



# **CITY PLANNING COMMISSION AGENDA**

**THURSDAY, June 18, 2015  
8:30 A.M.**

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

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# CITY PLANNING COMMISSION MEETING PROCEDURES

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**MEETING ORDER:**

The City Planning Commission will hold its regular meeting on **Thursday, June 18, 2015 at 8:30 a.m.** in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

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

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

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

**VIEW LIVE MEETINGS:**

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

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## CITY PLANNING COMMISSION COMPREHENSIVE PLAN AND REVIEW CRITERIA

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### **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**

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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, June 29, 2015**

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

## CITY PLANNING COMMISSION MEETING AGENDA THURSDAY, May 21, 2015

1. Approval of the Record of Decision (minutes) for the May 21, 2015 City Planning Commission Meeting
2. Communications
- 2.A Election of CPC Chair and Vice-Chair
3. Consent Calendar (Items A.1 - B.2) .....Page 7
4. New Business Calendar (Items 4.A – 6) .....Page 47  
 Appendix – Review Criteria.....Page 167

### CONSENT CALENDAR

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM.: A.1</b>            CPC UV 15-00029            (Quasi-Judicial)</p> <p><b>ITEM.: A.2</b>            CPC NV 15-00043            (Quasi-Judicial )</p> <p><b>PARCEL NO.:</b>            6308300006</p> <p><b>PLANNER:</b>            Steve Tuck</p>	<p>A request by Colton Johnson on behalf of the John and Patricia Withers Trust for consideration of the following applications:</p> <ol style="list-style-type: none"> <li>1. A use variance to allow a kennel (dog daycare facility with outdoor exercise areas and no overnight care) in the PIP-2 (Planned Industrial Park) zone.</li> <li>2. A nonuse variance to Section 7.4.203.A of the City Code to allow 0 parking spaces on site where the requirement is 1 parking space for the office.</li> </ol> <p>The project name is Under the Sun Doggie Daycare and the property consists of 2.06 acres and is located at 790 Dublin Boulevard.</p>	7
<p><b>ITEM.: B.1</b>            CPC PUZ 14-00124            (Quasi-Judicial)</p> <p><b>ITEM.: B.2</b>            CPC PUD 06-00108-A7MJ14            (Quasi-Judicial)</p> <p><b>PARCEL NOS.:</b>            5307000073,5307000097,            5307000006</p> <p><b>PLANNER:</b>            Meggan Herington</p>	<p>Request by William Guman &amp; Associates Ltd, on behalf of Wolf Ridge Development Co LLP, for approval of the following development applications:</p> <ol style="list-style-type: none"> <li>1. A zone change from A/AO (Agriculture with Airport Overlay) to PUD/AO (Planned Unit Development; Single-Family Residential, 3.85 Dwelling Units per Acre, 35 foot maximum building height with Airport Overlay).</li> <li>2. The Dublin North Phase 8 Development Plan that illustrates an addition of 105 single-family detached residential lots to the Dublin North development along with public roads, easements, landscape and open space areas.</li> </ol> <p>The site consists of 27.305 acres and is located south of Wolf Ridge Road and east of Templeton Gap Road.</p>	16

## NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p><b>ITEM NO.: 4.A-4.B</b>  <b>CPC PUZ 15-00031</b>            (Quasi-Judicial)</p> <p><b>CPC PUP 15-00032</b>            (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b>            6425204002</p> <p><b>PLANNER:</b>            Lonna Thelen</p>	<p>A request by Aeroplaza Fountain LLC for approval of the following development applications:</p> <ol style="list-style-type: none"> <li>1. A zone change from PBC/cr/AO (Planned Business Center with a condition of record and airport overlay) to PUD/AO (Planned Unit Development with an airport overlay).</li> <li>2. A concept plan for an 80 unit, small lot single family development (Village at Aeroplaza). The property is proposed to be zoned PUD (Planned Unit Development).</li> </ol> <p>The property is located northeast of Fountain Boulevard and Aeroplaza Drive and consists of 14.02 acres.</p>	47
<p><b>ITEM NO.: 5</b>            AR NV 14-00691-AP            (Quasi-Judicial)</p> <p><b>PARCEL NO.:</b>            7412103048</p> <p><b>PLANNER:</b>            Rachel Teixeira</p>	<p>An appeal by Pam Hamamoto, property owner of 1217 E. High Point Lane, regarding the administrative approval for a nonuse variance request for a ten (10) foot front yard setback where twenty-five (25) feet is required. This nonuse variance request approved the construction for a single family residence located at 1225 E. High Point Lane. The property is zoned R-1 9000/HS (Single Family Residential with Hillside Overlay), consists of 0.26 acres and is situated northeast of Mesa Avenue and Uintah Street.</p>	61
<p><b>ITEM NO.: 6</b></p> <p><b>STAFF:</b>            Marc Smith            (Legislative)</p>	<p>Approval of Amendments to the Procedures of the City Planning Commission</p>	147

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# CONSENT CALENDAR

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ITEM NOS.: A.1-A.2

STAFF: STEVE TUCK

FILE NOS:

A.1 - CPC UV 15-00029 – QUASI-JUDICIAL

A.2 - CPC NV 15-00043 – QUASI-JUDICIAL

**PROJECT:** UNDER THE SUN DOGGIE DAYCARE

**APPLICANT:** COLTON JOHNSON

**OWNER:** JOHN AND PATRICIA WITHERS TRUST



### **PROJECT SUMMARY:**

1. **Project Description:** The applications request the approval of a use variance and a nonuse variance to allow a dog daycare facility with no overnight boarding in the PIP-2 (Planned Industrial Park) zone. The site consists of 2.06 acres, is developed with a 1,776 square-foot residence and is located at 790 Dublin Boulevard (northwest corner of Dublin Boulevard and Vincent Drive). **FIGURE 1** is the development plan.
2. **Applicant's Project Statement:** **FIGURE 2**
3. **Planning and Development Team's Recommendation:** Approve the use variance for a kennel (dog daycare center) subject to revisions to the development plan. Approve the nonuse variance to allow portions of the required parking to be located in the Vincent Drive right-of-way.

### **BACKGROUND:**

1. **Site Address:** 790 Dublin Boulevard
2. **Existing Zoning/Land Use:** PIP-2/kennel (dog daycare facility)
3. **Surrounding Zoning/Land Use:** North: PIP-2/single-family residence, vacant  
South: PIP-2/outside dog training facility  
East: C-6/veterinary clinic, commercial  
West: PIP-2/kennel, outside dog training facility
4. **Comprehensive Plan/Designated 2020 Land Use:** Employment Center
5. **Annexation:** 1980, Withers Addition No. 1
6. **Master Plan/Designated Master Plan Land Use:** None
7. **Subdivision:** Not platted
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The site is developed with a single-family residence that has been converted to the dog daycare facility without City approval. The majority of the two-acre site is to remain vacant or not used for the dog daycare facility.

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

Public notice was provided to 27 property owners within 500 feet. The notice was mailed on two occasions: 1) after the submittal of the applications and 2) prior to the Planning Commission meeting. No inquiries or correspondence was received.

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

1. **Review Criteria/Design & Development Issues:**  
**Neighborhood** – The surrounding zoning to the north, west and south is PIP-2 with the majority of the property used for dog kennels and dog training. The kennel at 780 Dublin Boulevard was constructed in 1970, which was prior to the annexation of the property, and therefore did not require a use variance. The kennel at 740 Dublin Boulevard (Sunrise Kennels) received a use variance in 1980. The recently completed, outside dog training facilities located immediately to the west and south of the project have not obtained approval from the City for this use. These properties are owned by Sunrise Kennels. A veterinary practice is located across Vincent Drive to the east, while a vacant, unincorporated parcel is located to the southeast and across Dublin Boulevard. The closest residential project (Dublin Meadows townhomes) is located over 400 feet to the east and across Dublin Boulevard.

**Site/Development Plan** – The 2.04-acre site is developed with a residence that was recently converted to the dog daycare facility without the approval of the City. These applications have been submitted to obtain the City's approval for the existing use. A dog daycare center is defined as a kennel. A kennel is a commercial use type and is not permitted in the PIP-2 zone.

The property is not intensely developed, as the majority of the site will remain an open yard. Two outside, fenced areas are provided to the north and west of the building. The majority of the 1,776 square-foot building will be used for dogs, with only 100 square feet used for the office. No overnight stays are proposed as indicated in the project statement (**FIGURE 2**).

A revised development plan was submitted in response to the City review letter in **FIGURE 3**. The revised plan is acceptable with revisions as recommended below. The request satisfies the City review criteria for a use variance and a development plan.

**Nonuse Variance** – One parking space is required based on the size of the office. Three parking spaces are shown with portions of two spaces in the public right-of-way of Vincent Drive and a third space within the right-of-way. There is a significant paved area adjacent to the property that is within the right-of-way but is located outside of the traveled way or street. Vincent Drive and Dublin Boulevard were recently reconfigured by the City with the Nevada Avenue extension project. As a result the paved area in the right-of-way where the parking is proposed serves as a private drive to this and to the kennel at 780 Dublin Boulevard. Ample pavement exists to provide the parking while not diminishing access or impacting the traveled way of Vincent Drive. If this application is approved then a Revocable Permit must be issued by the City for the parking spaces in the right-of-way.

The review criteria for a nonuse variance are satisfied due to these unique circumstances.

2. Conformance with the City Comprehensive Plan:  
The 2020 Land Use Plan within the Comprehensive Plan indicates the site is within an Employment Center. Commercial uses are consistent with the Employment Center designation. A kennel is identified as a commercial use in the Zoning Code. The project is consistent with and conforms to the Comprehensive Plan.
3. Conformance with the Area's Master Plan:  
The property is not within an area master plan.

**STAFF RECOMMENDATION:**

**Item No: A.1 CPC-NV 15-00029 – Use Variance**

**Approve** the use variance and the development plan for a kennel (dog daycare facility) in the PIP-2 zone, based on the finding the request complies with the review criteria in City Code Section 7.5.803.B (Criteria for Granting a Use Variance) and Section 7.5.502.E (Development Plan Review Criteria) subject to compliance with the following technical and/or informational modification to the development plan:

**Technical and/or Informational Modification to the Development Plan**

1. Note a nonuse variance is requested with File No. CPC NV 15-00043 to City Code Section 7.4.203.A to allow portions of the parking spaces to be located within the public right-of-way of Vincent Drive.
2. Note no overnight boarding will occur.
3. Revise “nno” to “non” for the designation of Vincent Drive as a nonarterial street.
4. Note that a Revocable Permit shall be approved for the parking in the right-of-way within 60 days of the approval of the applications.
5. Identify and note the width and material of the sidewalks both on the site and in the adjacent right-of-way.
6. As indicated by the City Landscape Architect in **FIGURE 4** revise the landscape plan.

**Item No: A.2 CPC-NV 15-00043 – Nonuse Variance**

**Approve** the nonuse variance to City Code Section 7.4.203.A to allow portions of the required parking spaces to be located within the public right-of-way of Vincent Drive, based on the finding the plan complies with the review criteria in City Code Section 7.5.802.B (Criteria for Granting a Nonuse Variance).



March 30, 2015  
**Revised 6.3.15**

Steve Tuck, AICP  
Land Use Review  
30 S. Nevada, Suite 105  
Colorado Springs, CO 80901

**RE: 790 Dublin Avenue (TSN: 6308300006)**  
Use Variance

**Description:**

This site is located directly northwest of the Dublin Avenue and Vincent Drive intersection. The 2.06 acre site is currently zoned PIP2. Access to the site is directly off of Vincent Drive. No major changes to the site or existing structure are being proposed with this application.

Previous improvements to the Dublin and Vincent intersection addressed an improved access historically in place prior to the right of way improvements. With these improvements impacts to current driveway and parking functionality were impacted slightly specifically as it relates to the parking located at the entry. Historically and functionally the site has the needed space and room for on site parking prior to the City Improvements to Vincent and Dublin intersection. The current drive was provided at a 30' drive width with excess area and space beyond to accommodate the garage driveway and associated parking spaces. The ROW however slightly impacts a portion of these spaces needed. These parking spaces are being requested to remain as they have been allowed in the past prior to the intersection improvements and be utilized for the necessary and minimal onsite parking needed.

The current proposal aims to address an appropriate use for the site consistent with the adjacent properties and surrounding area. The use variance is for a Pet Services designation not typically allowed in a PIP2 zone. Historically the sites directly adjacent to the property and sharing access with the current property have had variances in place for the Pet Services designation as it was historically owned and operated under such use allowances prior to its past annexation and associated rezoning actions.

This proposal for the use variance will address a use consistent with the existing properties but also consider the impacts to the adjacent neighbors. Alternatively to the existing uses directly adjacent the site no overnight boarding will take place with this facility. The current facility will operate as a doggie care facility with some training services.

If there are any additional questions or further information is needed please feel free to contact me as needed.

Jon Romero, PLA  
719.651.6128



May 6, 2015

Mr. Colton Johnson  
790 Dublin Boulevard  
Colorado Springs, CO 80918

RE: Use Variance for Under the Sun Doggie Daycare – File No. CPC UV 15-00029

Dear Colton:

The review of the above application has been completed. Prior to scheduling the request for a Planning Commission agenda the following 3 items must be addressed:

- I. Submit to Land Use Review 6 copies of the development plan (folded to no larger than 9" x 14", with the lower right corner exposed) with the following revisions:
  - a. Note the City file number of CPC UV 15-00029 in the lower right corner.
  - b. Note the name of the applicant.
  - c. Note the tax schedule number of 63083-00-006.
  - d. Revise the lot coverage of the buildings from 1% to 2% (1,776 sq. ft. divided by 89,734 sq. ft.). The garage appears to have been excluded.
  - e. Note the floodplain status of the property per the appropriate FEMA map.
  - f. In the parking table revise the use from pet services to a kennel/dog daycare facility (a dog daycare facility is defined as a kennel in City Code Section 7.2.302.C.20). Revise the parking requirement to 1 space/400 square feet of office space (instead of 1/400 of total building area). Provide a minimum of 2 spaces. The parking spaces and maneuvering area are to be located on the site and paved. Either revise accordingly or submit a nonuse variance to City Code Section 7.4.203 (off-street parking requirements) to allow the parking spaces/driveway within the right-of-way of Vincent Drive. The variance appears to be justified due to the existing configuration of Vincent Drive and the pavement adjacent to the property is not used for Vincent Drive traffic. If parking is to be shown in this area then note the dimensions of the parking spaces and driveway.
  - g. Note the dimensions of the property lines.
  - h. Note the exterior dimensions of the buildings.
  - i. Note the height of the fences.
  - j. Address trash collection. If a residential sized container is used then note accordingly. If a commercial sized container is used then provide a trash enclosure.
  - k. Note the type and location of exterior lights. Note the use of full cut-off fixtures. If no exterior lights are proposed then note accordingly.
  - l. A 6-space, gravel parking area is shown. Parking and driveways are required to be paved. Options available are: 1) show the parking area as paved, noting dimensions and perimeter enclosure type, 2) delete the parking area or 3) submit a nonuse variance to City Code Section 7.4.205.K to leave the area unpaved (there appears to be little justification for not satisfying the parking requirements for this area).
  - m. Access to the gravel parking area is from an off-site driveway. Note and show the easement which provides access. Note the recording information of the easement.
  - n. Revise the designation of the portion of Vincent Drive adjacent to the site from a minor arterial street to a nonarterial street. The portion of Vincent Drive that is a minor arterial was relocated to the east.
  - o. Identify and note the width and material of sidewalks. If parking is to be provided within the Vincent Drive right-of-way then provide a sidewalk connection between the sidewalk in the right-of-way of Vincent Drive and the entry to the building. Note the width of the existing sidewalk in the Vincent Drive right-of-way.

- p. Instead of providing contour information add a note describing the topography and drainage patterns of the site.
  - q. Note the land use to the north and east of the site. Note the zoning east of the site as C-6 (across Vincent Drive).
  - r. As required by the City Landscape Architect include a landscape plan.
2. Submit to Land Use Review 1 copy of the revised development plan reduced to 11" x 17".
  3. Submit to Land Use Review the completed posting affidavit. Enclosed is a copy of the affidavit.

Listed below are comments received from the various City departments or other review agencies regarding the application. **If the comments listed below are not referenced in the items above, then the comments are for information purposes and are not required to be addressed prior to scheduling the application for a Planning Commission meeting.**

Engineering Development Review & Stormwater – No comments  
For more information contact Lydia Maring at 385-5546.

Traffic Engineering– No comments  
For more information contact Zaker Alazzeah at 385-5468.

Colorado Springs Utilities –  
Action Items: None, approval is recommended  
Information Items:

- The applicant or their engineer should contact Contract Administration for an estimate of any system development charges, fees, Recovery Agreement Charges or other costs that may apply to this development (668-8111).
- When new water meters are proposed to serve the project or additional demand added to existing water meters, a Commercial Water Meter Sizing form will be required to be submitted to CSU prior to Service Contract issuance and building permit approval.
- CSU requires an Application for Gas and Electric Line Extension to be submitted along with a Load Data form or an Application for Gas Service Line Approval and/or Application for Elevated Pressure Approval prior to electric and natural gas system design for service to the project. Refer to the CSU Line Extension and Service Standards or contact Field Engineering at 719-668-4985.
- CSU may require an extension contract and payment of contributions-in-aid of construction (or a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. With regard to natural gas extensions, CSU may require an extension contract and an advance payment for the estimated cost to construct the necessary gas extensions.
- Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable natural gas regulations or Colorado Springs Utilities' policies.
- Improvements, structures and trees shall not be located under any overhead utility facility, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.
- Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.
- Colorado Springs Utilities requires wastewater and water construction drawings when new wastewater and water facilities are proposed. Plans can be submitted electronically to Utilities Development Services via [www.csu.org](http://www.csu.org).

- The water distribution system facilities must meet the Colorado Springs Utilities' criteria for fire flow, water quality, service interruption and pressure. To meet service interruption criteria, no more than fifty (50) homes on a dead end water main line are permitted. The static pressure of the water distribution system shall be a minimum of 60 psi. CSU will determine the need for a Water Quality Plan based on information presented in the Development Plan. CSU may require a new or updated Water Quality Plan where construction phasing or the water system design differ from the approved Development Plan.

For more information contact Ann Werner at awerner@csu.org or 668-8262.

Fire Prevention –

No 'disapproved' comments.

Attention comments: No exceptions: CSFD does not have any exceptions with the use variance as submitted.

For more information contact Steve Smith at 385-7362.

Police – No objections or suggestions

Information Technology – Street Name Coordinator – No comments

For more information contact Boots Jones at 385-5362.

City Landscape Architect –

This change of use from a residential to commercial use triggers the Landscape criteria (City Code Section 7.4.305). Please submit either a Preliminary or Final Landscape Plan for this site with this application, and if there will be no building permit required, then the irrigation plan must be submitted with this application. Call with any questions.

For more information contact Connie Perry at 385-5375.

Parks & Recreation – No comment

For more information contact Connie Perry at 385-5375.

U.S. Postal Service –

We are currently delivering mail to 790 Dublin Blvd.

For more information contact Elaine Medina-Kelly at 719-570-5415

Failure to submit the requested items within 180 days from the date of this letter will result in the applications being formally withdrawn from consideration. Once withdrawn, any subsequent resubmittal will require the filing of a new application and payment of application fees.

If you have questions please call me at 719-385-5366.

Sincerely,



Steve Tuck  
Principal Planner

C: File No. CPC UV 15-00029

Enclosure

**[Internal Use Only]**

Name: Under the Sun Doggie Daycare  
Address: 720 Dublin Blvd  
Size: 2.06 AC  
File #: CPC UV 15-00029

Review Date: 06/02/15 #2  
Planner: Steve Tuck  
Reviewer: Connie Perry  
LUR/Parks: UV Plan

**[Formal Comment]**

**Landscape Comment** (Connie Perry, 385-5375).

1. Submittal Criteria

- a. This change of use from a residential to commercial use triggers the landscape criteria (City Code Section 7.4.305). Please submit either a Preliminary or Final Landscape Plan for this site with this application. If there will be no building permit required then the Irrigation Plan must be submitted with this application also. Call with any questions. **Not Addressed.** (It appears no building permit will be needed. Existing trees have been added to the one site plan included in this application.)

