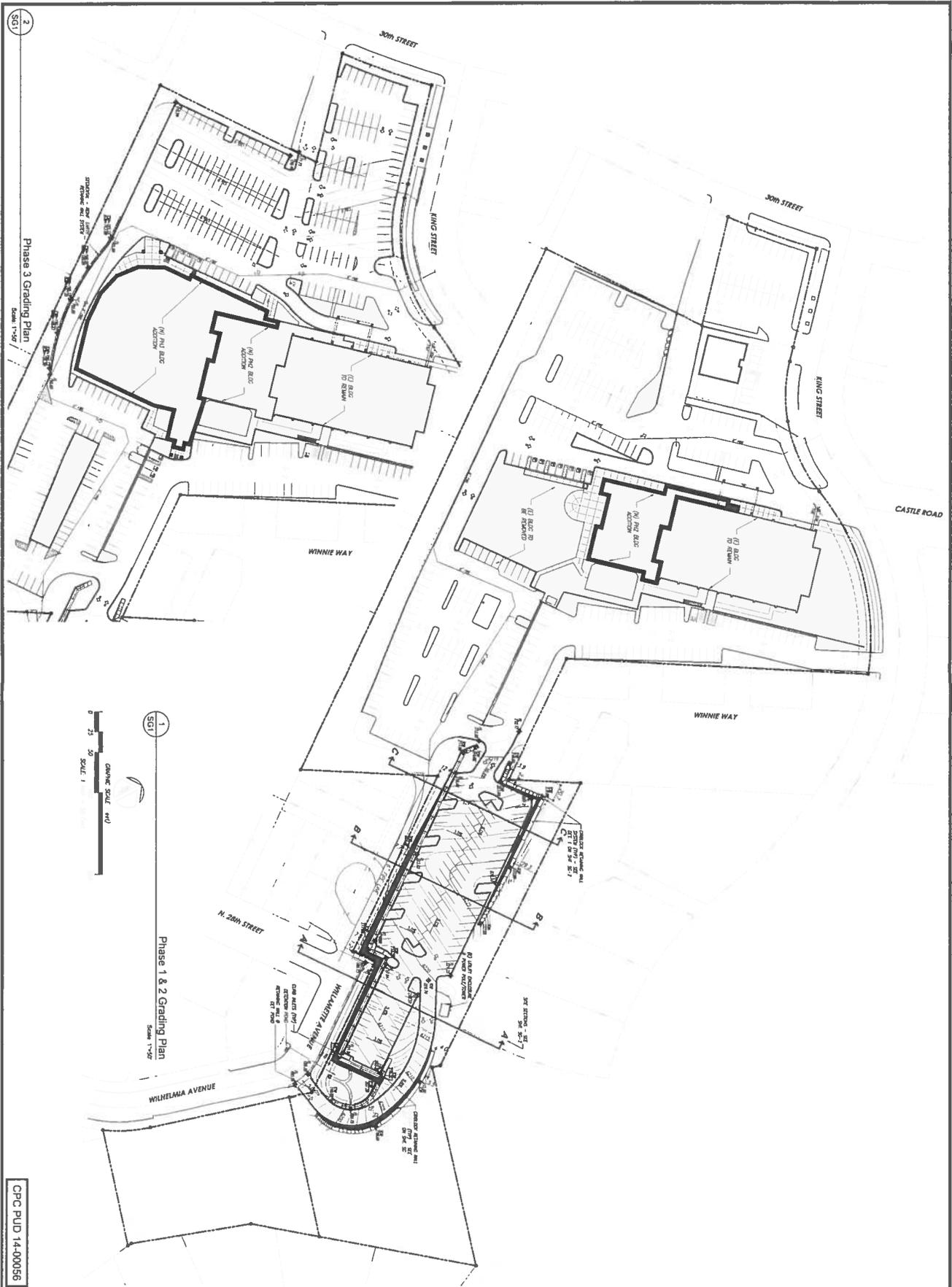
HADDON
 of Architecture
 P.O. Box 50303
 Colorado Springs, CO
 80909-943002