**A landscape sheet shall be added and should address all Final Landscape & Irrigation Plan check list items. Credit will be given as is reasonable for healthy existing trees, shrubs or turf, preferably found on our plant list. The plan should address all site categories standards to include the right of way (site standards, and plan content such as charts, notes, etc). Please submit any Alternative Compliance Requests for Staff consideration. Requests should not propose a waiver of site standards without strong justification; and should propose alternative ways to satisfy the site standard with the justification listed. The format for these Requests is located on our website: [www.coloradosprings.gov/Planning](http://www.coloradosprings.gov/Planning) Please call with any questions on the site category or plan standards.**

Parks Dept (Connie Perry, 385-5375)  
No Comment

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CITY PLANNING COMMISSION AGENDA

ITEM NOS.: B.1-B.2

STAFF: MEGGAN HERINGTON

FILE NOS.:

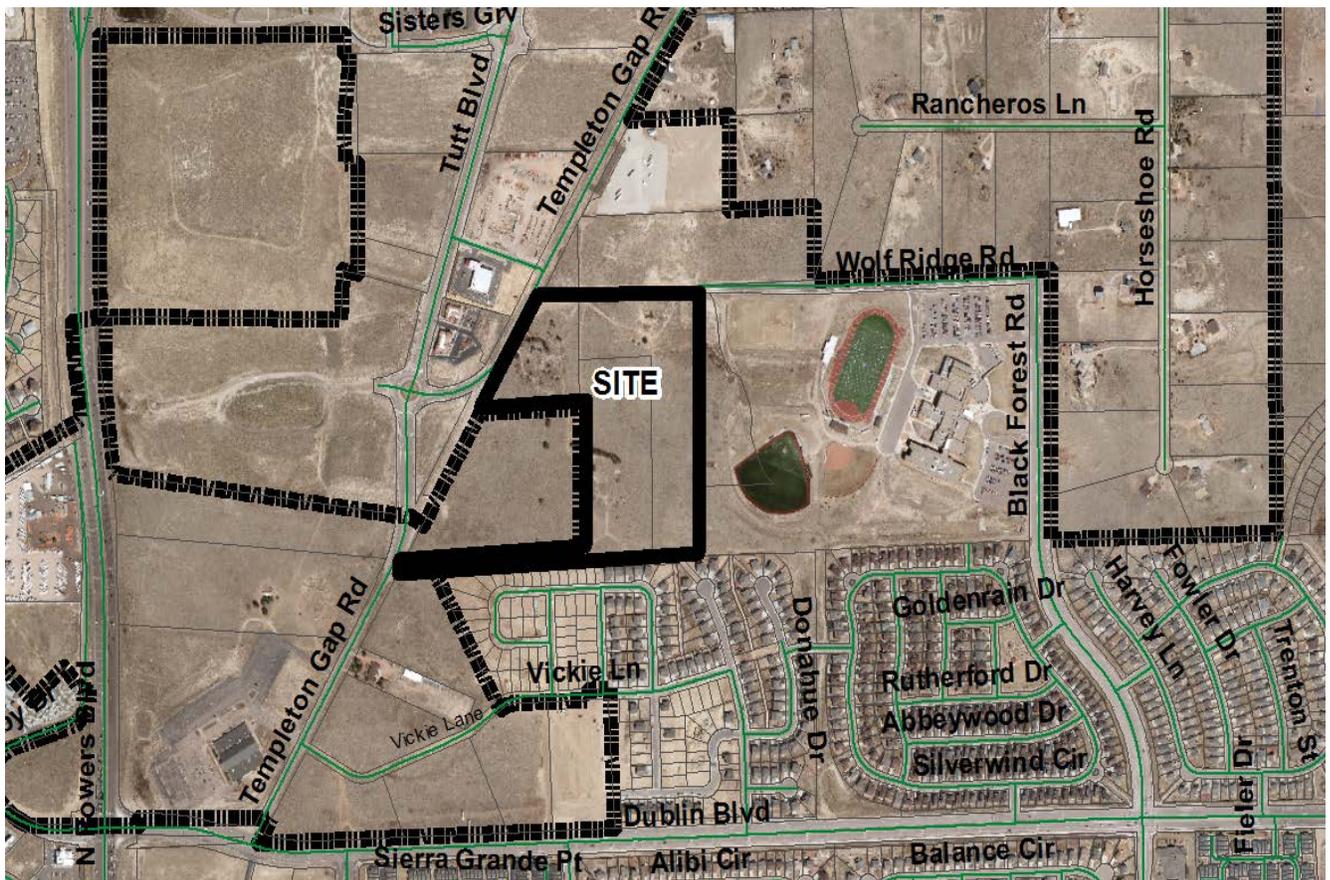
B.1 - CPC PUZ 14-000124 - QUASI-JUDICIAL

B.2 - CPC PUD 06-00108-A7MJ14 - QUASI-JUDICIAL

PROJECT: DUBLIN NORTH PHASE 8

APPLICANT: GUMAN AND ASSOCIATES

OWNER: WOLF RIDGE DEVELOPMENT COMPANY, LLC



### **PROJECT SUMMARY:**

1. Project Description: Request by Guman and Associates on behalf of Wolf Ridge Development Company, LLC to rezone 27.3 acres from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 3.85 dwelling units per acre, maximum building height of 35 feet, with Airport Overlay) zone district; and an amendment to the Dublin North Development Plan (Phase 8) that illustrate the addition of 105 single family lots with open space areas and public roads. **(FIGURE 1)**.

The property is located east of Templeton Gap Road and west of the current terminus of Wolf Ridge Road, west of Vista Ridge High School and consists of 27.3 acres.

2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Approval of the applications subject to conditions and technical modifications as outlined in the staff report.

### **BACKGROUND:**

1. Site Address: Not applicable
2. Existing Zoning/Land Use: A/AO (Agricultural with Airport Overlay) / Vacant
3. Surrounding Zoning/Land Use:  
North: A (Agricultural) / Vacant (Planned: Single-Family Residential)  
South: PUD (Planned Unit Development - Single-Family Residential)/Single-family residences  
East: PUD (Planned Unit Development) / Vista Ridge High School  
West: County RR-5 (Rural Residential)/Vacant; PBC (Planned Business Center)/Vacant; and M1 (Industrial)/C&C Sand and Hamlin's Auto Body
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: The property was annexed as Dublin North 3 and 3A in 2006.
6. Master Plan/Designated Master Plan Land Use: Dublin North Master Plan - Residential
7. Subdivision: Dublin North Filing Number 8 (Pending)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site has no significant vegetation or natural features.

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

The public process included posting the site and sending postcards to 79 property owners within 500 feet, notifying them of the application submittal, as well as the public hearing.

Staff received comments from the industrial property owners to the west. They are concerned about buffering the residential properties from their existing industrial uses and cut-through traffic on Stone Mesa Point. These issues are addressed in the below sections of this report.

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

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

1. Review Criteria / Design & Development Issues:

#### Rezone from A/AO to PUD/AO

The existing zoning is A/AO (Agricultural with Airport Overlay). This zoning was established with the approval of the annexation and master plan in 2006 and has served as a holding zone until the property was ready to be developed. The owner now wishes to develop the site as single-family residential. The PUD zone district with the Airport Overlay will allow single family residential at a density of 3.85 dwelling units per acre with a 35 foot maximum building height. This zoning and residential density is a continuation of the residential densities established in phases one through seven of the Dublin North development.

Staff finds that the zone change request is in conformance with the City Code criteria for rezoning and the criteria for establishment of a PUD.

#### PUD Development Plan Amendment

The Dublin North PUD Development Plan Amendment is submitted in conjunction with the zone change application for this project. The Dublin North PUD illustrates all the past and future phases of residential development. Instead of individual development plans for each phase, the applicant amends the original to illustrate all phases in one planning document.

This amendment for Phase 8 illustrates 105 single family lots, open space areas, landscape tracts and public road extensions. Fencing and landscaping will be utilized to buffer the property from the industrial zoned property to the west.

This phase is directly south of future Wolf Ridge Road extension. Wolf Ridge Road is currently constructed east to Vista Ridge High School and will extend west of the high school with this phase of development. Wolf Ridge ends at a T-intersection with Templeton Gap Road, directly across from Stone Mesa Point. The developer is responsible for construction of Wolf Ridge Road and road improvements to Templeton Gap Road to include a full asphalt mat for all required lanes on Templeton Gap as well as curb, gutter and sidewalk adjacent to the development. At the time of the agenda publication, the developer and the City continue to discuss the details of the required improvements and the timing of said improvements. The properties on the west side of Templeton Gap will install curb, gutter and sidewalk with future developments.

The internal residential roadway network will connect to Wolf Ridge Road on the north and a connection of Edmondstown Drive through the southern phases of Dublin North. Also illustrated is a future connection to Templeton Gap that is labeled as "Tract F". If this access is needed by the property owner to the north of this tract, it can be used for additional access.

The industrial neighbors to the west have concerns about screening the new residential homes adjacent to the existing industrial. They are also concerned that the Wolf Ridge Road intersection at Templeton Gap Road and Stone Mesa Point will create a cut-through traffic issue on Stone Mesa Point. Currently, Stone Mesa Point is a private drive. Creating a cut-through situation from Templeton Gap Road to Tutt Boulevard is a detriment to the owners maintaining Stone Mesa Point.

Responding to these concerns, the City Traffic Engineer has agreed to convert Stone Mesa Point to a public road, thus eliminating any issues with cut-through traffic on the private drive and providing a public road connection from Templeton Gap Road to Tutt Boulevard. This conversion to a public road will occur with the construction of Wolf Ridge Drive. Notes have

been added to the development plan outlining the required improvements and timing of the road conversion.

Screening has been shown along Templeton Gap Road. This is the required landscape setback and fencing buffer between differing uses. The applicant has also added additional evergreens to the landscape buffer for better year-round visual screening.

Staff finds that the PUD development plan is in conformance with the City Code criteria for PUD development plan approval.

2. Conformance with the City Comprehensive Plan: The annexation and use is consistent with the City's Comprehensive Plan. The Plan's 2020 Land Use Map identifies this area as a "General Residential".

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

Policy LU 201: Promote a Focused, Consolidated Land Use Pattern: Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

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

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

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

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

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

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

Objective CCA 6: Fit New Development into the Character of the Surrounding Area: Often the overall character of a new development is not realized until the project is completed. This can lead to unintended impacts and incompatible development. Applicants for new developments need to clearly identify how their projects will fit into the character of the surrounding area and the community as a whole with respect to height, scale, bulk, massing, roof forms, signage, overall site design, pedestrian and vehicular access, and relation to the public right-of-way.

Policy CCA 601: New Development Will be Compatible with the Surrounding Area: New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

*It is the finding of the City Planning and Development Staff that the Dublin North Phase 8 zone change and development plan are consistent with the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals, objectives and policies for General Residential use.*

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

*It is the finding of the City Planning and Development Staff that the Dublin North Phase 8 project is consistent with the Dublin North Master Plan.*

## **STAFF RECOMMENDATIONS:**

### **Item No: B.1 CPC PUZ 14-00124 – Rezone to PUD**

**Approve** the rezoning from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 3.85 dwelling units per acre, maximum building height of 35 feet, with Airport Overlay) zone district, based upon the finding that the change complies with the zone change criteria found in City Code Section 7.5.603.B and the PUD establishment criteria found in City Code Section 7.3.603.

### **Item: B.2 CPC PUD 06-108-A7MJ14 – PUD Development Plan Amendment**

**Approve** the Dublin North Phase 8 PUD Development Plan Amendment based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606, subject to the following conditions and technical modifications:

#### Conditions of Approval:

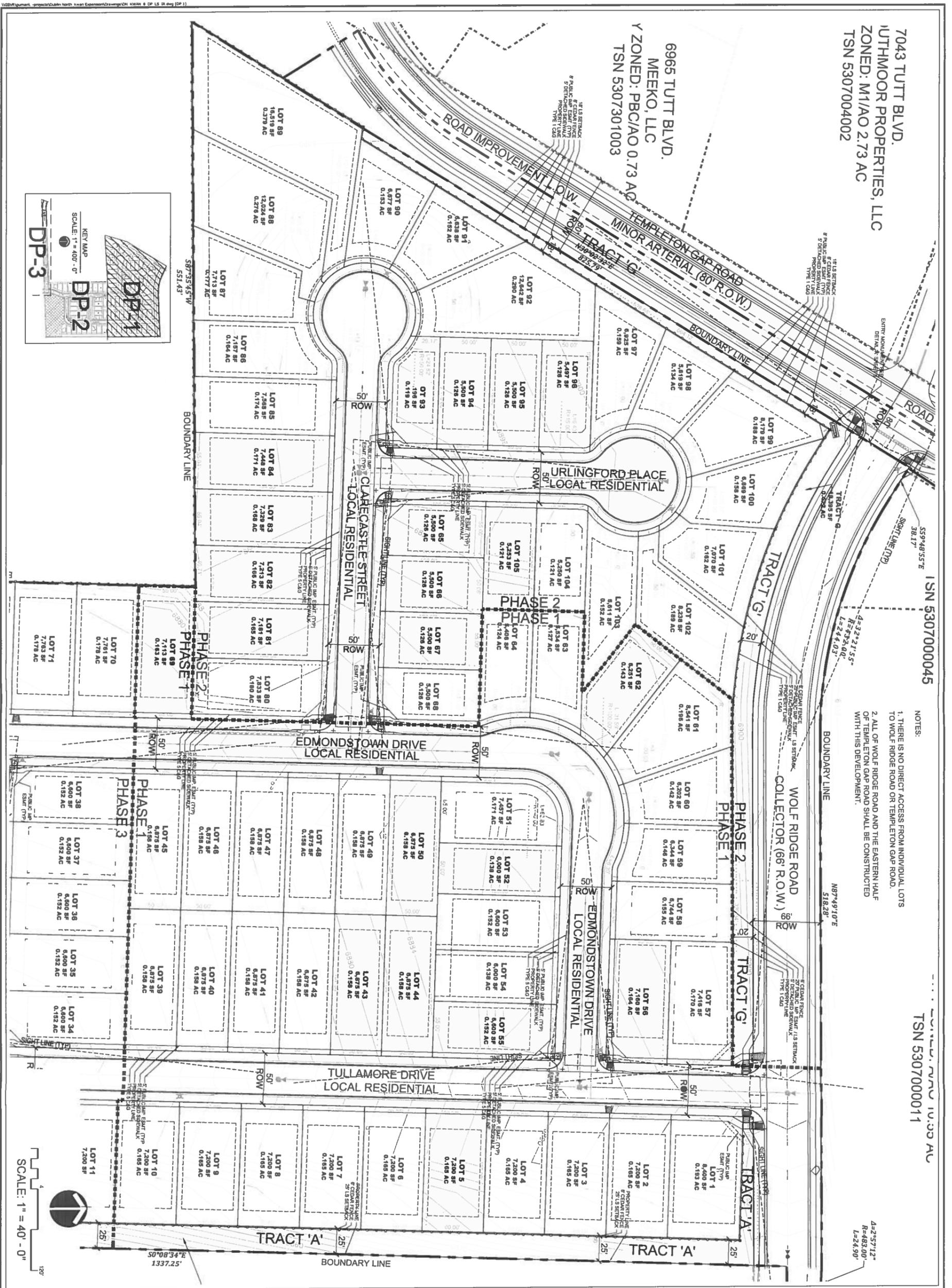
1. Templeton Gap Road shall be constructed per the future construction drawings to include the updated turn lanes to Templeton Gap, Wolf Ridge and Stone Mesa as outlined in Technical Modifications.
2. The developer is responsible for the construction of Templeton Gap Road adjacent to the project property from its current terminus of full improvements. The construction includes a full asphalt mat for all required lanes for the full width of Templeton Gap Road and sidewalk, curb, gutter on the eastern side of Templeton Gap Road adjacent to the project and turn lanes as specified in Technical Modification #2 (below).

3. The property is required to be included in the Woodmen Road Metro District prior to approval of any final plats within this development plan.

Technical Modifications:

1. Revise the Tract Table on Sheet 1 to state that the maintenance of drainage facilities within all tracts will be done by the Dublin North Metropolitan District No. 3. The only exception is that Tract B will have public storm sewer that will be maintained by the City, however the surface maintenance of the detention pond will be done by the Dublin North Metropolitan District No. 3.
  2. Add the following turn lanes at the intersection of Templeton Gap road and Wolf Ridge Road/Stone Mesa Point:
    - 1- A northbound right turn lane, with 150 feet and appropriate taper length.
    - 2- A northbound left turn lane, with 150 feet and appropriate taper length.
    - 3- A southbound right turn lane, with 100 feet and appropriate taper length.
    - 4- A westbound right turn lane, with 200 feet and appropriate taper length.
  3. Add a note to Page 1 that Stone Mesa Point is accepted by the City as a public street.
  4. Please revise Note 2 on Sheet 1 to indicate that the full mat width of asphalt will be constructed with Phase 1 and only the curb and gutter and sidewalk on the west side of T-Gap will be constructed by the adjacent property owners when they develop.
  5. Please remove Note 3 as this is covered in Note 2.
  6. Please add the following note to Sheet 1, "If traffic volumes warrant a signal at the intersection of Templeton Gap Road and Wolf Ridge Road, traffic movements will be restricted."
  7. Add the avigation easement statement to the development plan.
  8. Add cut sheets of the play elements called out in the park area.
  9. Enumerations comments shall be addressed prior to final approval.
-





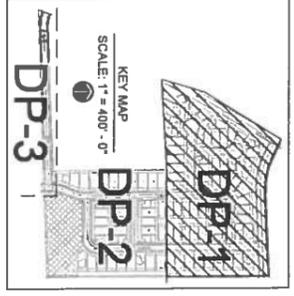
7043 TUTT BLVD.  
 WUTHMOOR PROPERTIES, LLC  
 ZONED: M1/AO 2.73 AC  
 TSN 5307004002

6965 TUTT BLVD.  
 MEEKO, LLC  
 Y ZONED: PBC/AO 0.73 AC  
 TSN 5307301003

ISN 5307000045

TSN 5307000011

- NOTES:
1. THERE IS NO DIRECT ACCESS FROM INDIVIDUAL LOTS TO WOLF RIDGE ROAD OR TEMPLETON GAP ROAD.
  2. ALL OF WOLF RIDGE ROAD AND THE EASTERN HALF OF TEMPLETON GAP ROAD SHALL BE CONSTRUCTED WITH THIS DEVELOPMENT.



SCALE: 1" = 40'-0"

**William Gunn**  
 & Associates, Ltd.  
 731 North Weber Street, Suite 10  
 Colorado Springs, CO 80903  
 719.633.9700 fax 719.633.4250  
 Email: WGunn@aol.com

**Dublin North**  
 Development Plan Major Amendment  
 NORTHEAST OF DUBLIN BLVD. AND Poudre WAY

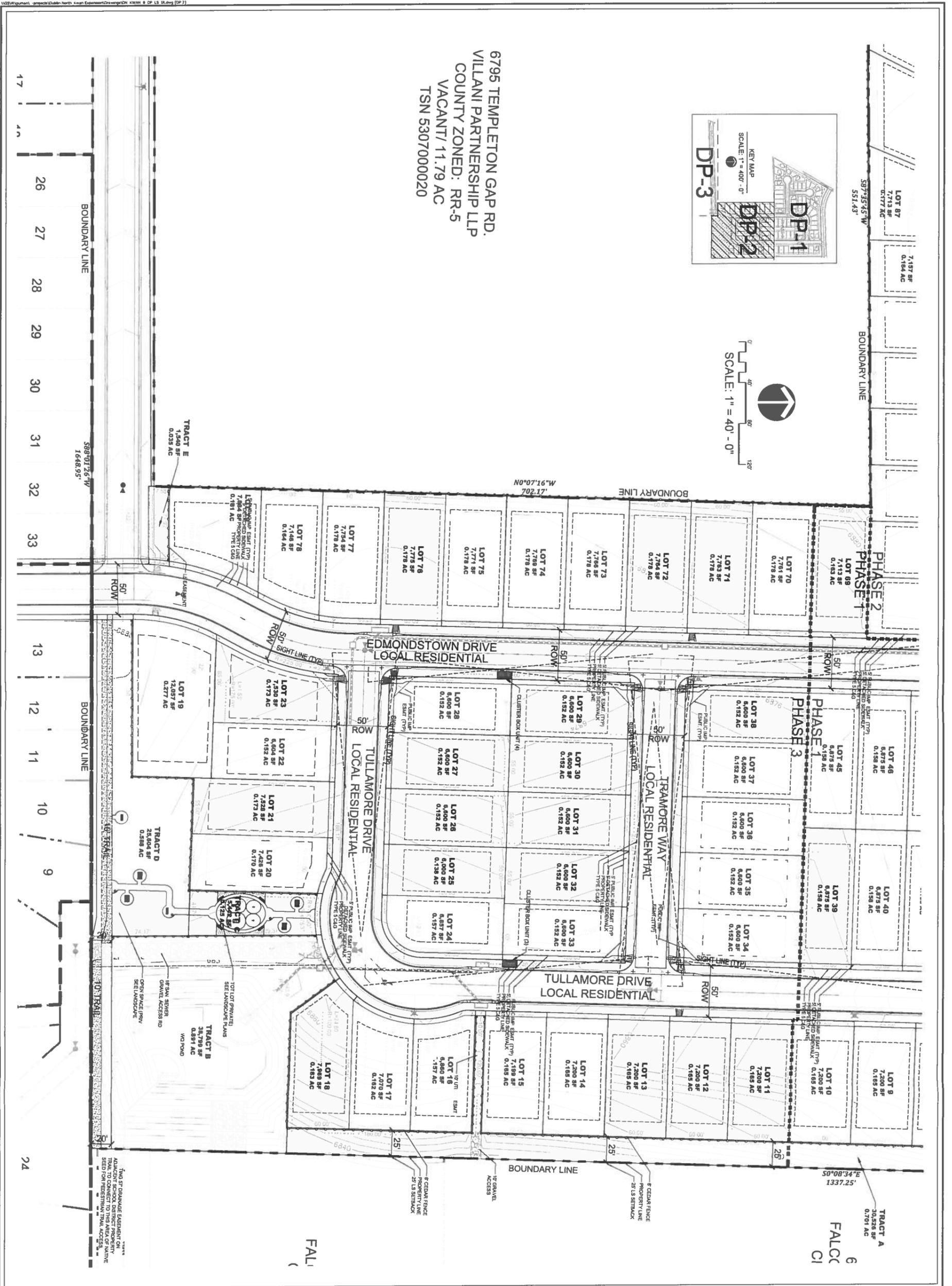
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 DRAWN: MST  
 CHECKED: WFG

**REVISIONS:**

DATE	BY	COMMENTS

SHEET NO: **DP-1**  
 CPC PLD  
 3 of 23 SHEET

**FIGURE 1**



**William Gunn**  
 & Associates, Ltd.  
 Urban Planning | Community Design | Landscape Architecture

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

**Dublin North**  
 Development Plan Major Amendment  
 NORTHEAST OF DUBLIN BLVD. AND POUDE WAY

DATE: 02/17/2015  
 DRAWN: MGT  
 CHECKED: WFG

REVISIONS:

DATE	BY	COMMENTS

DATE: 02/17/2015  
 DRAWN: MGT  
 CHECKED: WFG

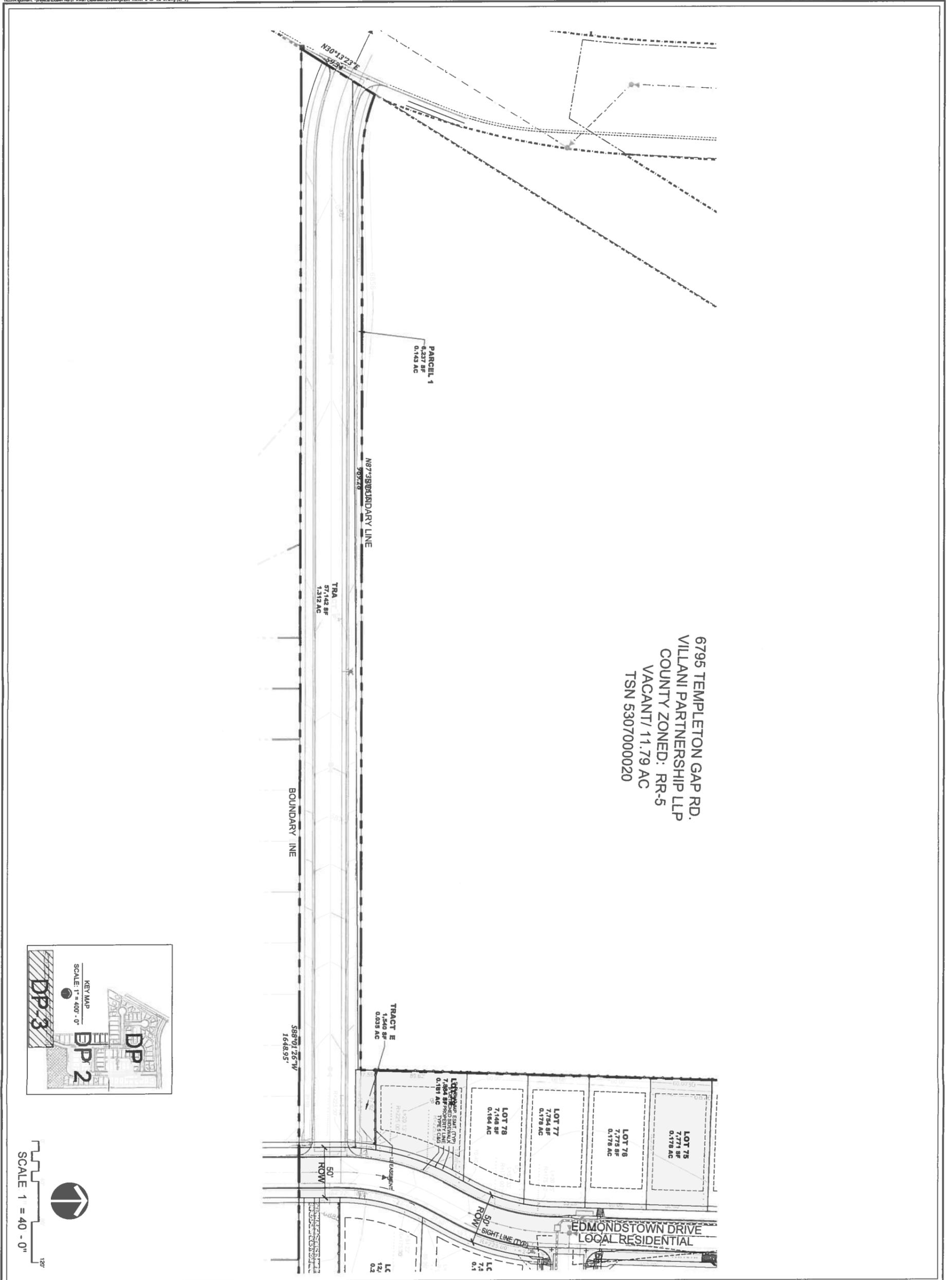
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 DRAWN: MGT  
 CHECKED: WFG

SHEET NO  
**DP-2**  
 CPC PUD  
 4 of 23 SHEETS  
 06-00108-A7M1.4

**FIGURE 1**

SITE PLAN

U:\358\wguman\project\Dublin North\_Kwan Expansion\Drawings\KIM KIMAN 8 DP\_L8.dwg (DP 3)



6795 TEMPLETON GAP RD.  
 VILLANI PARTNERSHIP LLP  
 COUNTY ZONED: RR-5  
 VACANT/ 11.79 AC  
 TSN 5307000020

**William Gunn**  
 & Associates, Ltd.  
 Urban Planning | Community Design | Landscape Architecture  
 731 North Weber Street, Suite 10  
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 Email: WGuman@aol.com  
 MEMBER, NATIONAL SOCIETY OF LANDSCAPE ARCHITECTS

**Dublin North**  
 Development Plan Major Amendment  
 NORTHEAST OF DUBLIN BLVD. AND POUDE WAY

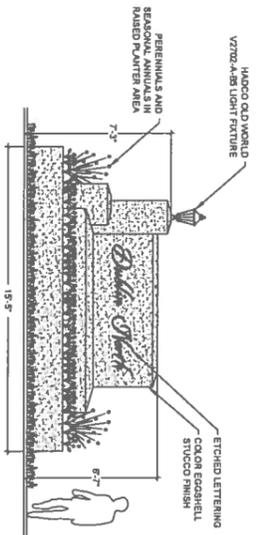
DATE: 02.17.2015  
 DRAWN: JRA  
 CHECKED: WFG

REVISIONS:	DATE:	BY:	COMMENTS:

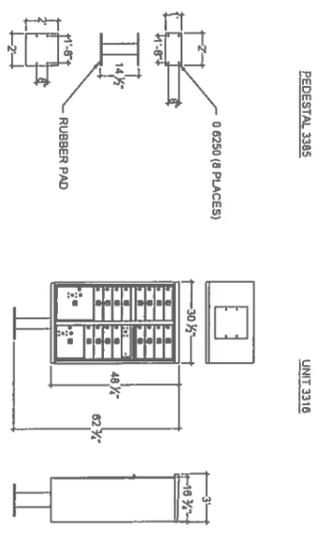
SHEET NO.  
**DP-3**  
 5 of 23 SHEETS  
 CPC PUD  
 06-00108-A7M1.4

**FIGURE 1**

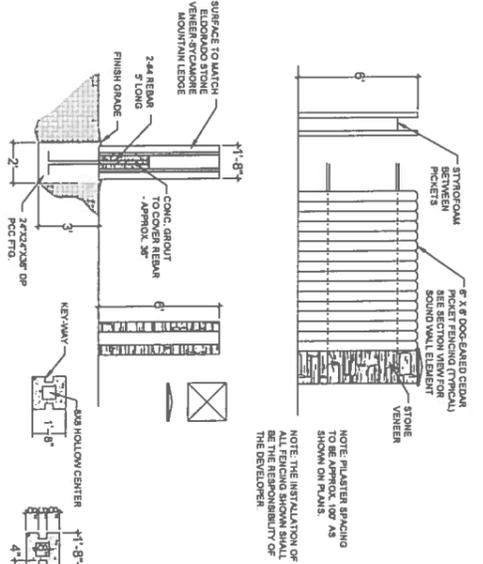
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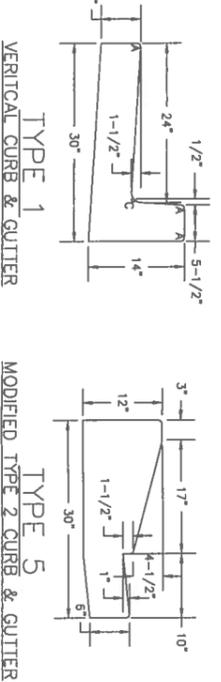
**ENTRY MONUMENT**  
SCALE: 1/4" = 1'-0"



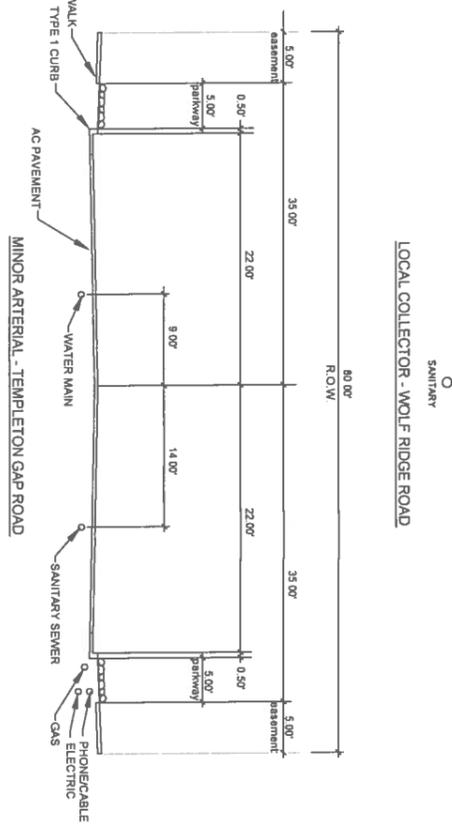
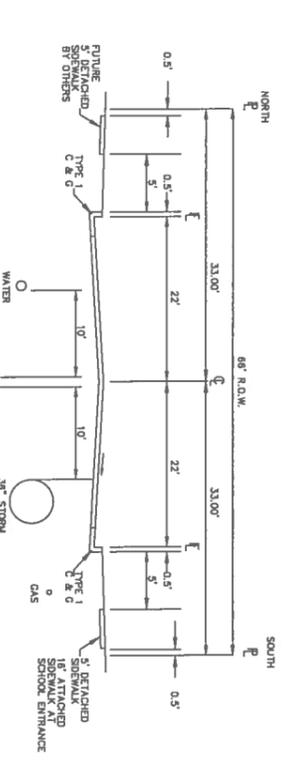
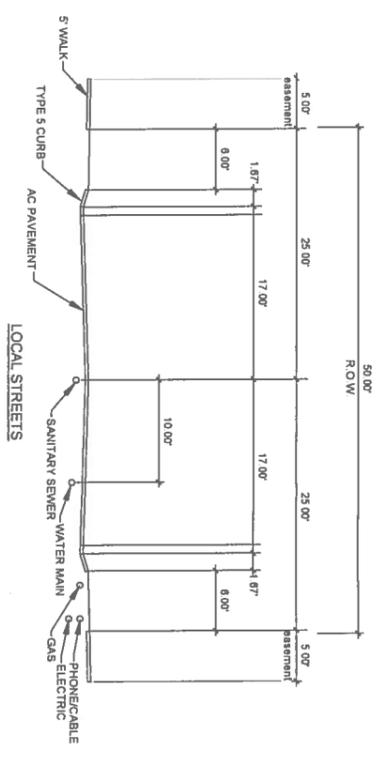
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SCALE: 1/4" = 1'-0"



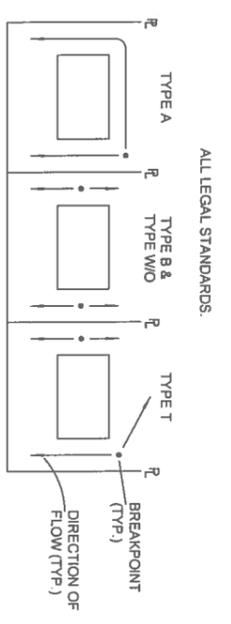
**CEDAR FENCE WITH COLUMNS**  
SCALE: 1/4" = 1'-0"



**STD CURB & GUTTER DETAILS**  
NOT TO SCALE

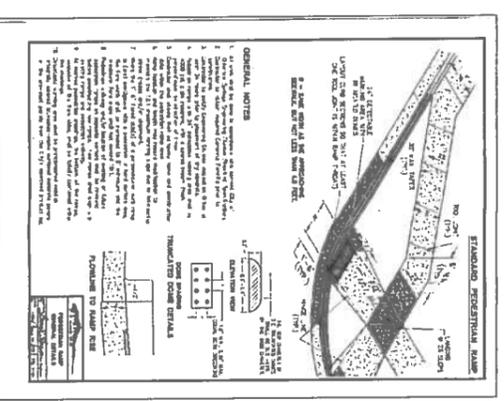


**RESIDENTIAL STREET SECTIONS**  
SCALE: 1/8" = 1'-0"



**SINGLE FAMILY DETACHED LOT DETAIL**  
NOT TO SCALE

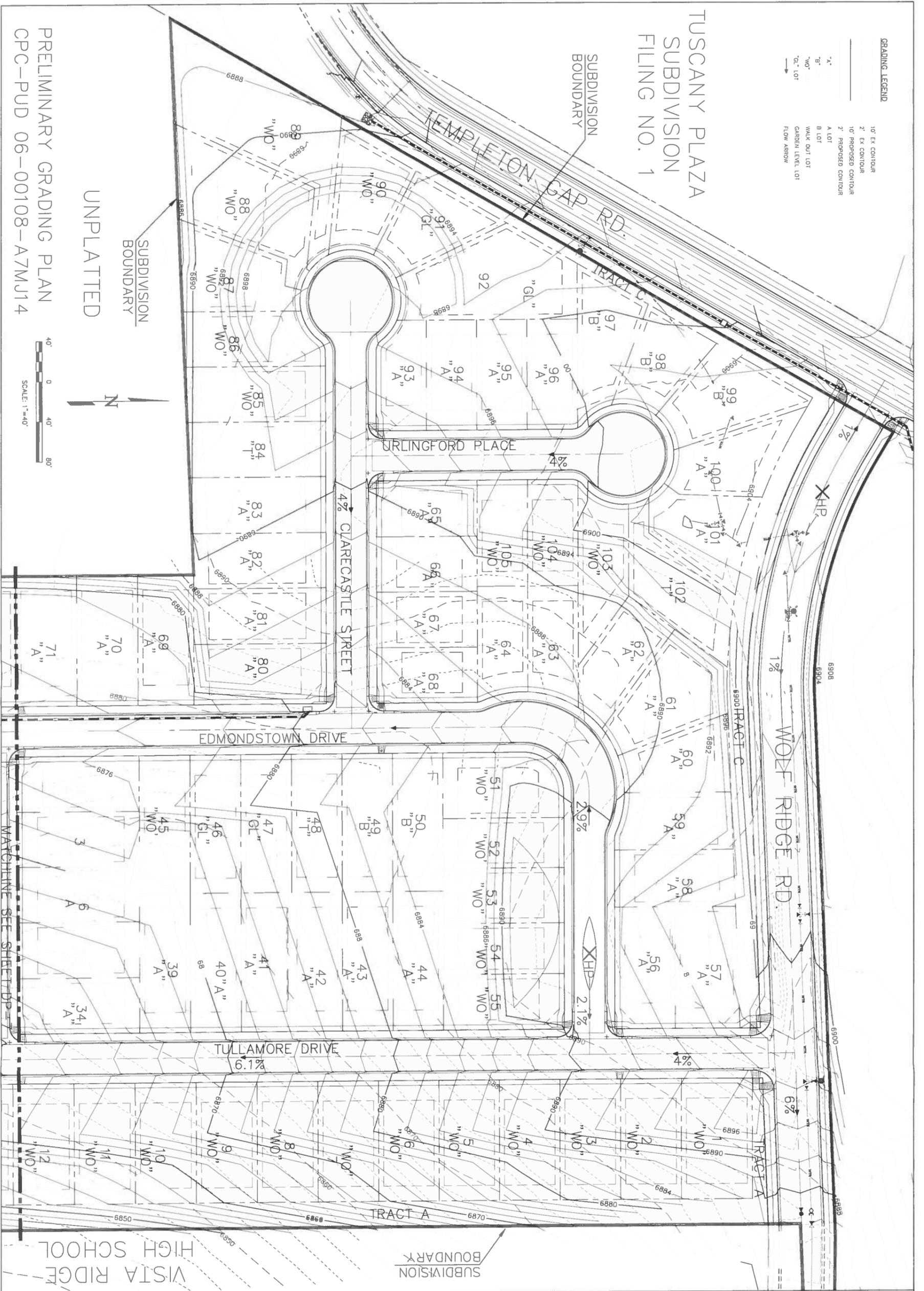
NOTE: ALL LOTS WILL HAVE A 7' REAR AND 5' SIDE DRAINAGE AND UTILITY EASEMENT AND A 5' FRONT PUBLIC IMPROVEMENT AND UTILITY EASEMENT.