CALVARY WORSHIP CENTER
 501 CASTLE ROAD, COLORADO SPRINGS, COLORADO

Expansion Master Plan

SD-2
 4 of 12

FIGURE 2



OPC PUD 14-00056

Sheet
SG-1
 5 of 12

Prepared by:
 City Planning
Preliminary Site Grading Plan

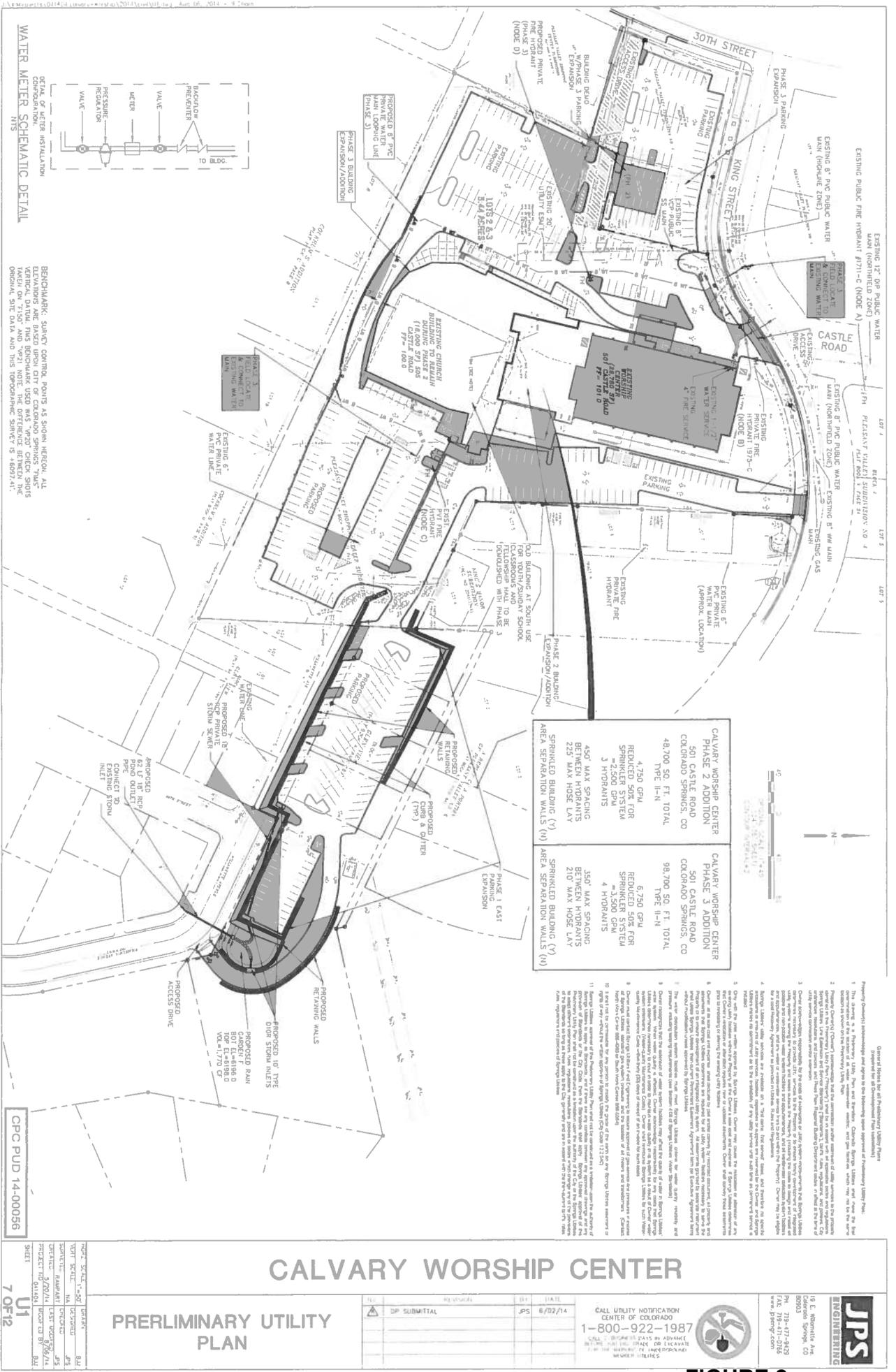
Job No. 1
 Drawn: GA
 Checked: GA
 Date: 08/13/2014

CALVARY WORSHIP CENTER
 501 CASTLE ROAD, COLORADO SPRINGS, COLORADO

Expansion Master Plan

HADDON
 Architecture
 P.O. Box 50303
 Colorado Springs, CO
 80909-0302

FIGURE 2



WATER METER SCHEMATIC DETAIL

BENCHMARK: SURVEY CONTROL POINTS AS SHOWN HEREON. ALL ELEVATIONS ARE BASED UPON CITY OF COLORADO SPRINGS TRAIL VERTICAL DATUM. THIS BENCHMARK USED WAS 7490 CHECK POINTS ORIGINAL SITE DATA AND THIS TOPOGRAHIC SURVEY IS 4602.41'

<p>CALVARY WORSHIP CENTER PHASE 2 ADDITION 501 CASTLE ROAD COLORADO SPRINGS, CO 48,700 SQ. FT. TOTAL TYPE II-N</p> <p>4,750 GPM REDUCED 50% FOR SPRINKLER SYSTEM = 2,500 GPM 3 HYDRANTS</p> <p>450' MAX SPACING BETWEEN HYDRANTS 225' MAX HOSE LAY</p> <p>SPRINKLER BUILDING (Y) AREA SEPARATION WALLS (W)</p>	<p>CALVARY WORSHIP CENTER PHASE 3 ADDITION 501 CASTLE ROAD COLORADO SPRINGS, CO 98,700 SQ. FT. TOTAL TYPE II-N</p> <p>6,750 GPM REDUCED 50% FOR SPRINKLER SYSTEM = 3,500 GPM 4 HYDRANTS</p> <p>150' MAX SPACING BETWEEN HYDRANTS 210' MAX HOSE LAY</p> <p>SPRINKLER BUILDING (Y) AREA SEPARATION WALLS (W)</p>
--	--

CPC PUD 14-00056

CALVARY WORSHIP CENTER

PRERLIMINARY UTILITY PLAN

U1
 7 OF 12

19 E. Wadsworth Ave.
 Colorado Springs, CO 80903
 Phone: 719-471-4499
 Fax: 719-471-0165
 www.jpseng.com

JPS ENGINEERING

CALL UTILITY NOTIFICATION
 CENTER OF COLORADO
 1-800-922-1987

FIGURE 2

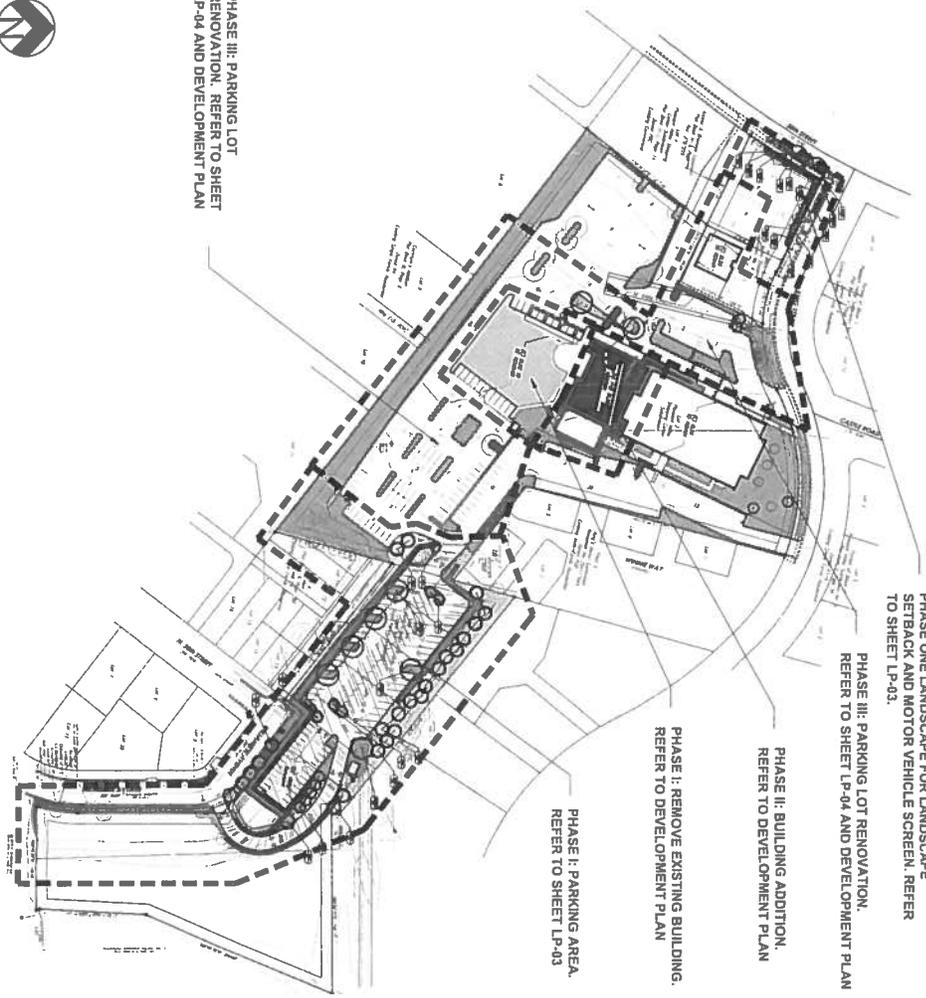


OVERALL LANDSCAPE PLAN

PHASE I, II AND III

IRRIGATION SYSTEM DESCRIPTION NOTE
 ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO IRRIGATE ALL AREAS TO BE IRRIGATED. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO IRRIGATE ALL AREAS TO BE IRRIGATED. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO IRRIGATE ALL AREAS TO BE IRRIGATED.

PHASE III: PARKING LOT RENOVATION. REFER TO SHEET LP-04 AND DEVELOPMENT PLAN



PHASE ONE LANDSCAPE FOR LANDSCAPE SETBACK AND MOTOR VEHICLE SCREEN. REFER TO SHEET LP-03.

PHASE III: PARKING LOT RENOVATION. REFER TO SHEET LP-04 AND DEVELOPMENT PLAN

PHASE II: BUILDING ADDITION. REFER TO DEVELOPMENT PLAN
PHASE I: REMOVE EXISTING BUILDING. REFER TO DEVELOPMENT PLAN

PHASE I: PARKING AREA. REFER TO SHEET LP-03

FINAL LANDSCAPE PLAN SUBMITTAL NOTE
 THE FINAL LANDSCAPE PLAN SHALL BE SUBMITTED TO THE CITY OF DENVER FOR REVIEW AND APPROVAL. THE FINAL LANDSCAPE PLAN SHALL BE SUBMITTED TO THE CITY OF DENVER FOR REVIEW AND APPROVAL.

CITY AFFIDAVIT NOTE
 I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT I AM THE DESIGNER OF THE LANDSCAPE PLAN SUBMITTED TO THE CITY OF DENVER FOR REVIEW AND APPROVAL. I AM A LICENSED LANDSCAPE ARCHITECT IN THE STATE OF COLORADO AND I AM THE DESIGNER OF THE LANDSCAPE PLAN SUBMITTED TO THE CITY OF DENVER FOR REVIEW AND APPROVAL.

EXISTING SITE SITE CATEGORY CALCULATIONS

Category	Area (sq ft)	Weight	Weighted Area (sq ft)
Category 1	10,000	1.0	10,000
Category 2	20,000	2.0	40,000
Category 3	30,000	3.0	90,000
Category 4	40,000	4.0	160,000
Category 5	50,000	5.0	250,000
Total	150,000	15.0	550,000

PHASE I, II AND III SITE CATEGORY CALCULATIONS

Category	Area (sq ft)	Weight	Weighted Area (sq ft)
Category 1	10,000	1.0	10,000
Category 2	20,000	2.0	40,000
Category 3	30,000	3.0	90,000
Category 4	40,000	4.0	160,000
Category 5	50,000	5.0	250,000
Total	150,000	15.0	550,000

FERTILIZER NOTE
 SOIL TESTS FOR THIS SITE IS SUBJECT TO SOIL TESTS CONDUCTED BY THE SOIL SERVICE OF DENVER COUNTY AND RECOMMENDED BY THE SOIL SERVICE OF DENVER COUNTY. SOIL TEST REPORT AND RECOMMENDATIONS WILL BE SUBMITTED WITH THE LANDSCAPE PLAN.

UTILITIES NOTE
 ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE DESIGNER HAS CONDUCTED A VISUAL INSPECTION OF THE UTILITIES SHOWN ON THIS PLAN AND HAS FOUND THEM TO BE ACCURATE. THE DESIGNER HAS CONDUCTED A VISUAL INSPECTION OF THE UTILITIES SHOWN ON THIS PLAN AND HAS FOUND THEM TO BE ACCURATE.

DOCUMENT DISCLAIMER NOTE
 THIS DRAWING IS THE PROPERTY OF HIGHER GROUND DESIGNS, INC. AND SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT WRITTEN AUTHORIZATION BY HIGHER GROUND DESIGNS, INC. PLANS ARE NOT FOR CONSTRUCTION OR BIDDING PURPOSES.