**STD. D-8A PED. RAMP DETAIL**  
NOT TO SCALE

<p><b>William Gunn</b> &amp; Associates, Ltd. 731 North Weber Street, Suite 100 Colorado Springs, CO 80903 719.633.9700 fax 719.633.4250 Email: WGunn@aol.com</p>		<p><b>Dublin North</b> Development Plan Major Amendment NORTHEAST OF DUBLIN BLVD. AND POUDE WY</p>		<p>DATE: 02/17/2015 DRAWN: MBT CHECKED: WFG</p>
<p><b>SD-1</b> 6 of 23 SHEETS</p>		<p>SHEET NO. CPC_PUD 06-00108-A7M1.4</p>		<p>REVISIONS: DATE:    BY:    COMMENTS:</p>
<p><b>SITE DETAILS</b></p>		<p>DATE:    BY:    COMMENTS:</p>		<p>MEMBER AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS</p>

**FIGURE 1**



PRELIMINARY GRADING PLAN  
 CPC-PUD 06-00108-A7M14

UNPLATTED

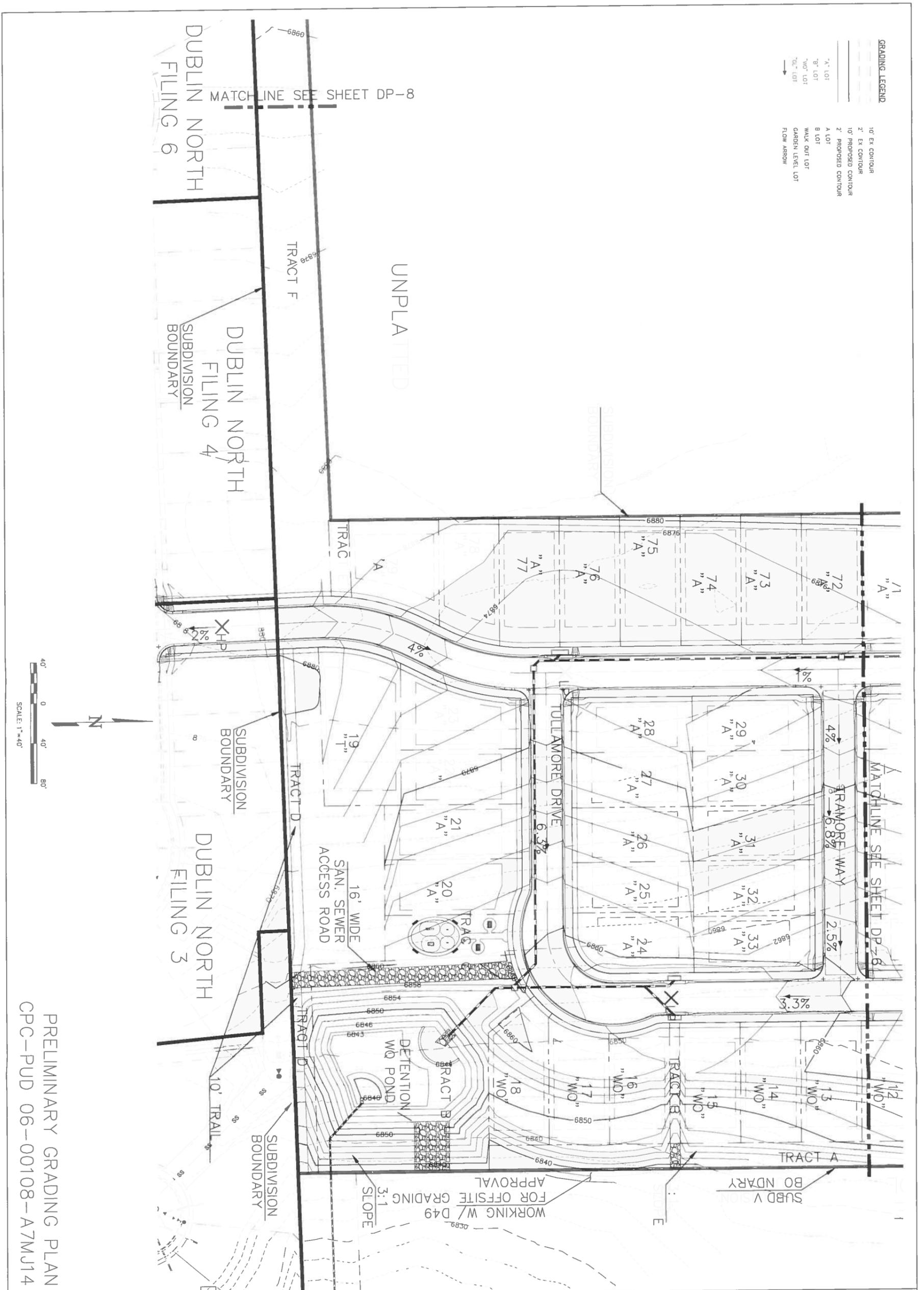


- GRADING LEGEND**
- 10' EX. CONTOUR
  - 2' EX. CONTOUR
  - 10' PROPOSED CONTOUR
  - 2' PROPOSED CONTOUR
  - A LOT
  - B LOT
  - WALK OUT LOT
  - GARDEN LEVEL LOT
  - FLOW ARROW

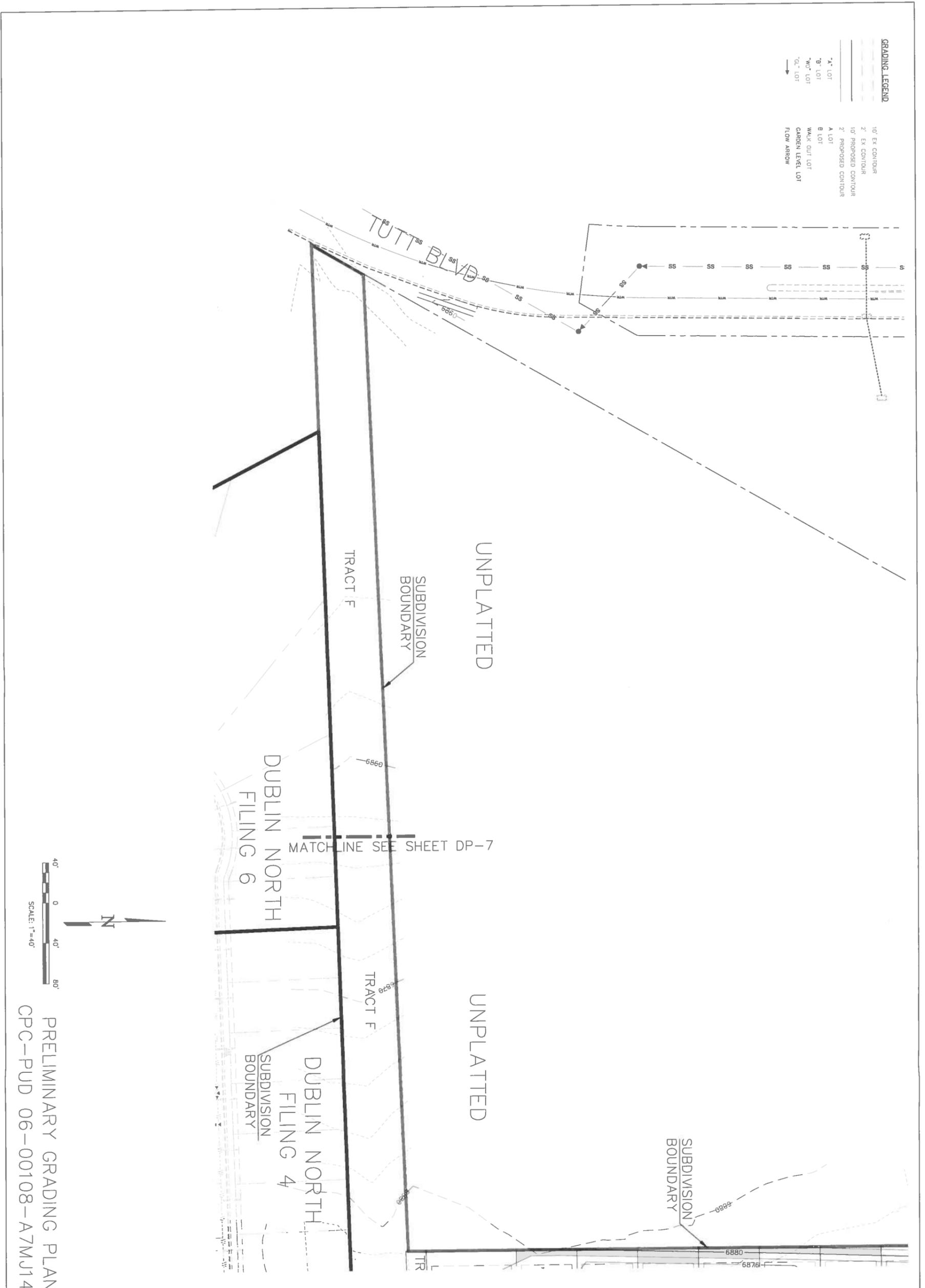
TUSCANY PLAZA  
 SUBDIVISION  
 FILING NO. 1

<p>DESIGNED BY: DNA                  DRAIN BY: NMS                  CHECKED BY: DNA                  H-SCALE: 1"=40'                  V-SCALE: N/A                  JOB NO: 1323.00                  DATE ISSUED: 5/8/15                  SHEET NO: 06-00108-A7M14</p>	<p><b>DUBLIN NORTH</b></p> <p>DEVELOPMENT PLAN MAJOR AMENDMENT                  PRELIMINARY GRADING PLAN</p>	<p>115 S. 25TH STREET                  COLORADO SPRINGS, CO 80904                  OFFICE: 719-635-6422                  FAX: 719-635-6426                  www.tnecinc.com</p>	<p><b>Terra Nova</b>                  Engineering, Inc.                  Creative Civil Engineering Solutions</p>	<p>PREPARED FOR:                  WOLF RIDGE DEV. CO. LLP.                  ATTN: KYLE GEDITZ                  5625 APPALOOSA DRIVE                  COLORADO SPRINGS, CO 80923                  (719) 473-0599</p>	<p>UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, TERRA NOVA ENGINEERING, INC. APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 85%;">REVISIONS DESCRIPTION</th> <th style="width: 10%;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISIONS DESCRIPTION	DATE						
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**FIGURE 1**



DESIGNED BY ONA DRAWN BY NMS CHECKED BY ONA TITLE SCALE 1"=40' V-SCALE N/A JOB NO. 1323.00 DATE ISSUED 5/8/15 SHEET NO DP-8 OF 23	DUBLIN NORTH DEVELOPMENT PLAN MAJOR AMENDMENT PRELIMINARY GRADING PLAN	815 S. 25TH STREET COLORADO SPRINGS, CO 80904 OFFICE 719-635-6422 FAX 719-635-6426 www.tnecnc.com	Terra Nova Engineering, Inc. Creative Civil Engineering Solutions	PREPARED FOR: WOLF RIDGE DEV. CO. LLP. ATTN: KYLE GEDITZ 5625 APPALOOSA DRIVE COLORADO SPRINGS, CO 80923 (719) 473-0599	UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, TERRA NOVA ENGINEERING, INC. APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.	REVISIONS NO. _____ _____ _____ _____
	<p style="text-align: right;"><b>FIGURE 1</b></p>					



PRELIMINARY GRADING PLAN  
 CPC-PUD 06-00108-A7M14

DESIGNED BY ONA  
 DRAWN BY NMS  
 CHECKED BY ONA  
 H-SCALE 1"=40'  
 V-SCALE N/A  
 JOB NO. 132300  
 DATE ISSUED 3/8/15  
 SHEET NO. DP-9 OF 23

DUBLIN NORTH  
 DEVELOPMENT PLAN MAJOR AMENDMENT  
 PRELIMINARY GRADING PLAN

815 S. 25TH STREET  
 COLORADO SPRINGS, CO 80904  
 OFFICE 719-635-6422  
 FAX: 719-635-6426  
 www.inesin.com



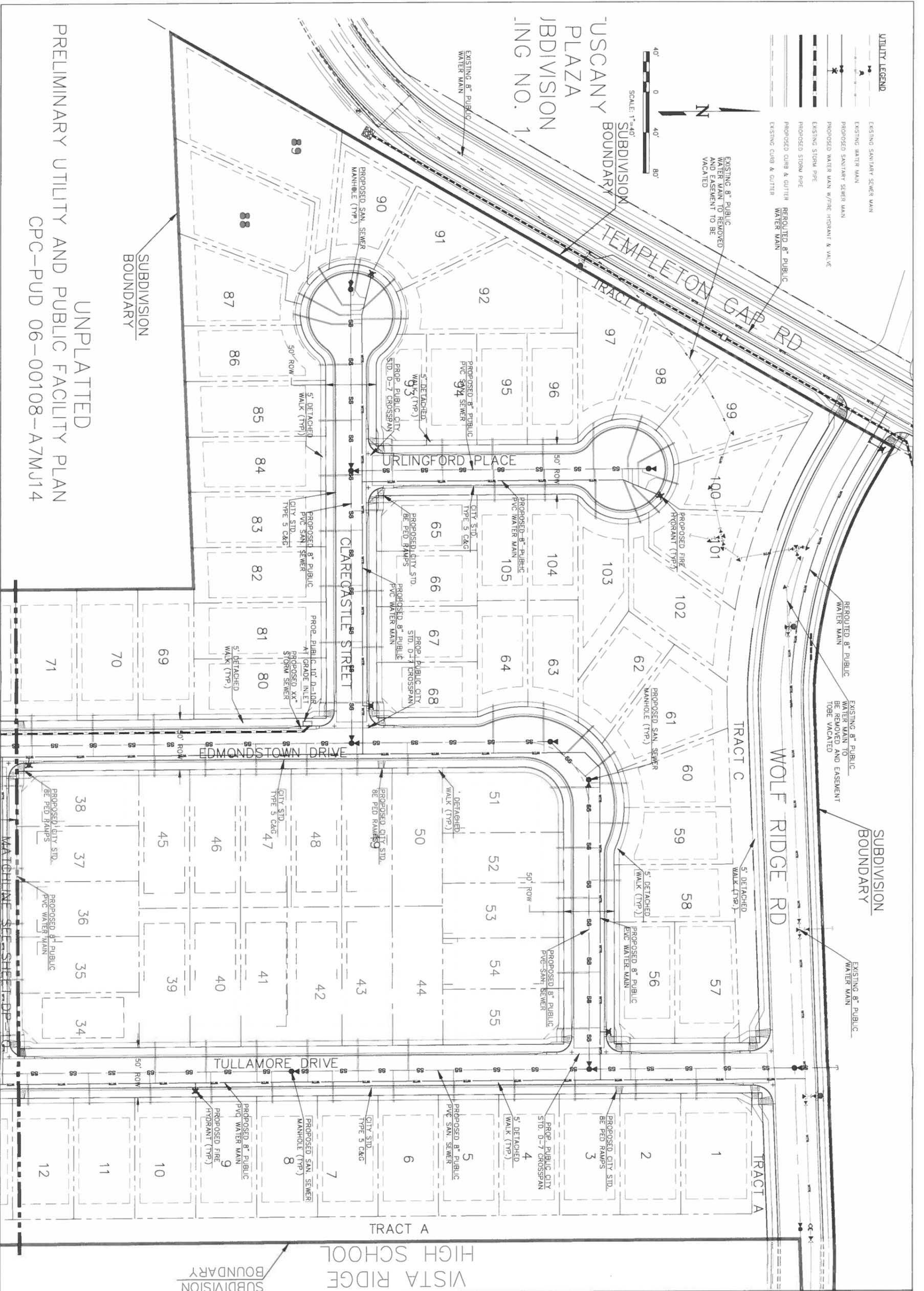
Terra Nova Engineering, Inc.  
 Dedicative Civil Engineering Solutions

PREPARED FOR:  
 WOLF RIDGE DEV. CO. LLP.  
 ATTN: KYLE GEDITZ  
 5625 APPA OOSA DRIVE  
 COLORADO SPRINGS, CO 80923  
 (719) 473-0599

UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, TERRA NOVA ENGINEERING, INC. APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.

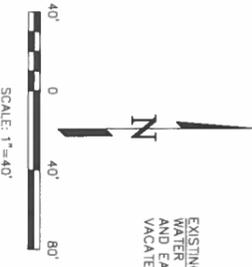
NO.	REVISIONS	DESCRIPTION	DATE

**FIGURE 1**



**UTILITY LEGEND**

	EXISTING SANITARY SEWER MAIN
	EXISTING WATER MAIN
	PROPOSED SANITARY SEWER MAIN
	PROPOSED WATER MAIN W/FIRE HYDRANT & VALVE
	EXISTING STORM PIPE
	PROPOSED STORM PIPE
	EXISTING CURB & GUTTER



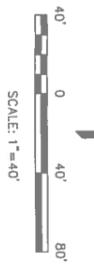
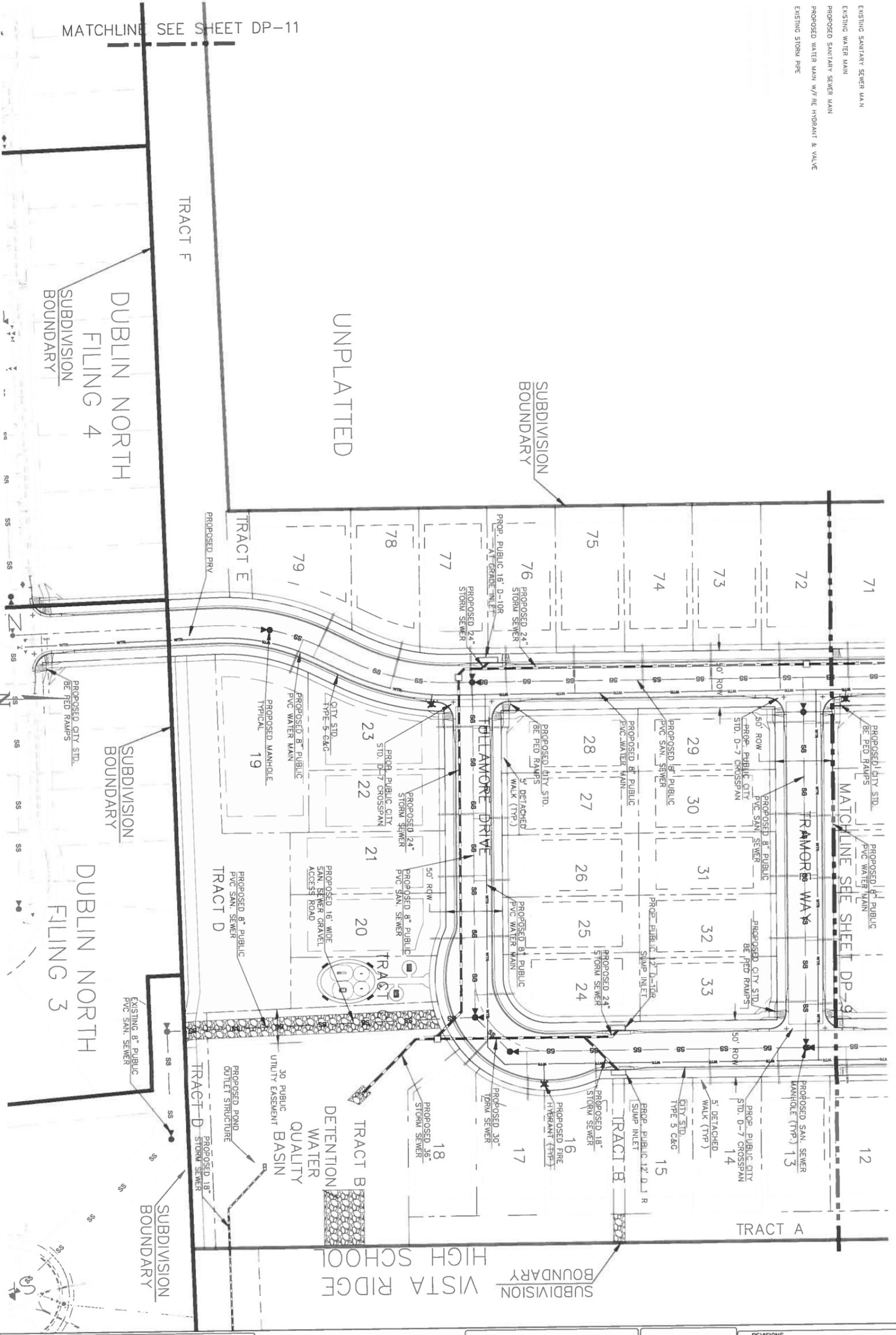
UNPLATTED  
 PRELIMINARY UTILITY AND PUBLIC FACILITY PLAN  
 CPC-PUD 06-00108-A7MJ14

<p><b>DUBLIN NORTH</b></p> <p>DEVELOPMENT PLAN MAJOR AMENDMENT                  PRELIMINARY UTILITY PLAN</p>	<p>125 N. WAHSATCH AVE.                  COLORADO SPRINGS, CO 80903</p> <p>OFFICE: 719-635-6422                  FAX: 719-635-6426                  www.tnecinc.com</p>	<p>Terra Nova                  Engineering, Inc.                  Creative Civil Engineering Solutions</p>	<p>PREPARED FOR:                  WOLF RIDGE DEV. CO. LLP.                  ATTN: KYLE GEDITZ                  5625 APPALOOSA DRIVE                  COLORADO SPRINGS, CO 80923                  (719) 473-0599</p>	<p>UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, TERRA NOVA ENGINEERING, INC. APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.</p>	<p>NO.      DESCRIPTION      DATE</p>
					<p>DESIGNED BY: QNA                  DRAWN BY: NNS                  CHECKED BY: QNA                  H-SCALE: 1"=40'                  V-SCALE: N/A                  JOB NO: 1323.00                  DATE ISSUED: 5/8/15                  SHEET NO: DP-100F-23</p>