CALVARY WORSHIP CENTER
 PHASE I-III
 COLORADO SPRINGS, CO

PREPARED FOR:
 480-1-14

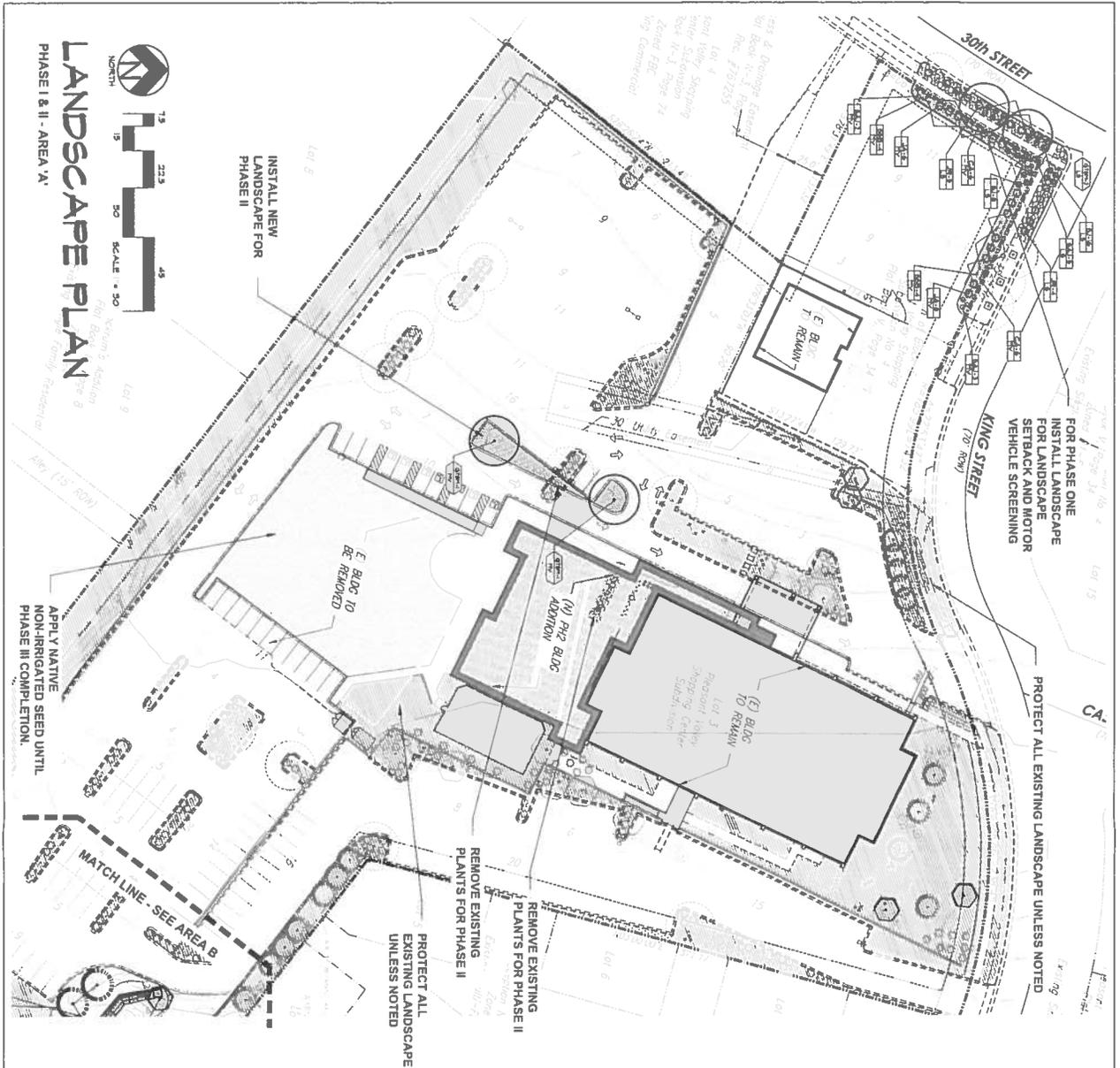
HIGHER GROUND DESIGNS
 LANDSCAPE ARCHITECTURE & IRRIGATION DESIGN

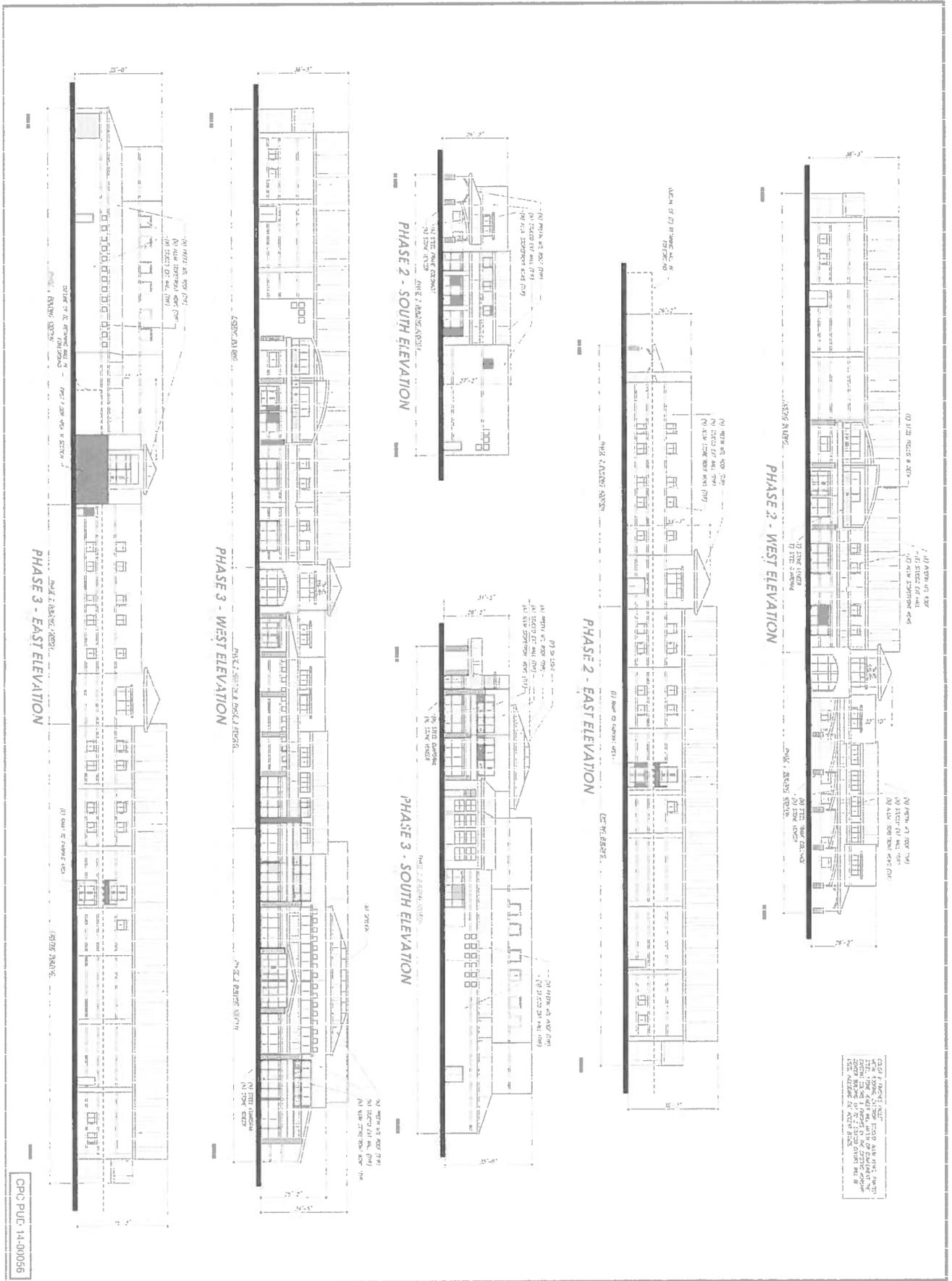
3616 BERECIA LANE, STE. 111
 COLORADO SPRINGS, CO 80917
 Phone 719-477-5666
 Fax 719-586-1122

NOT FOR CONSTRUCTION - For Approval Only

PROJECT NO: LP-01
 SHEET NO: 8 of 12

FIGURE 2





CPC PUD 14-00056

Sheet
 A-1

City Planning
 Preliminary
 Building
 Elevations

DATE: 10/16/14
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]

CALVARY WORSHIP CENTER
 551 CASTLE ROAD, COLORADO SPRINGS, COLORADO

HADDEN
 P.O. BOX 703
 COLORADO SPRINGS, CO 80901
 719.454.1111

FIGURE 2

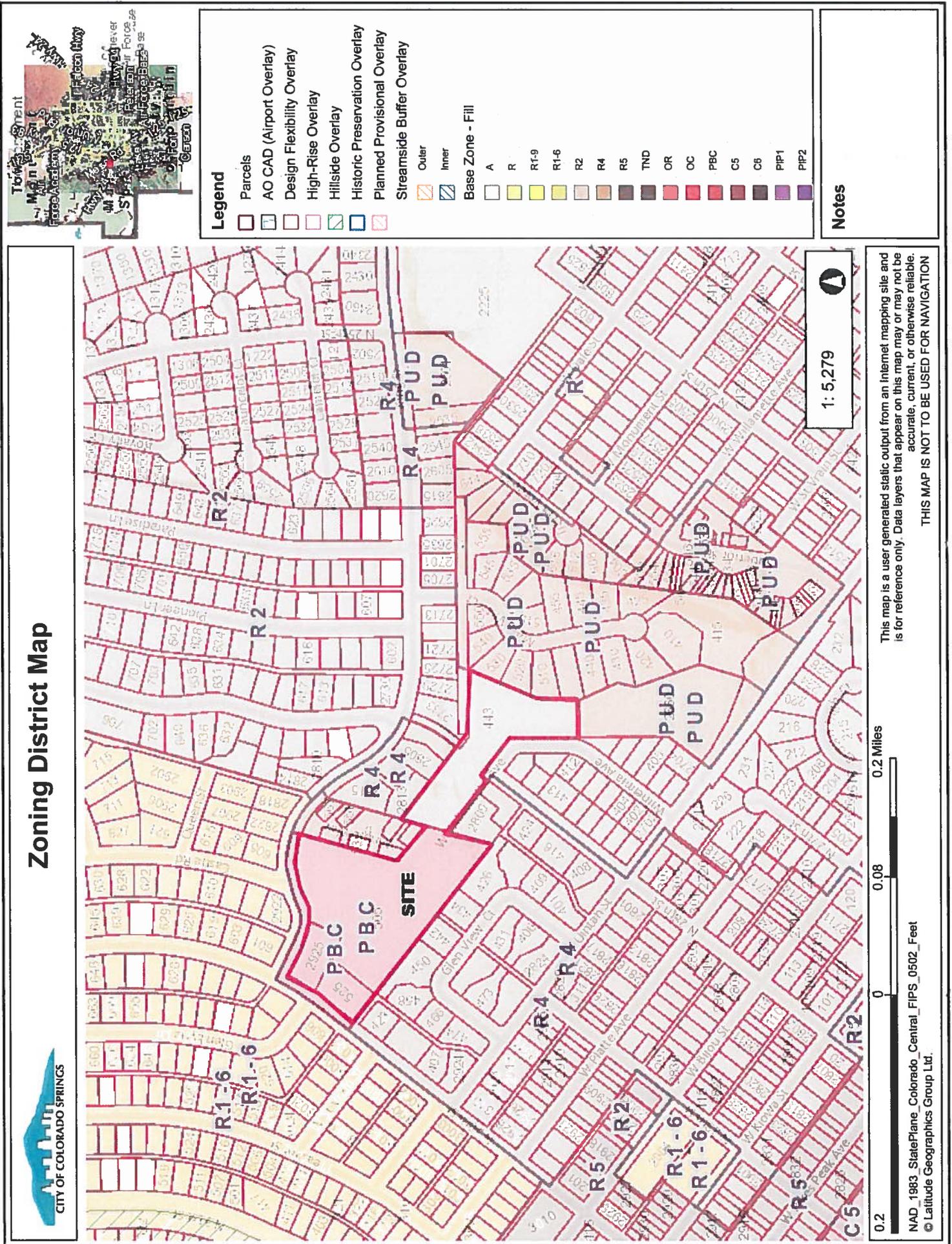


FIGURE 3

APPENDIX A

Slope Stability Analysis

Data input values utilized in our slope stability analyses and graphical outputs are presented below. The output illustrates the three different scenarios, "existing", "construction", and "construction – saturated", with results determined utilizing the Simplified Bishop methodology. The graphical outputs present a color-coded distribution of the FOS determined by iterative calculations. The Global Minimum, for each scenario, is presented with the numeric value of FOS notes.

Detailed results of the slope stability analyses are presented in Appendix A.

SLOPE STABILITY RESULTS		
		Bishop Method
Scenario	Saturated	Lowest Calculated FOS¹
Existing	No	1.84
Construction	No	1.44
Construction - Saturated	Yes	1.13
Final (post-construction)	No	1.63

¹FOS – Factor of Safety

Commonly accepted minimum values of FOS are 1.5 for long-term stability, 1.3 for short-term events (e.g. foundation excavations, temporary construction, etc.), and 1.1 for transient events (e.g. flooding, spring thaw, etc.).

As noted in the above table, the evaluated slope was determined to meet the long-term FOS, both in its in-situ condition and in its final (post-construction) condition. The evaluated slope was also determined to meet the short-term FOS in its "construction" condition. When fully saturated (severe precipitation event, spring thaw, etc.) the FOS fell below the "short-term" value of 1.3 but was found to be above the "transient" minimum of 1.1.

In consideration of the results of the slope stability analyses performed, the results indicate the slopes are generally stable in their in-situ, or existing conditions. Further discussion is presented in the body of this report.

COLORADO GEOLOGICAL SURVEY

Colorado Geological Survey
1500 Illinois Street
Golden, Colorado 80401
Web site: www.coloradogeologicalsurvey.org



A Department of the
Colorado School of
Mines

Karen Berry
Acting State Geologist

EP-14-0020
Legal: SESW, Sec. 2, T14S, R67E, 6th M.

June 23, 2014

Mr. Mike Schultz
City of Colorado Springs
Community Development Dept.
Land Use Review Division
30 S. Nevada Ave.
Colorado Springs, CO 80901

RE: Calvary Worship Center – Expansion Master Plan, City File CPC PUD 14-00056
Physical Address: N. 28th and Wilhelmia Avenue

Dear Mike:

Thank you for the development plan submittal. At your request the Colorado Geological Survey (CGS) has provided a technical review of the development plan with regard to potential geologic hazards and geologic conditions that may impact the proposed land use. Included with your request were plan sheets and, pertinent to this review, a Geologic Hazard Study by RMG Engineers dated June 2, 2014 (Job #142903). The site is on south and west facing slopes, north of N. 28th Street and Wilhelmia Avenues. The land parcel, earlier proposed as Victoria Heights, was originally submitted for construction of residential units. This development plan was submitted to CGS for review a number of times in the early 2000s and those comments were addressed to Mr. Larson, who was the city planner of record for those earlier development plans. We were also asked to present comments at a neighborhood public meeting on August 19th, 2004.

We have reviewed the current development plan for the Calvary Worship Center and now find that the property is included in a larger parcel that also includes the church buildings in the older shopping area at King Street. The property within the steeper slope areas that we previously expressed concerns about long-term stability are now proposed to be an expansion of off-street parking for the church that is located in the current Pleasant Valley Shopping Center Subdivision. Included with this new development plan is a replat of the shopping center subdivision and the off-street parking parcel to create a single, church-owned development. Later construction will demolish an old structure and add two construction phases to enlarge the main church building. As we stated in previous reviews, potential slope instability and swelling soil/expansive or heaving claystone bedrock will be the major hazards that could impact the earlier Victoria Heights proposal. Those same hazards could potentially impact the new Calvary Worship Center Expansion Master Plan.

We have reviewed the RMG report and generally concur with its conclusions and recommendations for the off-street parking structures. Off-street parking at the toe of the slope is the best and most appropriate land use for this problematic parcel. However, there will be both cuts and fills to facilitate the parking lot so properly (i.e.,

conservatively) designed and constructed retaining walls will be extremely important. If they were to fail, ground movements could possibly impact homeowner's property above and the roadway below. We concur with the landscape plan showing only non-irrigated areas on the slopes above the retaining wall segments.

The RMG report only addresses the off-street parking lot and does not include the hazards and constraints that may impact the proposed construction phases of the church building. As mentioned in the RMG report, steeply dipping, potentially heaving, near-surface Pierre Shale occurs beneath the church building. Heave ridges were indentified and significant damage occurred to the older structures of the shopping subdivision. Site specific foundation investigation will be required to engineer foundations designed to mitigate swelling soils and heaving bedrock. The same will be true for pavements and slab-on-grades placed on the steeply dipping, near-surface, expansive bedrock.