**FIGURE 1**

**UTILITY LEGEND**

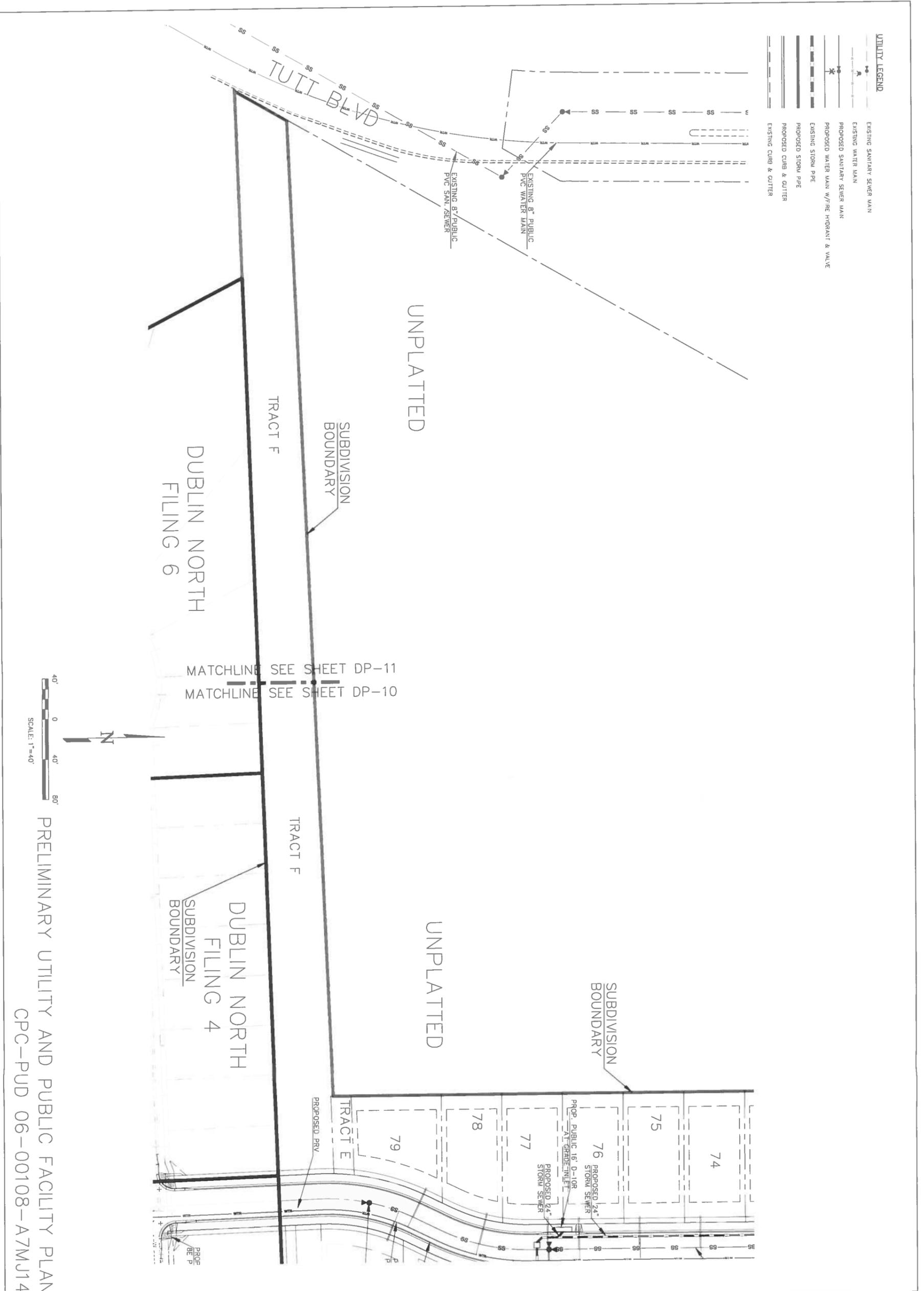
- EXISTING SANITARY SEWER MAIN
- EXISTING WATER MAIN
- PROPOSED SANITARY SEWER MAIN
- PROPOSED WATER MAIN W/F RE HYDRANT & VALVE
- EXISTING STORM PIPE



PRELIMINARY UTILITY AND PUBLIC FACILITY PLAN  
 CPC-PUD 06-00108-A7M14

<p><b>DUBLIN NORTH</b></p> <p>DESIGNED BY: GNA                  DRAWN BY: NMS                  CHECKED BY: GNA</p> <p>H-S SCALE: 1"=40'                  V-S SCALE: N/A</p> <p>JOB NO. 1323.00                  DATE ISSUED: 5/8/15                  SHEET NO. DP-11 OF 23</p>	<p>125 N. WAHSATCH AVE.                  COLORADO SPRINGS, CO 80903</p> <p>OFFICE: 719-635-6422                  FAX: 719-635-6426                  www.tnecinc.com</p>	<p><b>Terra Nova</b>                  Engineering, Inc.                  Creative Civil Engineering Solutions</p>	<p>PREPARED FOR:  <b>WOLF RIDGE DEV. CO. LLP.</b>                  ATTN: KYLE GEDITZ                  5625 APPALOOSA DRIVE                  COLORADO SPRINGS, CO 80923                  (719) 473-0599</p>	<p>UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, TERRA NOVA ENGINEERING, INC. APPROVES THEIR USE OF THESE DRAWINGS FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 85%;">DESCRIPTION</th> <th style="width: 10%;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	DATE															
NO.	DESCRIPTION	DATE																					

**FIGURE 1**

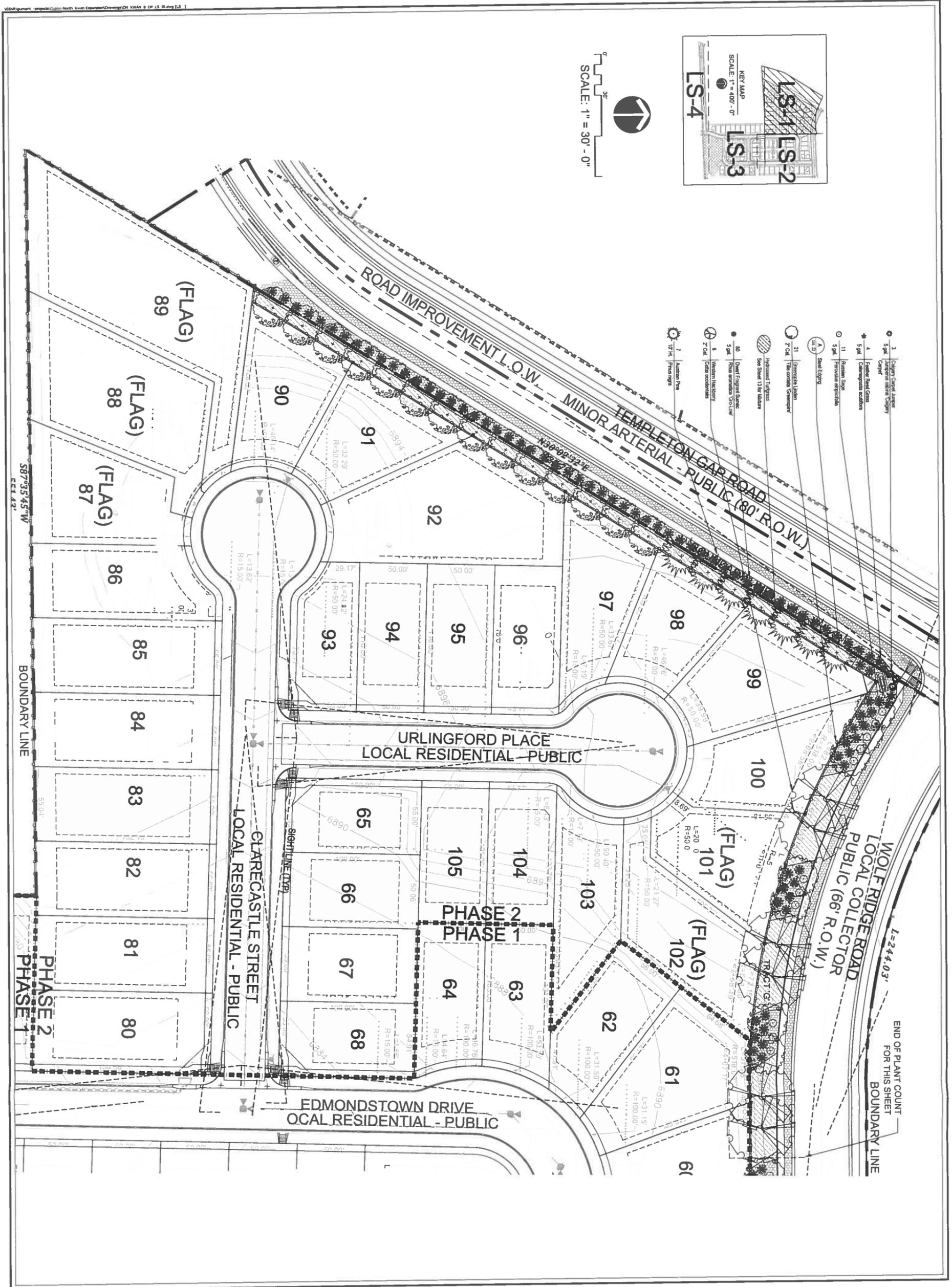


PRELIMINARY UTILITY AND PUBLIC FACILITY PLAN  
 CPC-PUD 06-00108-A7M14

<p style="text-align: center;"><b>DUBLIN NORTH</b></p> <p style="text-align: center;">DEVELOPMENT PLAN MAJOR AMENDMENT PRELIMINARY UTILITY PLAN</p>	<p>125 N. WAHSATCH AVE.                  COLORADO SPRINGS, CO 80903</p> <p>OFFICE: 719-635-6422                  FAX: 719-635-6426                  www.tnecinc.com</p>	 <p><b>Terra Nova</b>                  Engineering, Inc.  <i>Creative Civil Engineering Solutions</i></p>	<p>PREPARED FOR:                  WOLF RIDGE DEV. CO. LLP.                  ATTN: KYLE GEDITZ                  5625 APPALOOSA DRIVE                  COLORADO SPRINGS, CO 80923                  (719) 473-0599</p>	<p>UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, TERRA NOVA ENGINEERING, INC. APPROVES THEIR USE ONLY FOR THE PURPOSES DESIGNATED BY WRITTEN AUTHORIZATION.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">NO.</th> <th style="text-align: left;">REVISIONS</th> <th style="text-align: left;">DESCRIP ION</th> <th style="text-align: left;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	REVISIONS	DESCRIP ION	DATE																
NO.	REVISIONS	DESCRIP ION	DATE																						

**FIGURE 1**





DATE: 02/17/2015  
 DRAWN: MBT  
 CHECKED: WFG

NO.	DATE	BY	COMMENTS

REVISIONS:

## Dublin North Development Plan Major Amendment

NORTHEAST OF DUBLIN BLVD. AND POUDE WAY

DATE: 02/17/2015  
 DRAWN: MBT  
 CHECKED: WFG

**William Ganan**  
 & Associates, Ltd.

Landscape Architecture

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

**FIGURE 1**

\\CPC\yugant...projects\Dublin North Major Amendment\Drawings\DWG\_A\WMA\_# DP\_LS\_LR.dwg (LS-2)



<p>DATE: 02/17/2015                  DRAWN: M.E.T.                  CHECKED: W.F.G.</p>	<p>REVISIONS:</p> <table border="1"> <tr> <th>DATE</th> <th>BY</th> <th>COMMENTS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	BY	COMMENTS							<p><b>Dublin North</b>                  Development Plan Major Amendment                  NORTHEAST OF DUBLIN BLVD. AND POUDRE WAY</p>	<p><b>William Gunn</b>                  &amp; Associates, Ltd.                  731 North Weber Street, Suite 10                  Colorado Springs, CO 80903                  719.633.9700 fax 719.633.4250                  Email: WGunn@aol.com</p>
		DATE	BY	COMMENTS								
<p>PROJECT:                  LANDSCAPE                  PLANTING PLAN</p> <p><b>LS-2</b></p> <p>15 of 23 SHEETS</p> <p>CPC PUD                  06-00108-A7M114</p>												

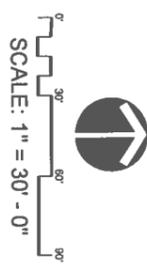
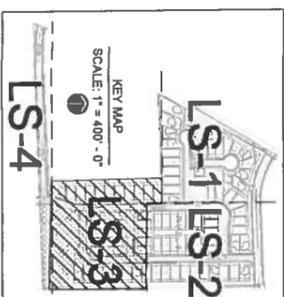
**FIGURE 1**

\\gpc\p\m\proj\021715\Dubn North Major Amendment\Drawings\CON\_KWAM & DP\_LS\_Dwg [LS-3]



END OF PLANT COUNT FOR THIS SHEET

- TOT LOT SURFACE TREATMENTS:**  
 STANDARD GREY CONCRETE PAVING  
 PIONEER PLAYGROUND SAND OR EQ FOR PLAY AREA
- TOT LOT EQUIPMENT AND FURNISHINGS:**  
 (1) KOMPAN MSC5402P TREEHOUSE SLIDE OR EQ.  
 (1) KOMPAN ELE400002 RACER OR EQ.  
 (1) KOMPAN M113P DRAGON OR EQ.  
 (1) KOMPAN MSC5415P COTTAGE DELUXE OR EQ.  
 (1) KOMPAN KPL201 PINE BENCH OR EQ.  
 (2) KOMPAN KPL204 PICNIC TABLE OR EQ.  
 (1) BELSON OUTDOORS PLS17A TRASH RECEPTACLE OR EQ.
- Plantings:**  
 Austin Pine 12  
 Pinus sp. 107 H.  
 Hybridized Leyland Cypress  
 See Sheet LS-3 for Details  
 Norway Spruce 12  
 Populus nigra 5 Cal.

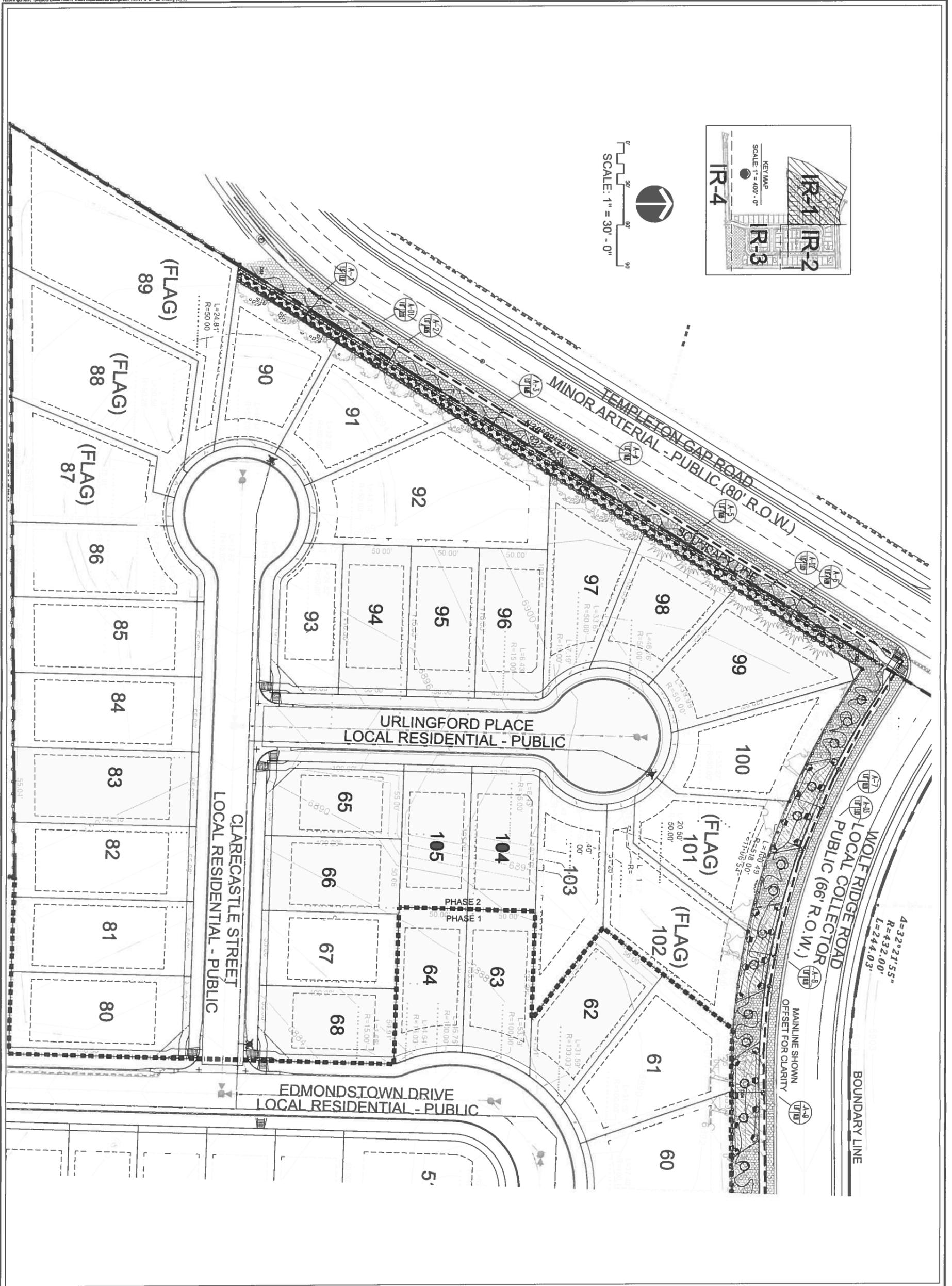


SHEET NO. <b>LS-3</b> OF 23 SHEETS GPC PLD 06-00108-A7M.J14	LANDSCAPE PLANNING PLAN	RECORDS:	DATE: 02/17/2015 DRAWN: MBT CHECKED: WFB	Dublin North Development Plan Major Amendment NORTHEAST OF DUBLIN BLVD. AND POUDRE WAY	 731 North Weber Street, Suite 10 Colorado Springs, CO 80903 719.633.9700 fax 719.633.4250 Email: WGunn@aol.com MEMBER AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS
		DATE: _____ BY: _____ COMMENTS:			

FIGURE 1



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SHEET NO.  
**IR-1**  
 18 of 23 SHEETS  
 CPC PUD  
 06-00108-A7M.1.4

LANDSCAPE IRRIGATION PLAN

DATE	BY	COMMENTS

DATE: 02/17/2015  
 DRAWN: MGT  
 CHECKED: WFG

## Dublin North Development Plan Major Amendment

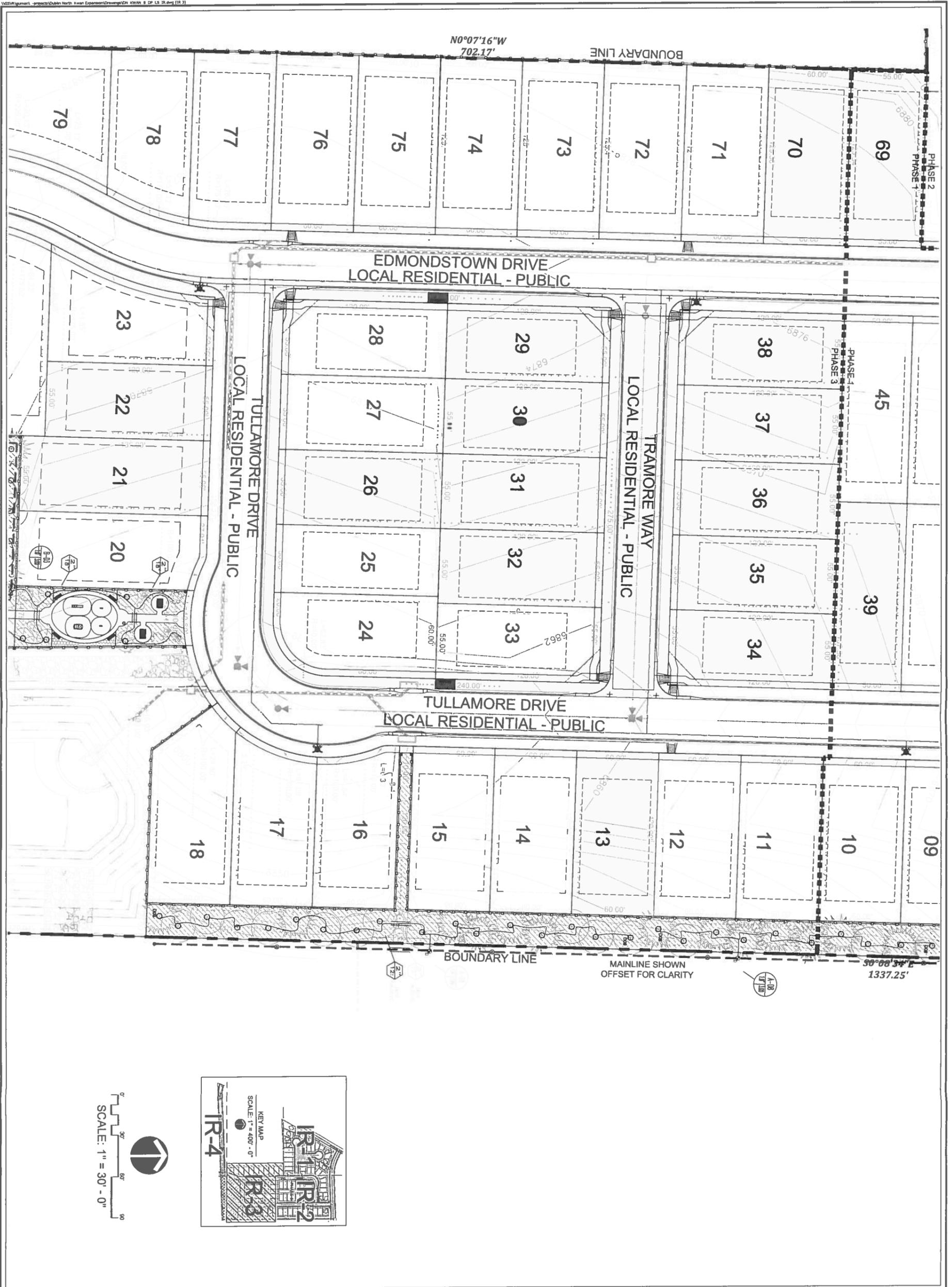
NORTHEAST OF DUBLIN BLVD. AND POUDE WAY

NOTE: THE DRAWING IS THE PROPERTY OF WILLIAM GUNAN & ASSOCIATES, LTD. AND 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 WILLIAM GUNAN & ASSOCIATES, LTD. ALL DIMENSIONS ARE SHOWN UNLESS OTHERWISE NOTED. THE DISTANCES SHOWN ON THIS DRAWING ARE APPROXIMATE AND SHOULD BE VERIFIED BY THE USER. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**William Gunan & Associates, Ltd.**  
 731 North Weber Street, Suite 10  
 Colorado Springs, CO 80903  
 719.633.9700 fax 719.633.4250  
 Email: WGuman@aol.com  
 REGISTERED ARCHITECT, REGISTERED LANDSCAPE ARCHITECT

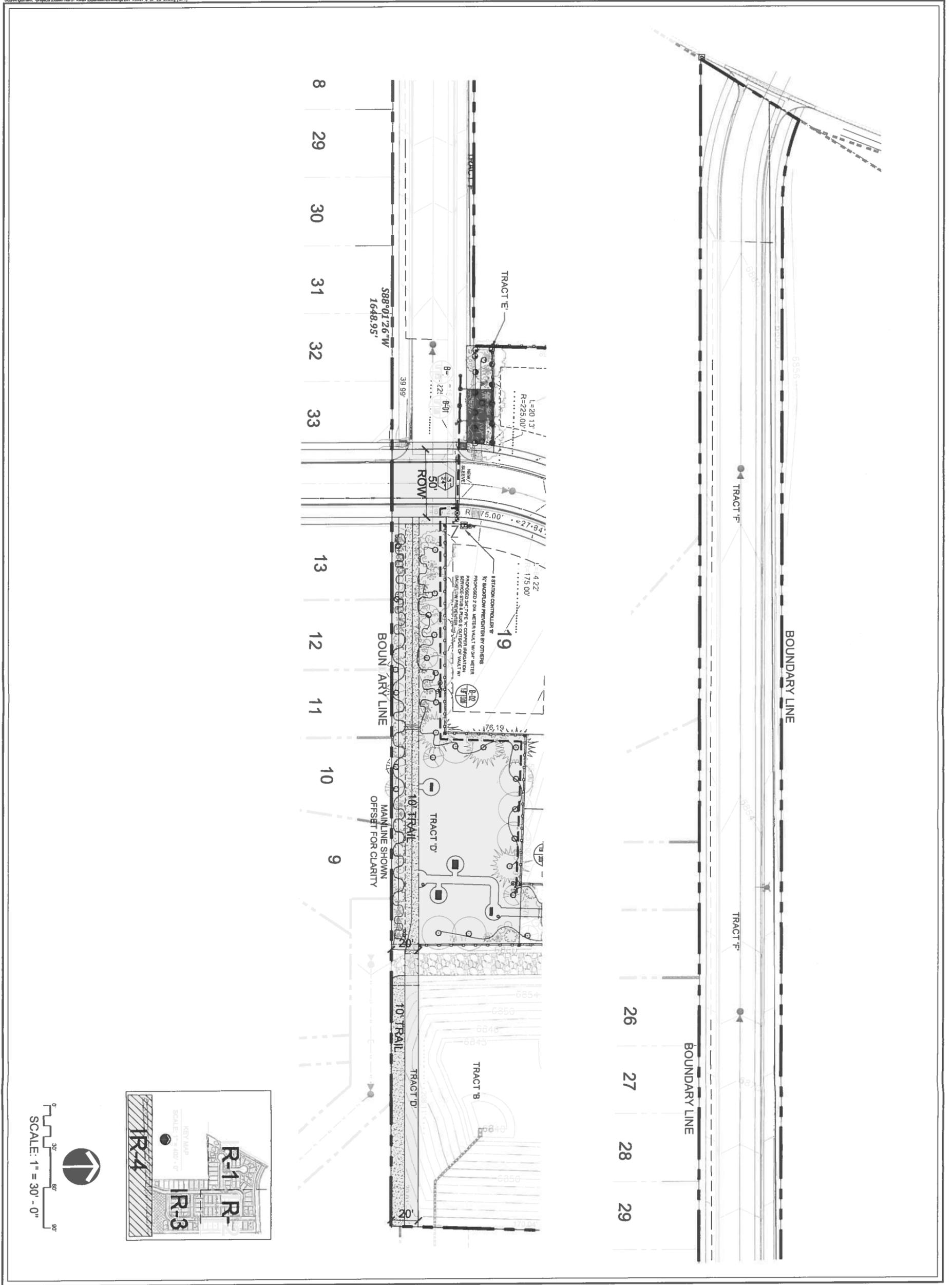
**FIGURE 1**





<p>DATE: 02/17/2015                  DRAWN: MBT                  CHECKED: WFG</p>	<h2 style="margin: 0;">Dublin North</h2> <h3 style="margin: 0;">Development Plan Major Amendment</h3> <p style="margin: 0;">NORTHEAST OF DUBLIN BLVD. AND POUDE WAY</p>	<p>NOTE: THIS DRAWING IS AN INSTRUMENT OF SERVICE AND IS THE PROPERTY OF WILLIAM GUNAN &amp; ASSOCIATES, LTD. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE, REPRODUCTION, OR TRANSMISSION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF WILLIAM GUNAN &amp; ASSOCIATES, LTD. IS STRICTLY PROHIBITED.</p>	<p><b>William Gunan</b>                  &amp; Associates, Ltd.</p> <p>731 North Weber Street, Suite 10                  Colorado Springs, CO 80903                  719.633.9700 fax 719.633.4250                  Email: WGunan@aol.com</p> <p style="font-size: 8px;">DESIGNED AND DRAWN BY: LANDSCAPE ARCHITECT</p>						
<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 5%;">DATE</th> <th style="width: 5%;">BY</th> <th style="width: 90%;">COMMENTS</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	BY	COMMENTS				<p style="font-size: 12px;"><b>IR-3</b></p> <p style="font-size: 10px;">LANDSCAPE IRRIGATION PLAN</p> <p style="font-size: 8px;">SHEET NO. 20 OF 23 SHEETS</p>	<p><b>FIGURE 1</b></p>	
DATE	BY	COMMENTS							

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<p>DATE: 02/17/2015                  DRAWN: MBT                  CHECKED: WFG</p>	<p>REVISIONS:                  DATE:    BY:    COMMENTS:</p>	<p><b>Dublin North</b>                  Development Plan Major Amendment</p> <p>NORTHEAST OF DUBLIN BLVD. AND POUDE WAY</p>		<p>731 North Weber Street, Suite 10                  Colorado Springs, CO 80903                  719.633.9700 fax 719.633.4250                  Email: WGuman@aol.com</p>
		<p>DATE: 02/17/2015                  DRAWN: MBT                  CHECKED: WFG</p>	<p>REVISIONS:                  DATE:    BY:    COMMENTS:</p>	

**FIGURE 1**







August 4, 2014  
Job No. 710.04  
Page 1 of 2

**LEGAL DESCRIPTION:**

A PORTION OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BASIS OF BEARINGS:** THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN BEING MONUMENTED AT THE WEST END BY A 3 1/4" ALUMINUM CAP STAMPED "LS 18235" AND BEING MONUMENTED AT THE EAST END BY A 3 1/4" ALUMINUM CAP STAMPED " PLS 30107", BEING ASSUMED TO BEAR N87°48'49"E A DISTANCE OF 2,608.46 FEET.

COMMENCING AT THE SOUTHWEST CORNER OF A PARCEL OF LAND RECORDED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NUMBER 207074434, SAID POINT BEING ON THE NORTH LINE OF A.A. SUBDIVISION AS RECORDED IN THE EL PASO COUNTY RECORDS IN PLAT BOOK W-2, AT PAGE 94, SAID POINT BEING THE POINT OF BEGINNING; THENCE S88°01'26"W AND ON THE NORTH LINE OF A. A. SUBDIVISION A DISTANCE OF 1,648.95 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF TEMPLETON GAP ROAD; THENCE N30°13'23"E AND ON THE EASTERLY RIGHT-OF-WAY OF TEMPLETON GAP ROAD A DISTANCE OF 59.34 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND; THENCE ON THE BOUNDARY OF SAID TRACT OF LAND THE FOLLOWING THREE (3) COURSES:

1. N87°35'45"E A DISTANCE OF 969.28 FEET;
2. N00°07'16"W A DISTANCE OF 702.17 FEET;
3. S87°35'45"W A DISTANCE OF 551.43 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY TEMPLETON GAP ROAD;

THENCE N30°02'32"E AND ON THE EASTERLY RIGHT-OF-WAY OF TEMPLETON GAP ROAD A DISTANCE OF 825.79 FEET; THENCE S59°48'55"E A DISTANCE OF 38.17 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 32°21'55", A RADIUS OF 432.00 FEET, AND A LENGTH OF 244.03 FEET TO THE POINT OF TANGENT; THENCE N87°49'10"E A DISTANCE OF 518.28 FEET TO A POINT OF CURVE; THENCE ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 02°57'11", A RADIUS OF 483.00 FEET, AND A LENGTH OF 24.90 FEET TO THE POINT OF TANGENT; THENCE S89°13'39"E A DISTANCE OF 617.33 FEET TO A POINT ON THE BOUNDARY OF HORSESHOE RANCHEROS AS RECORDED IN THE EL PASO COUNTY RECORDS IN PLAT BOOK E-2 AT PAGE 66; THENCE S00°05'09"E AND ON THE BOUNDARY OF HORSESHOE RANCHEROS A DISTANCE OF 0.88 FEET TO A POINT ON THE EAST WEST CENTERLINE OF SECTION 7; THENCE S87°47'50"W AND ON THE EAST WEST CENTERLINE OF SAID SECTION 7 A DISTANCE OF 652.63 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND RECORDED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NUMBER 207111493; THENCE S00°08'33"E A DISTANCE OF 1,337.25 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 1,189,387 SQ. FEET, OR 27.305 ACRES.



# William Guman & Associates, Ltd.

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE

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

**May 20, 2015**

**Meggan Herington, AICP  
Principal Land Use Review Planner  
Planning & Development  
City of Colorado Springs  
30 S. Nevada Ave., Suite 105  
Colorado Springs, CO 80903**

**RE: Dublin North Phase 8/'Kwan' Parcel**

**Project Statement:**

The purpose of the Phase 8/ 'Kwan' zone change, concept plan, and development plan is to add 105 single-family detached residential units and privately developed and maintained open space to the existing Dublin North development (Filings 1-7). The final plat will increase the Dublin North total acreage from 52 to 79 acres and the dwelling units from the currently approved 232 units up to 337 units with a density of 4.25 DUs per acre. The additional units will be added in the northwestern vicinity of the existing projects with access from existing Templeton Gap Road via an extension of the existing Wolf Ridge Road and proposed Edenderry Road. There are no proposed changes to any existing lots, final plats, streets, utilities, and landscape already approved within the Dublin North project.

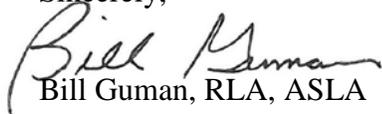
Phase 8/ 'Kwan' is a logical expansion of the existing Dublin North project and will convey all the appropriate easements not already in place, remove any unnecessary easements, and provide for additional right-of-way as required for the extension of Wolf Ridge Road to Templeton Gap Road and development of the new Edenderry Road to Templeton Gap Road. The project currently has sufficient water and wastewater service capabilities to extend to the proposed 105

units. These utilities are available immediately and will not delay the progress of this phase. Please direct questions and/or concerns to William Guman & Associates, Ltd. Thank you.

**Issues:**

No major issues that could affect the successful development and completion of Dublin North Phase 8/'Kwan' parcel have been identified.

Sincerely,

  
Bill Guman, RLA, ASLA

---

# NEW BUSINESS CALENDAR

---

## CITY PLANNING COMMISSION AGENDA

ITEM NOS: 4.A-4.B

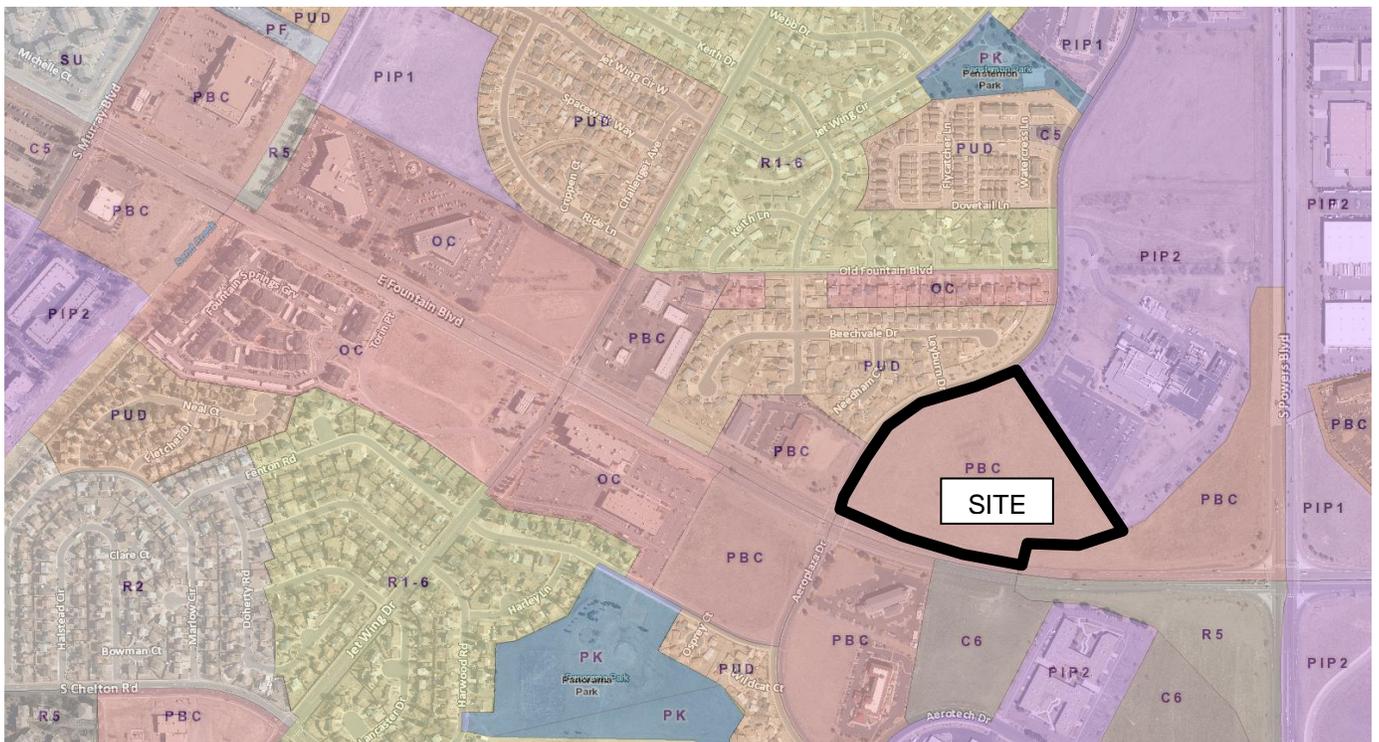
STAFF: LONNA THELEN

FILE NO(S):

A. - CPC PUZ 15-00031 - QUASI-JUDICIAL

B. - CPC PUD 15-00031 - QUASI-JUDICIAL

**PROJECT:** VILLAGE AT AEROPLAZA  
**APPLICANT:** AEROPLAZA FOUNTAIN LLC  
**OWNER:** AEROPLAZA FOUNTIAN LLC



**PROJECT SUMMARY:**

1. Project Description: This project includes concurrent applications for a zone change and a concept plan for a 14.02-acre site located north of Fountain Boulevard and west of Powers Boulevard. The applicant is requesting a zone change from PBC/cr/AO (Planned Business Center with conditions of record and airport overlay) to PUD/AO (Planned Unit Development with airport overlay). In addition, the applicant is proposing a concept plan for the property showing 80 single-family residential lots. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Denial of the applications. It should be noted that Pursuant to City Code Section 7.5.605, a denial of the zone change application by the City Planning Commission is considered as final action and does not move forward to the City Council, unless appealed by the applicant.

**BACKGROUND:**

1. Site Address: No address has been assigned.
2. Existing Zoning/Land Use: PBC/cr/AO
3. Surrounding Zoning/Land Use: North: PUD / single family residential  
South: PBC/C-6 / hotel/vacant  
East: PIP-2 / manufacturing  
West: PBC / vacant/hotel
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: Pikes Peak Addition #1, 1971
6. Master Plan/Designated Master Plan Land Use: Gateway Park / Commercial
7. Subdivision: Salter Subdivision, Filing No. 1
8. Zoning Enforcement Action: No current actions.
9. Physical Characteristics: The site is currently vacant and has very little slope or existing vegetation.

**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 67 property owners within 500 feet of the subject property. Comment from the property owner to the northeast was received. **(FIGURE 3)** The property owner uses the adjacent property for manufacturing and believes that the proposed single-family use is incompatible with their use.

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

1. Review Criteria / Design & Development Issues:  
The Village at Aeroplaza is a proposal to allow for a small lot, single family detached, PUD development that includes 80 lots. The site is located adjacent to Fountain Boulevard, between Aeroplaza Drive and Powers Boulevard. The property is currently zoned PBC/cr/AO and the applicant is proposing to rezone the property to PUD for residential use.

The purpose and intent of small lot single family residential PUDs is to provide important housing opportunities in a single family residential market that allow a smaller lot (less than 6,000 square feet) and greater lot coverage. The small lot PUD concept centers around the idea that units would be street oriented or greenway oriented and the overall development would include common open space to accommodate for the small lot sizes. The small lot PUD guidelines were established to interpret the development plan review criteria in 7.3.606 with the small lot design in

mind. This application proposes a concept plan and is reviewed per the PUD concept plan review criteria 7.3.605, not a development plan; however, the PUD design guidelines were considered during the review due to the detail provided by the applicant.

The initial review letter provided to the applicant noted that staff was unable to determine that the proposed rezone to a small lot PUD met review criteria 7.3.605.A-E. Criteria A-E lay the ground work for the rezoning and location of the small lot PUD. The criteria are listed below with staff comments in italics below the criteria.

Consistency with the Comprehensive Plan

7.3.605.A –Is the proposed development pattern consistent with the Comprehensive Plan, the 2020 Land Use Map, and all applicable elements of the Comprehensive Plan (including the intermodal transportation plan and the parks, recreation and trails master plan)?

7.3.605.B. Are the proposed uses consistent with the primary and secondary land uses identified in the 2020 Land Use Map of the Comprehensive Plan, as amended?

*The comprehensive plan defines the site as an employment center. The definition of employment center from the Comprehensive Plan is listed below. The definition notes that an employment center is to be used for major concentrations of employment with direct access to major transportation facilities. The primary uses include research and development, major service and office center complexes, and educational facilities. The Comprehensive Plan's 2020 Land Use Map and Master Plan Matrix lists residential uses as a secondary use that supports the overall planned development. However, the lowest density range for residential uses in an employment center is 8-11.99 dwelling units per acre. This site is proposed for 5.9 dwelling units per acre, less than the minimum allowed in the comprehensive plan. The proposed plan does not meet the definition of employment center, due to it not meeting the density range allowed and not meeting the intent of the employment center definition of an overall planned development with a mix of employment and secondary uses. Staff does not believe that the proposed project is consistent with the Comprehensive Plan.*

*Policy LUM 207: Employment Center*

*Utilize the Employment Center designation for major concentrations of employment, including existing corporate campuses and industrial areas. For new centers promote excellence in the design and planning of buildings, outdoor spaces, and transportation facilities; and support the vitality and quality of life in adjacent residential neighborhoods. Integrate mobility choices by providing transit, pedestrian and bicycle connectivity within the center as well as to adjoining areas.*

*Strategy LUM 207a: Employment Center Characteristics*

*Designate sites with direct access to existing or planned major transportation facilities and compatibility with adjacent land uses. Generally employment centers are located along major roads, or in close proximity to limited access freeways and Interstate 25.*

*Strategy LUM 207b: Employment Center Primary Uses*

*Identify primary uses as research and development, major service and office center complexes, as well as warehousing and industrial uses and major educational facilities.*

*Strategy LUM 207c: Employment Center Secondary Uses*

*Include supporting uses that complement the primary workplace uses such as restaurants, hotels, childcare, convenience shopping, and residential uses if part of an overall planned development.*

Consistency with the Master Plan

7.3.605.C. Is the proposed development consistent with any City approved master plan that applies to the site?