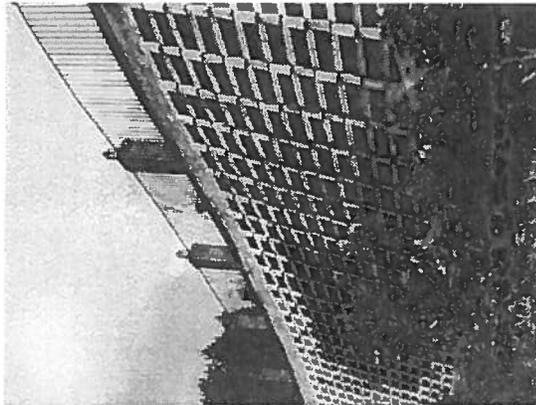
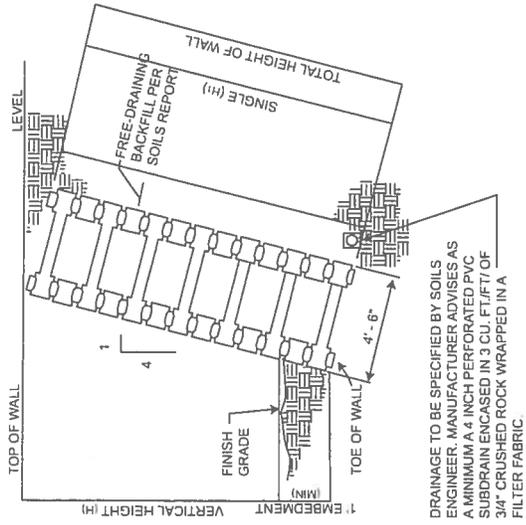
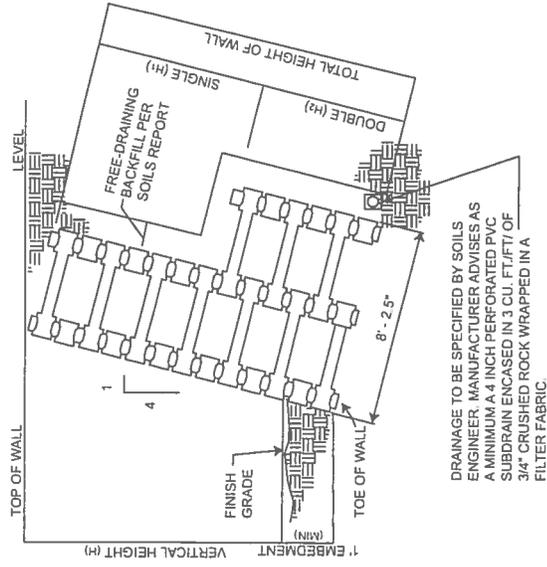
The development plan and RMG reports appears to adequate address the potential hazards and provided site specific foundation designs are prepared for the building additions, CGS has no other concerns with the proposed subdivision as shown in the development plan. If you have any questions, please contact this office at (303) 894-2650 or e-mail: jwhite@mines.edu

Sincerely,



Jonathan L. White
Senior Engineering Geologist

Cc: LUR file



Double Row Construction

Single Row Construction

Sample Installation

"Criblock" Retaining Wall System Details

No Scale

1 -

FIGURE 6

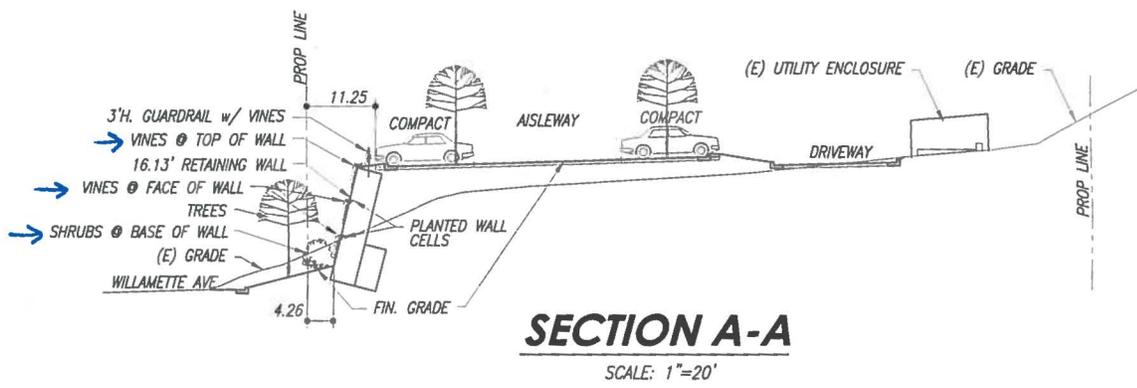
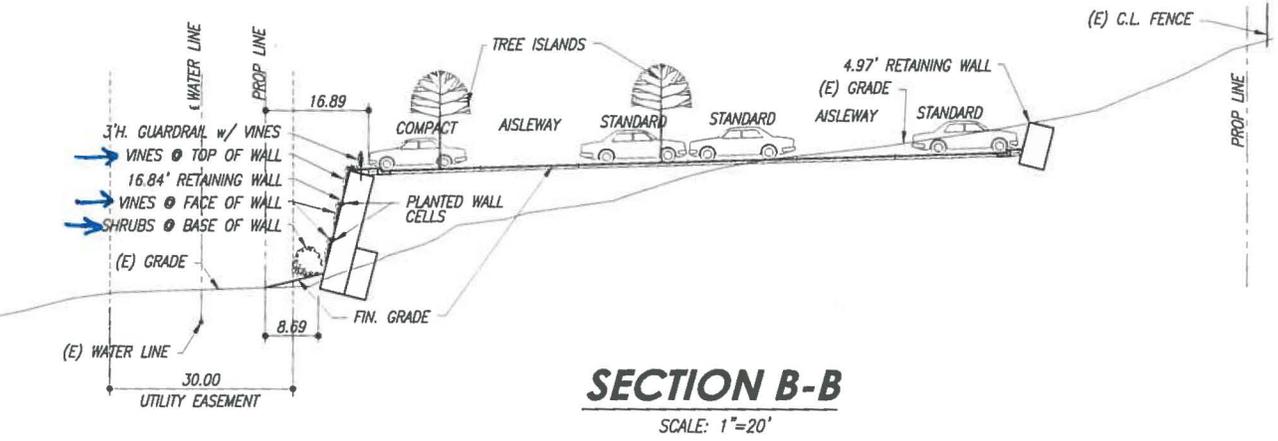
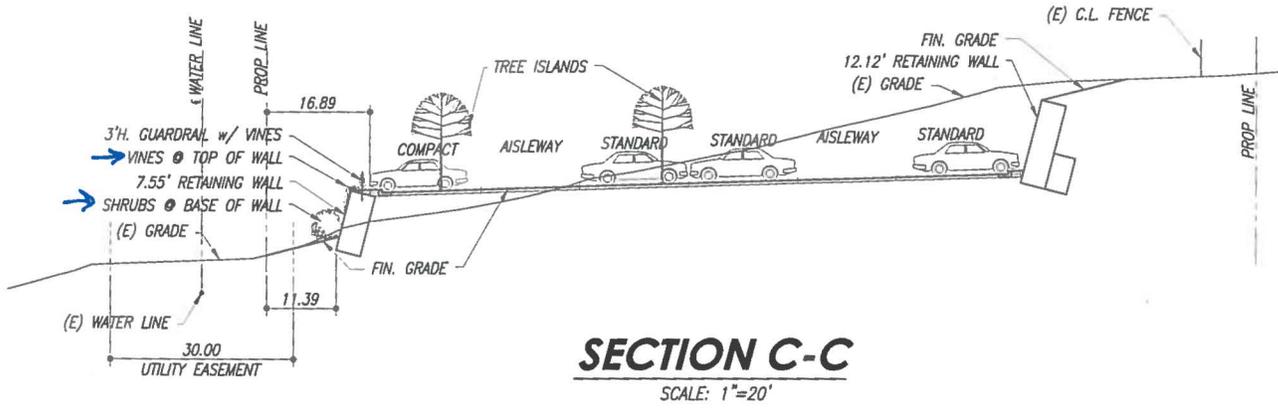