*This site is part of the Gateway Park Master Plan (FIGURE 4) which was originally approved in 1980 and is master planned for commercial. The master plan is implemented; therefore, an amendment was not required. The master plan shows the Fountain corridor west of Powers as a commercial and office corridor. The residential portion of the master plan was designed to be on interior streets, not adjacent to major streets. A future interchange at Fountain Boulevard and Powers Boulevard is shown on the master plan; although not developed yet, this interchange is proposed in the future. The proposed development would be adjacent to a portion of the interchange. Staff finds that the master planned use of commercial would be compatible with the commercial/office corridor and the future interchange at Fountain Boulevard and Powers Boulevard while the proposed single-family residential project is not.*

Consistency with the Zoning Code

7.3.605.D. Is the proposed development consistent with the intent and purposes of this Zoning Code?

*The current zoning of the property is PBC (Planned Business Center). The site is adjacent to a principal arterial dedicated to serving commercial, retail, and industrial users. An increase in density or intensity along this corridor is appropriate to utilize the existing roadway and utility infrastructure already adjacent to the site. In some cases multi-family residential is an appropriate use along a principal arterial. The zoning along this portion of Fountain Boulevard is primarily PBC and OC (Office Complex). Staff finds that the proposed rezoning to PUD to allow for small lot single-family development is not consistent with the intent and purpose of the zoning code.*

Compatibility with surrounding areas

7.3.605.E. Does the development pattern proposed within the PUD concept plan promote the stabilization and preservation of the existing or planned land uses in adjacent areas and surrounding residential neighborhoods?

*The proposed development is southwest of a 26.8 acre site owned and used by dpiX, LLC. dpiX develops Si-technology, focusing on research, engineering, development, and manufacturing. dpiX products, a-Si image sensor arrays for X-ray imaging and detection, are used by medical equipment companies. The dpiX property is zoned PIP-2 and the manufacturing use is permitted and approved in that location. The proposed development of single-family homes on small lots is not compatible with the industrial use (dpiX) and does not promote the preservation and stabilization of the industrial land use. The site is also adjacent to a major arterial; single-family developments that back to a major arterial are not promoted by the City Code. In addition, the site plan shows the open space located directly adjacent to Fountain Boulevard, which is inconsistent with the small lot PUD code which encourages useable common space that is accessible to the entire community. The Fountain corridor west of Powers Blvd. promotes commercial and office uses. This site is zoned PBC and has the ability to be used for commercial development along a major arterial that could serve the existing residential located on interior streets, not adjacent to the major arterial.*

Staff has reviewed the proposed zone change and concept plan and finds that the proposal is not consistent with the review criteria and does not recommend approval of the zone change or concept plan.

2. Conformance with the City Comprehensive Plan:

The concept plan defines this area as an employment center. Residential with a density of less than 8 dwelling units per acre is not anticipated as part of an employment center; the proposed

project has a density of 5.9 dwelling units per acre. Staff finds that the development is not in conformance with the comprehensive plan.

3. Conformance with the Area's Master Plan:

This site is part of the Gateway Park Master Plan and is master planned for commercial. The master plan is implemented today; therefore, an amendment was not required. The master plan shows the Fountain corridor west of Powers as a commercial and office corridor. The residential portion of the master plan was designed to be on interior streets, not adjacent to major streets. A future interchange at Fountain Boulevard and Powers Boulevard is shown on the master plan, although not developed yet, this interchange is proposed in the future. The proposed development would be adjacent to a portion of the interchange. Staff finds that the master planned use of commercial would be compatible with the commercial/office corridor and the future interchange at Fountain Boulevard and Powers Boulevard.

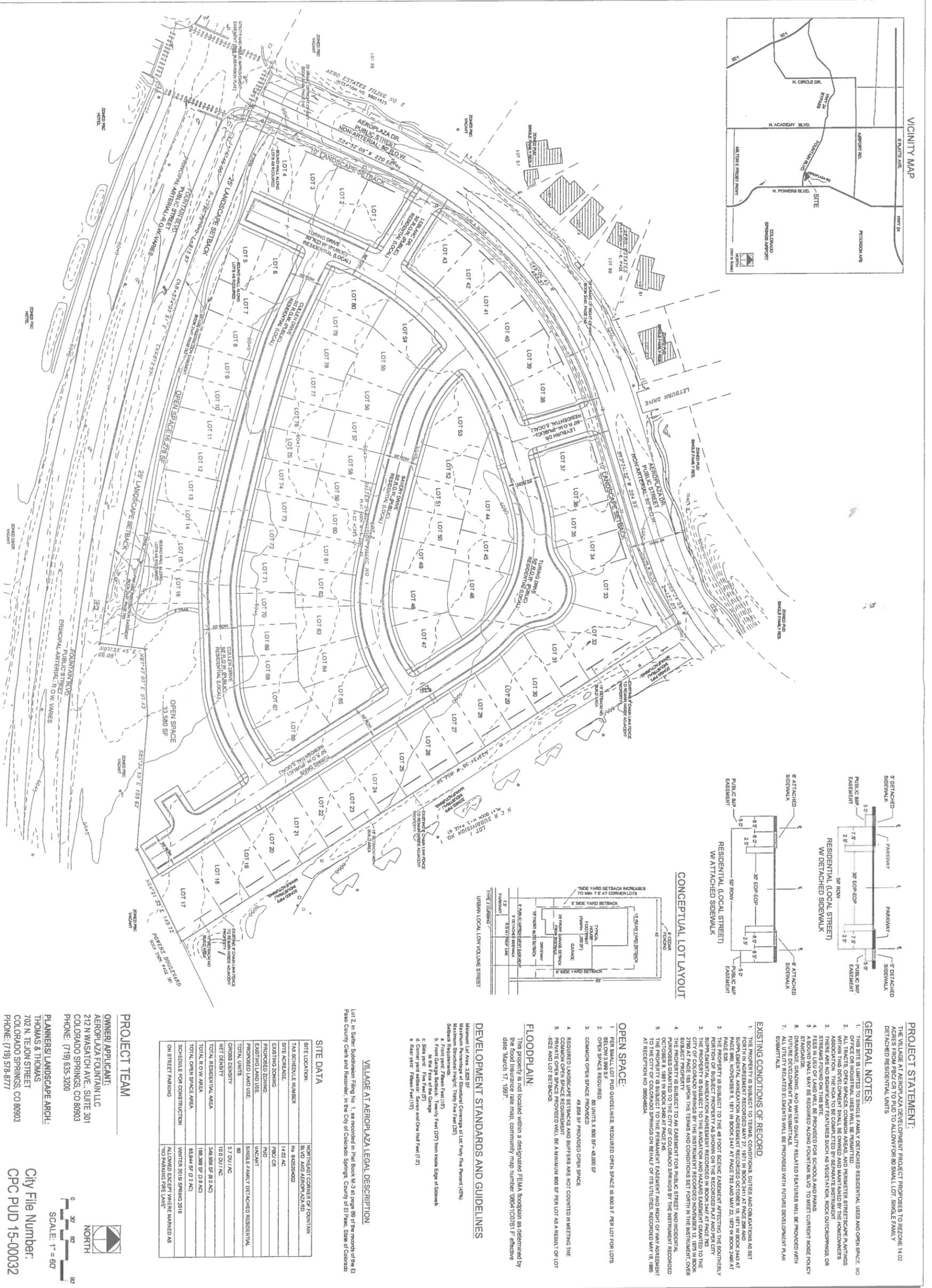
**STAFF RECOMMENDATION:**

**Item No: 4.A CPC PUZ 15-00031 – ZONE CHANGE**

**Deny** the zone change for Village at Aeroplaza, based upon the finding that the zone change does not comply with the review criteria in City Code Section 7.3.603

**Item No: 4.B CPC PUP 15-00032 – CONCEPT PLAN**

**Deny** the concept plan for Village at Aeroplaza, based upon the finding that the concept plan does not comply with the review criteria in City Code Section 7.3.605



**THOMAS & THOMAS**  
 Planning  
 Urban Design  
 Landscape Architecture  
 702 North Tejon  
 Colorado Springs, Colorado 80903  
 (719) 578-8777

REV #	REVISIONS	DATE	DRAWN	CHECKED	APPROVED
1	CITY COMMENT REVIEW #1	5/15/15	JRA		
2					
3					
4					
5					
6					

DESIGNED	JRA	04.03.15
DRAWN	JRA	00.00.00
CHECKED	LT	00.00.00
PROJECT NUMBER	3412.00	
SCALE:	AS NOTED	

**VILLAGE AT AEROPLAZA  
 CONCEPT PUD PLAN**

Colorado Springs, CO

P1

1 of 1

**FIGURE 1**

April 3, 2015

Mike Schultz  
Senior Planner  
Land Use Review Division  
Planning and Development Team  
30 S. Nevada Ave, Suite 105  
Colorado Springs, CO 80903

**RE: Village at Aeroplaza PUD Rezone and Concept PUD Plan Submittal:**

**PROJECT DESCRIPTION:**

The proposed Concept PUD Plan for the Village at Aeroplaza is a single family project located on the northeast corner of Fountain Blvd. and Aeroplaza Drive in southeastern Colorado Springs. The project is approximately one-third mile west of Powers Blvd. The property is presently zoned Planned Business Center with an attached Condition of Record (PBC/CR). The site is not within the APZ (Accident Potential Subzone 1 or 2) overlays but lies within the AO CAD (Airport Overlay) zone area. The site is 14.02 Acres and currently vacant. Thomas & Thomas, on behalf of Aeroplaza Fountain LLC, is proposing to rezone the parcel to Planned Unit Development (PUD) to allow for a small lot, detached single family residential use. The design incorporates the elements of the Small Lot PUD Review Criteria and Guidelines. The project proposes 83 single family lots with a minimum size of 3,825 square feet for a density of 5.9 DU/ AC and 41,200 square feet of open space. There are no proposed commercial, office, or industrial uses being proposed.

The existing surrounding zoning and land uses are as follows:

- **Northwest:** Zoned PUD. Detached single family residential.
- **Northeast:** Zoned PIP2. DPIX, LLC.. Industrial/ Manufacturing.
- **West:** Zoned PBC. Vacant, Hotel Use.
- **South:** Zoned PBC, Hotel Use. Zoned C6/ CR, vacant use.

The site has been vacant for many years and contains no significant natural features, stands of vegetation, or wildlife habitat. There is currently no sidewalk present along Fountain Blvd. yet sidewalk currently exists along the western side of Aeroplaza Dr. Pedestrian sidewalks will be included as required along the site's frontage of Aeroplaza Dr. Discussions with CDOT and City Engineering will take place regarding required sidewalk improvements along Fountain Blvd. There is an existing 46' no-build Condition of Record easement along Fountain Blvd. that will remain.

Access into the site will be via two access points off of Aeroplaza Dr. Each access point will align with existing curb cuts along this street. Of the existing curb cuts, one allows access into the existing hotel and one will be a logical continuation of Leyburn Dr. All of the internal streets will be public and meet current city engineering design standards. The proposed street configuration was purposeful with the intent of providing on-street parking, maximize efficiency and provide internal pedestrian sidewalk connectivity. The streetways are designed with a 50' Right-of-way and 30' pavement mat to accommodate on street parking. This on street parking is in addition to the individual resident driveways and garages. There are no designated parking lots being provided.

**PROJECT JUSTIFICATION:**

The proposed development submittal takes into account the Development Plan Review Criteria. The project at this early stage of the development submittal process conceptually follows the guidelines as illustrated in both the Small Lot PUD Review Criteria & Concept Plan Review Criteria. More detailed information will be provided at the time of Development Plan and Final Plat submittal. While the current zoning for the site is PBC/ CR, the proposed PUD zoning and residential use is a compatible mix of use within this area of the city as there are very few similar, small lot residential projects within the general vicinity. The land demand patterns in this area have not warranted the large amount of PBC zoned parcels, particularly west of Powers Blvd. A review of current city zoning and land use patterns indicates a majority of the PBC, PIP, C6 and OC zoning west of Powers Blvd remains as vacant ground stretching from Platte Ave. down to Astrozon Blvd., where residential communities begin as the primary land use. These vacancies include many pockets of land westward to Academy Blvd. Further land use review in this area also illustrates that the planned industrial and commercial parks east of Powers Blvd. contain large pockets of unused, vacant land zoned for uses other than residential. These vacant pockets occur all the way from Airport Rd. south to Zeppelin Rd.

Conversely, those areas of residential zoning or rezoned to allow for residential uses from as far north as Airport Rd. all the way south down to the Milton Proby Expressway have been built out, currently under construction, or planned to be built. This clearly indicates the demand for residential housing is far greater than the demand for industrial or commercial center zoning areas, particularly west of Powers Blvd. As an example, the site being submitted for review and approval of small lot, single family residential was originally platted in 1980 for commercial/ industrial uses yet has remained vacant for nearly 35 years. The site is adjacent to a well established sub community



**FIGURE 2**

with schools, parks, churches, commercial and employment centers offering an opportunity for residents to work and live within close proximity.

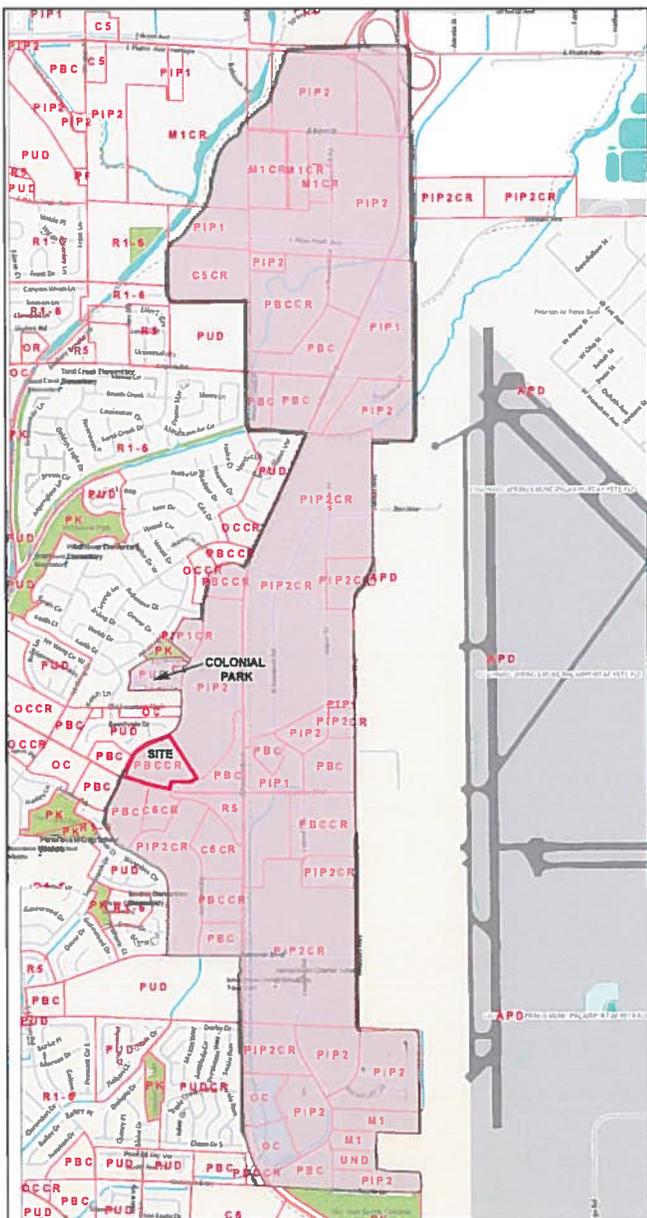
The current zoning of PBC/ CR does permit one family and higher density residential as a conditional use. While the residential conditional use requires additional approval by the Planning Commission and City Council, the residential use is not strictly forbidden. The residential use within the PBC zone would allow lot sizes as small as 4,000 square feet while the Village at Aeroplaza is proposing a lot size of 3,825 square feet. In addition, the Small Lot PUD Guidelines require more restrictive design principles than the PBC Conditional Use further enhancing the design. Since the PBC zone does permit residential use, this proposed Concept PUD Plan remains consistent with all the possible uses as permitted by the PBC zone. In this case, the PUD further defines the intended use thereby restricting the land use to what is approved on the Concept PUD. Any change in use would require an amendment to the plan and subject the proposal to further review.

Finally, the site has been identified as an employment center for Colorado Springs on the 2020 Land Use

Plan. Employment Centers in the Comprehensive Plan are defined as: *Activity centers that are major concentrations of employment supported by a mix of uses that meet the needs of employees and visitors, such as restaurants, lodging, child care, **higher density residential**, and educational facilities. Employment Areas are major concentrated locations where people work. Major employers are typically located in these areas, whether in mixed-use activity centers or campus-like settings or diverse industrial areas.*

Despite the east and west corridors intersecting Powers Blvd. being designated as Employment Centers where mixed uses are encouraged, including residential housing, there is currently only one residential land use within the boundaries of the Employment Center area from Platte Ave. south all the way to Zeppelin Rd. This residential use occurs less than a quarter mile north of this proposal along Aeroplaza Dr. and is known as Colonial Park. Colonial Park offers a mix of small lot single family residential and attached townhome like units.

The Village at Aeroplaza is seeking to provide additional affordable housing within this area of Colorado Springs where residential land use projects have been



**FIGURE 2**

successful. The existing infrastructure, roads, sewer, water and other utilities are well established. The additional units proposed within this development will not overburden or strain the existing infrastructure facilities. The Village at Aeroplaza has a density of 9.8 dwelling units per buildable acre and is surrounded in the area by a variety of land uses such as hotels, an industrial facility, office buildings, a church, schools and parks, single family residential housing and a small multi-family complex.

The project is within walking distance of approximately 0.25 miles to both Panorama Park south of Fountain Rd. and Penstemon Park just north of the site directly off of Aeroplaza Dr. Both of these parks provide outdoor recreation opportunities within a few minutes walk to the future residents. In addition, the site is in close proximity to both Panorama Middle School and Bricker Elementary School, both of which are just over 0.5 miles away. A third park is also within walking distance and is just under 0.5 miles away from the site, sitting adjacent to the elementary school. The Sand Creek Trail is accessible in several locations anywhere from 0.66 miles to 1 mile away directly west of this site. Currently there is no direct access to the Sand Creek via Fountain Blvd. due to a lack of sidewalks.

Due to the close proximity to the existing Penstemon and Panorama Parks, the proposed Conceptual PUD Plan proposes 41,200 square of open space, of which 17,935 SF is being provided in a centralized location. The provided open space was determined using the reduced open space of 400 SF per 1 Lot as allowed and outlined in the Small Lot PUD Review Criteria and Guidelines: *Common Open Space General Guidelines #10*. The design incorporates sidewalks throughout the community providing pedestrian connectivity into and out of the site.

The proposed concept is anticipating a 10' landscape setback along Aeroplaza Dr. and a 25' landscape setback along Fountain Blvd. which will be included within the 46' no build easement along Fountain Blvd. There is no landscape buffer being provided along the northeast boundary with the industrial site; however, the lots along this boundary are 15' longer in length for a minimum depth of 100'. This additional length was added in-lieu of a separate landscape buffer. The existing industrial facility has trees planted along the property line and a chain link fence which shall remain. All landscape and common open space will be maintained by a home owner's association.

As part of a Colorado Department of Transportation Powers Blvd. Corridor Study, it was determined that an interchange would be provided at Powers Blvd. and Fountain Blvd. This would occur in the vacant land directly east of the site and precludes any potential land use projects from happening. Per the study, this was to occur as part of the 2035 planning. However, it has since been determined that funding would not be available for this interchange thus making the timing unknown. While this interchange could be viewed as a detriment to the proposed single family use, the lack of funding and no new timeframe for this interchange should not place limits on proposed land uses that may or may not be impacted twenty years into the future. There are numerous examples within the city of interchanges occurring adjacent to or near existing, established residential communities should the proposed interchange be realized.

**ISSUE LIST:**

- Proposed small lot residential use: City Planning staff reluctant to support the proposed use.
- Open Space: Concerns regarding provided open space being insufficient.
- Fountain Blvd: Requirements for improvements to Fountain Blvd. are unknown at this time.
- Proposed Powers/ Fountain Blvd Interchange: Potential impact on future resale value.



dpiX, LLC  
Colorado Springs Division  
1635 Aeroplaza Drive  
Colorado Springs, CO 80916  
Tel: 719.457.7700

April 24, 2015

City of Colorado Springs  
Planning and Community Development Land Use Review  
30 S. Nevada Suite 105  
P.O. Box 1575, MC 155  
Colorado Springs, CO 80901-1575  
Attn: Lonna Thelen

Re: Comments pertaining to the Public Notice regarding **File No.: CPC PUZ 15-00031** and **File No.: CPC PUP 15-00032**

Dear Lonna,

dpiX, LLC respectfully provides via this letter our comments regarding the Public Notice pertaining to the 14.02 Acres located NE of Fountain Boulevard and Aeroplaza Drive. That property is immediately adjacent to, and borders dpiX property along the southern property line.