FIGURE 7

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)

7.3.606: 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)

7.5.501 (E): CONCEPT PLAN REVIEW CRITERIA:

- D. Concept Plan Review Criteria: A concept plan shall be reviewed using the criteria listed below. No concept plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the existing and proposed land uses surrounding the site.
1. Will the proposed development have a detrimental effect upon the general health, welfare and safety or convenience of persons residing or working in the neighborhood of the proposed development?
 2. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off the site?
 3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community?
 4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading and service areas and pedestrian areas designed to promote safety, convenience and ease of traffic flow and pedestrian movement both on and off the site?
 5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
 6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods?
 7. Does the concept plan show how any potentially detrimental use-to-use relationships (e.g., commercial use adjacent to single-family homes) will be mitigated? Does the development provide a gradual transition between uses of differing intensities?
 8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan? (Ord. 94-107; Ord. 01-42; Ord. 03-157; Ord. 09-78)

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)

7.5.906 (A)(4) : CRITERIA FOR REVIEW OF AN APPEAL OF ADMINISTRATIVE DECISION:

4. Criteria For Review Of An Appeal Of An Administrative Decision: In the written notice, the appellant must substantiate the following:
 - a. Identify the explicit ordinance provisions which are in dispute.
 - b. Show that the administrative decision is incorrect because of one or more of the following:
 - (1) It was against the express language of this zoning ordinance, or
 - (2) It was against the express intent of this zoning ordinance, or
 - (3) It is unreasonable, or
 - (4) It is erroneous, or
 - (5) It is clearly contrary to law.
 - c. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

SUBDIVISION PLATS REVIEW CRITERIA:

7.7.102: PURPOSE:

It is the purpose and intent of this part:

- A. To promote the health, safety, convenience and general welfare of the citizens of the City.
- B. To set forth appropriate standards for subdivision design which will:
 - 1. Encourage the development of sound, economical, stable neighborhoods and create a healthy living environment for the residents of the City, in conformance with the goals and policies of the Comprehensive Plan.
 - 2. Provide for lots of adequate size, configuration and appropriate design for the purpose for which they are to be used and to accommodate the physical features of the site.
 - 3. Promote design flexibility.
 - 4. Provide for streets of adequate capacity and with which appropriate improvements will handle anticipated traffic flow.
 - 5. Preserve the significant natural features and environmental quality of the City.
- C. To set forth appropriate standards for utilities and services which will:
 - 1. Provide an efficient, adequate and economical supply of utilities and services to land proposed for development, in order to assure that governmental costs are minimized to the greatest extent possible.
 - 2. Ensure at the time of subdivision that adequate storm drainage, sewage disposal and other utilities, services and improvements needed as a consequence of subdivision of land are provided.
 - 3. Provide for the undergrounding of all public utilities lines up to thirty thousand (30,000) volts except as otherwise provided in section 7.7.806 of this article.
- D. To assure the provision of adequate and safe circulation which will:
 - 1. Minimize traffic hazards through means of appropriate street design, and provide for safe and convenient vehicular and pedestrian traffic circulation.
 - 2. Provide for adequate vehicular access to abutting properties and the subdivider's remaining holdings.
 - 3. Assure that street rights of way are provided for in accord with the major thoroughfare plan and the City Engineer design manual ¹.
 - 4. Provide for safe and convenient pedestrian access throughout the community.
- E. To assure adequate public facilities are provided which will:
 - 1. Enhance the coordination of subdivision development with the provision of public facilities such as parks, recreation areas, schools and other types of community facilities.
 - 2. Ensure that public facilities are provided in accord with the City's Comprehensive Plan.
 - 3. Provide for adequate law enforcement and fire protection facilities.
- F. To ensure the appropriate development of the community through the implementation of the goals and policies of the Comprehensive Plan. (Ord. 96-44; Ord. 01-42)