With a 50% global market share, dpiX technology provides the foundation for some of today's most innovative solutions in medical, industrial, military and homeland security. While the industry trend is to off-shore manufacturing operations, dpiX chose Colorado Springs for expansion in 2006 and by 2011 had relocated its entire operation.

dpiX proudly supplies all products from its sole manufacturing operation in Colorado Springs, Colorado.

As an anchor in the local community, dpiX provides high-tech jobs, community service opportunities, and closely collaborates with regional businesses and educational institutions to improve the economic vitality of Colorado Springs. As a global innovator that exports approximately 60% of its products worldwide, dpiX imaging technology enhances lives around the world.

As such dpiX is compelled to provide comment to oppose the proposed re-zoning described in **File No.: CPC PUZ 15-00031**, and the single family development described in **File No.: CPC PUP 15-00032** of the adjacent property located at the Northeast corner of Fountain Blvd. and Aeroplaza Dr.

dpiX is a 4 year recipient of the Colorado State Environmental Leadership Gold Award and has not had a compliance violation since production start-up. Nevertheless placing a residential community directly adjacent to our high-tech industrial manufacturing facility is incompatible



for a number of reasons that we would be happy to elaborate in discussions related to the potential use of the considered property. When dpiX selected the Aeroplaza site for expansion, an adjacent housing development was never considered due to the current zoning. Other uses such as a business park, or even industrial uses would be more compatible than a residential development at the considered location.

dpiX formally opposes rezoning the property located at the Northeast corner of Fountain Blvd. and Aeroplaza Dr. from PBC/cr/AO (Planned Business Center with a condition of record and airport overlay) to PUD/AO (Planned Unit Development with an airport overlay). We strongly urge the City of Colorado Springs to deny the application to rezone this property.

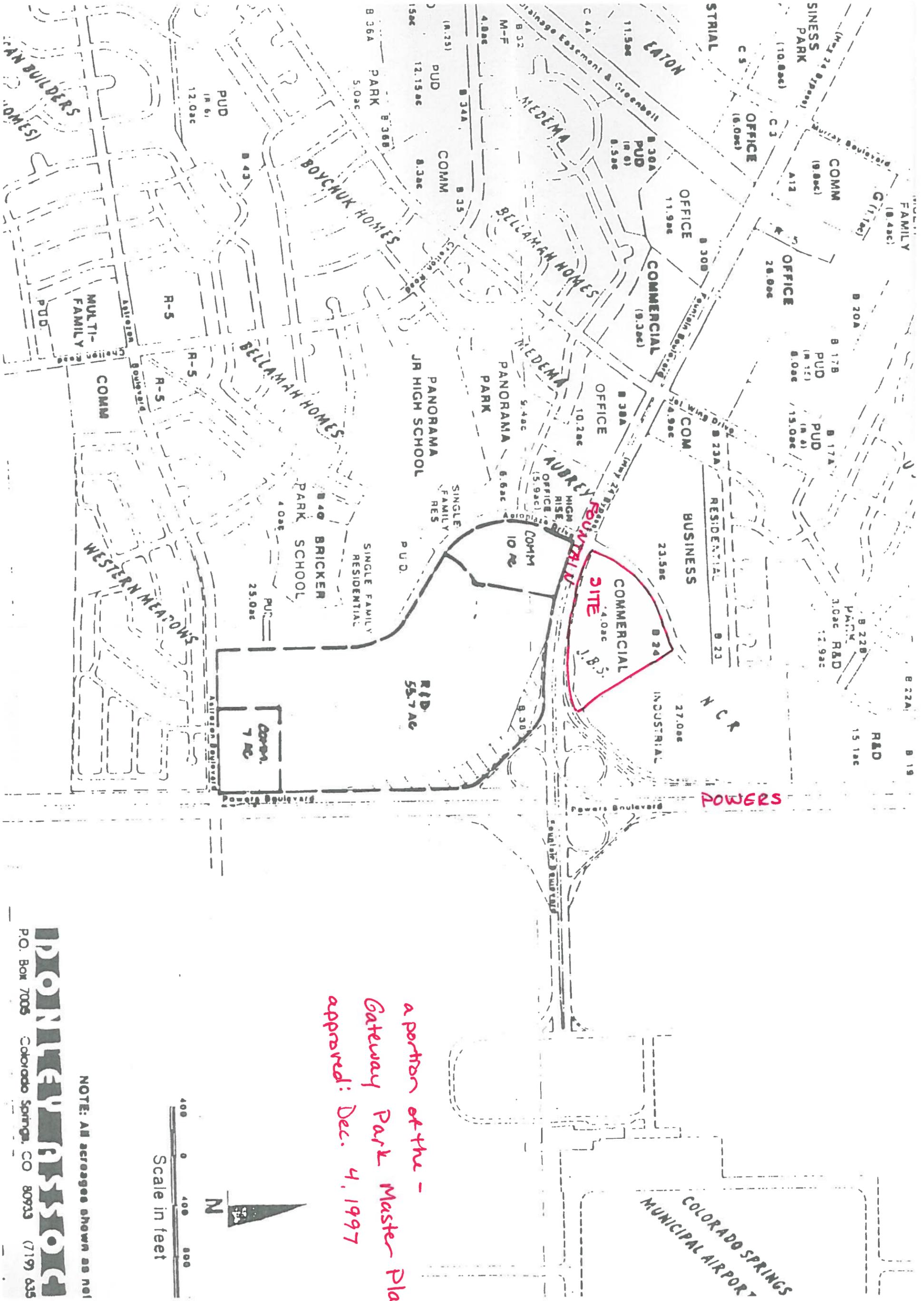
dpiX formally opposes approval of the concept plan for an 82 or 83 unit small lot single family development (Village at Aeroplaza). We strongly urge the City of Colorado Springs to deny the Concept PUD Plan and likewise any similar plans.

dpiX would welcome thoughtful discussion regarding development of the property in a manner consistent with current zoning and compatible with our neighboring industrial facility.

Respectfully,

A handwritten signature in black ink, appearing to read 'Frank Cairis', written over a large, irregular scribble or mark.

Frank Cairis  
CEO and President  
dpiX, LLC



**PONIEWILSON**  
 P.O. Box 7005 Colorado Springs, CO 80933 (719) 635

NOTE: All acreages shown as net

Scale in feet  
 0 400 800



a portion of the -  
 Gateway Park Master Plan  
 approved: Dec. 4, 1997

**FIGURE 4**

**CITY PLANNING COMMISSION AGENDA**

**ITEM NO.:5**

**STAFF: RACHEL TEIXEIRA**

**FILE NO:**  
**AR NV 14-00691(AP) – QUASI-JUDICIAL**

**PROJECT: 1225 E. HIGH POINT LANE**

**APPLICANT/OWNER: RONALD SALVAGGIONE**

**APPELLANT: PAMELA HAMAMOTO**



### **PROJECT SUMMARY:**

1. Project Description: This request represents an appeal by Pam Hamamoto, property owner of 1217 E. High Point Lane, regarding the administrative approval for a nonuse variance site plan to 1225 E. High Point Lane. **(FIGURE 1)** The request approved the ten (10) foot front yard setback distance where 25 feet are required to construct a single family residence on the site. The site plan was approved on April 27, 2015, **(FIGURE 2)** and the appeal was filed within the requisite ten days. The appeal is based on several issues raised in the documentation submitted by the appellant. The property consists of 0.261 acres within the Hillside Overlay and required site plan approval for the construction of a single family residence.
2. Applicant's Project Statement: **(FIGURE 3)**
3. Planning & Development Department's Recommendation: Reaffirm the administrative approval of the nonuse variance site plan.

### **BACKGROUND:**

1. Site Address: 1225 E. High Point Lane.
2. Existing Zoning/Land Use: R-1 9000/HS (Single Family Residential with Hillside Overlay)/ Vacant lot for proposed Single Family Residence.
3. Surrounding Zoning/Land Use:  
North: R/HS (Single Family Residence – Estate with Hillside Overlay)/ Sondermann Park.  
South, East and West: R-1 9000/HS (Single Family Residential with Hillside Overlay)/ Single Family Residence.
4. Comprehensive Plan/Designated 2020 Land Use: General Residential.
5. Annexation: September 1872 as part of Town of Colorado Springs.
6. Master Plan: n/a.
7. Subdivision: High Point Gardens, 1964.
8. Zoning Enforcement Action: n/a.
9. Physical Characteristics: The 0.261-acre site is near the northeast corner of Mesa Avenue and W. Uintah Street and the property sits on a steep, down-sloping terrain property within the Hillside Overlay.

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

Standard public notification and posting process was used during the internal review. Nine property owners within a 150 foot buffer distance and three members of the Architectural Control Committee (ACC) for High Point Gardens were notified. The property owner originally submitted a nonuse variance request with a site plan illustrating an eighteen foot front yard setback. **(FIGURE 4)** An e-mail was received from the appellant. **(FIGURE 5)** The site plan was then revised to illustrate the correct dimension from the residential structure to the property line and not to the edge of pavement (street). **(FIGURE 6)** Again notification was mailed to the original list of property owners and written correspondence in opposition and support was received in response to the mailing. **(FIGURE 7)**

After a meeting with City Planning staff to discuss the site plan and the hillside overlay requirements, the property owner submitted a comprehensive site plan proposal including, a hillside site plan illustrating the new setback distance of ten (10) feet along with existing and proposed contours, floor plans, and elevations of the single family residence. **(FIGURE 8)** These plans and written notification, which stated that the proposal was for a ten foot front yard setback, were sent together in a package and mailed to the same nine property owners and the three members of the ACC. Property owners submitted written correspondence **(FIGURE 9)** in opposition in response to the third mailing notification.

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

### **ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES:**

The request is to appeal the approval of a nonuse variance for the construction of a single family residence with a ten (10) foot front yard setback dimension where 25 feet are required and is located at 1225 E. High Point Lane. The property is zoned R-1 9000/HS (Single Family Residence with Hillside Overlay) which requires a separate zoning approval for the setback variance.

The site plan has been revised to illustrate the correct front yard setback dimension to the front property line, and also to include the hillside overlay plan requirements. City Planning provided notification to the adjacent property owners and the ACC for High Point Gardens and had the property posted after the application was submitted. E-mails and written correspondence in opposition and in support were forwarded to the Planning Department in response to these notices. **(FIGURES 5, 7 & 9)** The majority of the neighborhood does not support a ten foot front yard setback distance, preferring instead a front setback distance of seventeen (17) feet for the proposed home.

This Hillside Area Overlay, Section 7.3.504 of the Zoning Code, has a separate site plan review process which is more restrictive compared to that which existed for properties developed prior to May of 1996. Using the Hillside Overlay criteria and guidelines City Planning Staff prefers to have the structure built away from the rear steep slope to protect the home as well as the natural features of the property. This preference is a result of the weight that the Hillside Overlay places on natural feature preservation, avoidance of steep slopes, minimizing retaining wall size, and generally working with the site's natural characteristics when placing a new home on the property.

High Point Gardens Subdivision consists of 49 lots as recorded at the El Paso County Clerk and Recorders office on February 19, 1965. The subdivision plat provides 20 ft. front yard setback flexibility for lots facing East and West High Point Lane as noted under Note 4 on the plat even though the R-1 9000 zone requires a 25 ft. setback distance. The majority of the properties located within the High Point Gardens Subdivision were all constructed prior to the adoption of the Hillside Development Overlay District in May of 1996. Few new homes have been built in the neighborhood over the last 20 years. There are only two remaining properties in this subdivision, 1205 and 1225 E. High Point Lane, which will be required to submit a Hillside site plan and geo-hazard report for Planning and Engineering approvals as part of the building permit process. Although the paved width of E. High Point Lane is only 24 feet wide at the subject property, the platted right-of-way is 50 feet in width creating the illusion that the homes (including the proposed house) have significant setbacks from the front property line.

Once a final decision is made by the city reviewing authorities, the property owner can proceed with the building permit approvals. The property owner is required to provide a 'Hillside Plan Requirements' site plan review and a Geo-Hazard report for City Planning and Engineering approvals prior to obtaining a building permit at Pikes Peak Regional Building Department.

#### 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 is found within **FIGURE 1**.

After substantial analysis and consideration, Planning Staff has concluded that the original non-use variance approval was appropriate and met the required variance criteria, and that the appellant failed to substantiate the required appeal criteria.

**STAFF RECOMMENDATION:**

**ITEM NO.: 5 AR NV 14-00691(AP) – APPEAL OF ADMINISTRATIVE DECISION**

**Deny the Appeal and reaffirm the administrative approval** of the nonuse variance site plan to 1225 E. High Point Lane, based upon the findings that the site plan complies with City Code Section 7.5.502.B, and that the Appellant has failed to substantiate the appeal criteria found in Section 7.5.906.A.4 of City Code.

## Appeal of a Nonuse Variance Record-of-Decision

AR NV 14-00691

1225 E. High Point Lane

May 7, 2015

We are appealing the decision, dated April 27, 2015, granting a 10' front lot setback on an R-1 9000/HS lot with a 20' front lot setback required by the High Point Gardens plat (filed December 8, 1964, not the 1996 mentioned in the record-of-decision).

Addressing the criteria used to grant the 10' front lot setback;

1) Exceptional or Extraordinary Conditions

The slope described for the rear/east part of the lot is very exaggerated. Taking a reading between 2 or 3 topographic lines does not adequately describe a slope. It is not even a 1 to 1 (or 45 degrees) slope. It is less of a grade than the hill at my house which is as steep as 40 degrees. I will be happy to shoot grade if that will help. Please observe the pictures presented at the hearing for several examples of more difficult slopes that have been built on successfully with no foundation problems. All homes pictured were built before the Hillside Overlay passed in May 1995, including ours. Perhaps the Hillside Overlay forces the Planners into a corner.

2) No Reasonable Use of Property

A few lots in the High Point Gardens neighborhood have received reduced front lot setbacks with the smallest being 17' at 1229 E. High Point Lane. We are on a hilltop with not a lot of space, no sidewalks and a 16' to 18' asphalt road. The only lots in the subdivision not meeting at least a 17' setback are 2 cul-de-sacs lots and 1 corner lot. Some of us are 25' back. Moving this house so much closer to the road creates a large mass that is quite disruptive to the existing neighborhood. All but one other lot is built on and the rest of us built our homes following the Plat requirements and the active Covenants that are attached to the property (Book 2874 Page 708, filed 11-16-76). These Covenants contain a condition precedent to any building construction in the subdivision, namely, approval of final plans by our Architectural Control Committee (referred to as ACC for following) prior to breaking ground. The Applicant is aware of the Covenants but has yet to present any plans to the ACC for review. He has supplied house plans to the Planning Dept. as part of his request for a non-use variance, but whether that house is what he plans to construct is anyone's guess. In any event, those plans do not meet the requirements of the Covenants and would not be approved by the ACC.

Disturbing the slope will happen with the excavation of the lower level of the proposed house plan. Most home owners plan some sort of retaining wall when a slope is present. That was something that the Planner Rachel Teixeira and I talked about in a Planning Dept. meeting room April 2, 2015.

3) No Impact to Surrounding Property

When the request for an 18' front lot setback variance was submitted the ACC, see Covenants, Mr. Salvaggione was advised that the most extreme setback in the subdivision was 17' so the 18' would be supported. Then he changed the request to a 12' front lot setback and the majority of comments submitted to Planning by neighbors and the ACC were negative. Then Mr. Salvaggione submitted a request for a 10' front lot setback variance and the ACC and 7 of the 8 immediate neighbors sent in negative comments.

Our neighborhood restricts the height of houses so that the great views are still possible to enjoy. With the already tight front lot spacing due to the neighborhood location, the additional 7' movement of the proposed house towards the street will have an inordinate effect on the appearance and feel of the neighborhood, not to mention setting a new precedence. The property values of existing owners will suffer, as the neighborhood will take on an 'anything goes' appearance. The existing covenants will become meaningless, because any property owner could build closer to the street simply by requesting their own non-use variance, and the Salvaggione property would be precedence for their applications. People choose a location to live based on appearance and this decision will definitely impact the value of our homes.

The subdivision, through the ACC, feels that the non-use variance request here is premature. On behalf of the subdivision's ACC we would request that this non-use variance be held in abeyance unless and until Mr. Salvaggione submits final house plans to the ACC for review and approval. Once approved, the requested setback may become a non-issue. But at least the City and the subdivision will know precisely what he intends to build. Alternatively, we would appreciate a modification of his request to the neighborhood's existing front lot minimum setback of 17', which both the neighborhood and the ACC find acceptable and which has worked well for the rest of our neighborhood.

Bob Moyers, Pam Hamamoto

**CITY OF COLORADO SPRINGS  
PLANNING & DEVELOPMENT DEPARTMENT  
NONUSE VARIANCE RECORD-OF-DECISION**

**FILE: AR NV 14-00691**

**DECISION DATE: 27 APRIL 2015**

**INFORMATION**

Name of Owner:	Ronald Salvaggione	Address of Premises:	1225 E. High Point Lane
Zone District:	R-1 9000/HS (Single Family Residential with Hillside Overlay)		
Property Size:	0.261 acres	Tax Schedule Number:	7412103048

**REQUEST**

Request for approval of a nonuse variance to the following section of City Code:

- Section 7.3.104: Front Yard Setback – To allow a ten (10) foot front yard setback where twenty-five is the requirement.

The project is to construct a single family residence.

**STAFF ANALYSIS**

**CITY CODE CRITERIA TO GRANT A NONUSE VARIANCE**

**CRITERIA MET OR NOT MET**

**1. 7.5.802 (B.1) Exceptional or Extraordinary Conditions**

**Met**

The property is located within the High Point Gardens subdivision, northeast of Mesa Avenue and East Uintah Street. The property is located within the Hillside Overlay which requires a 'Hillside Plan Requirements' site plan review for the construction of a structure on the site. It is relatively flat along the front of the property and then the topography drops down significantly at the middle of the property to the rear. The site has a range of steep sloping percentages; 48%, 78% and 93% calculations taken from the site plan. The proposed residence is situated closer to the front of the property line to stay away from the rear steep slope terrain.

**2. 7.5.802 (B.2) No Reasonable Use of Property**

**Met**

The requested nonuse variance is to allow the property owner to construct a single family residence with a ten (10) ft. front yard setback where 25 ft. is the requirement. The application request originally was proposed for 18 ft. and then modified to 12 ft. front yard setback. The applicant now has a request submitted for a ten (10) ft. front yard distance with plans drawn by a professional architect which include the Hillside Overlay topography contours. The applicant indicates in his project statement: "I do not want to disturb the natural slope on vegetation on that slope . . . are at varying distances from the street I would not be any closer to the street than other homes on the street keep with the character of the neighborhood."

The applicant is requesting reasonable use of the property to locate the single family structure closer to the front property line with a ten (10) ft. front yard setback. Staff finds that the proposed location of the residential structure to be in keeping with this criterion. There are other Hillside Overlay residential structures within the city limits that have obtained a nonuse variance to keep from infringing into the steep slope landscaping terrain.

All of the residential structures on E. High Point Lane, except one vacant parcel and the applicant's property, were all built prior to the May 1996 Hillside Development Overlay District. The May 1995 Hillside Overlay district is more restrictive than the previous City's hillside code. City Code Section 7.3.504.H.5, Lots Created Prior to June 6, 1996 states that it may not be possible for lots platted prior to the adoption of the hillside standards enacted with ordinance 96-80 to be developed in full compliance with all of the standards and guidelines of this Code. The High Point Gardens subdivision was platted in 1996. The applicant submitted a site plan with a reasonable house plan and the plan illustrates the residence situated in the most logical location on the property, away from the steep slope. Once again, City Planning Staff prefers to have the structure built away from the rear steep slope and protect the natural features of the site without grading disturbance.

**3. 7.5.802 (B.3) No Adverse Impact to Surrounding Property**

**Met**

Notices were sent out to nine adjacent property owners within a 150 ft. buffer and three members of the High Point Gardens Architectural Control Committee and the property was posted. The applicant submitted three different site plans to be reviewed which were commented on during the internal review phase of the project. Each time a request was submitted, the site plan provided better information which detailed the setbacks and dimensions of the property along with the residential structure.

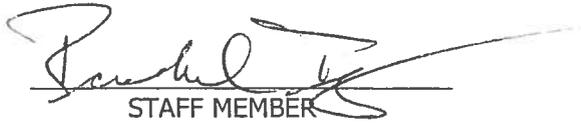
Staff finds that even with the correspondence of letters and e-mails in opposition from the High Point Gardens ACC and the neighborhood, that the nonuse variance shall not be detrimental to public health, safety and welfare or injurious to the surrounding properties in the High Point Gardens subdivision neighborhood.

AR NV 14-00691 (1225 E. High Point Lane)

**STAFF DECISION**

**APPROVED:** Staff approves the nonuse variance based on all three (3) criteria being met.

27 April 2015  
DATE OF DECISION

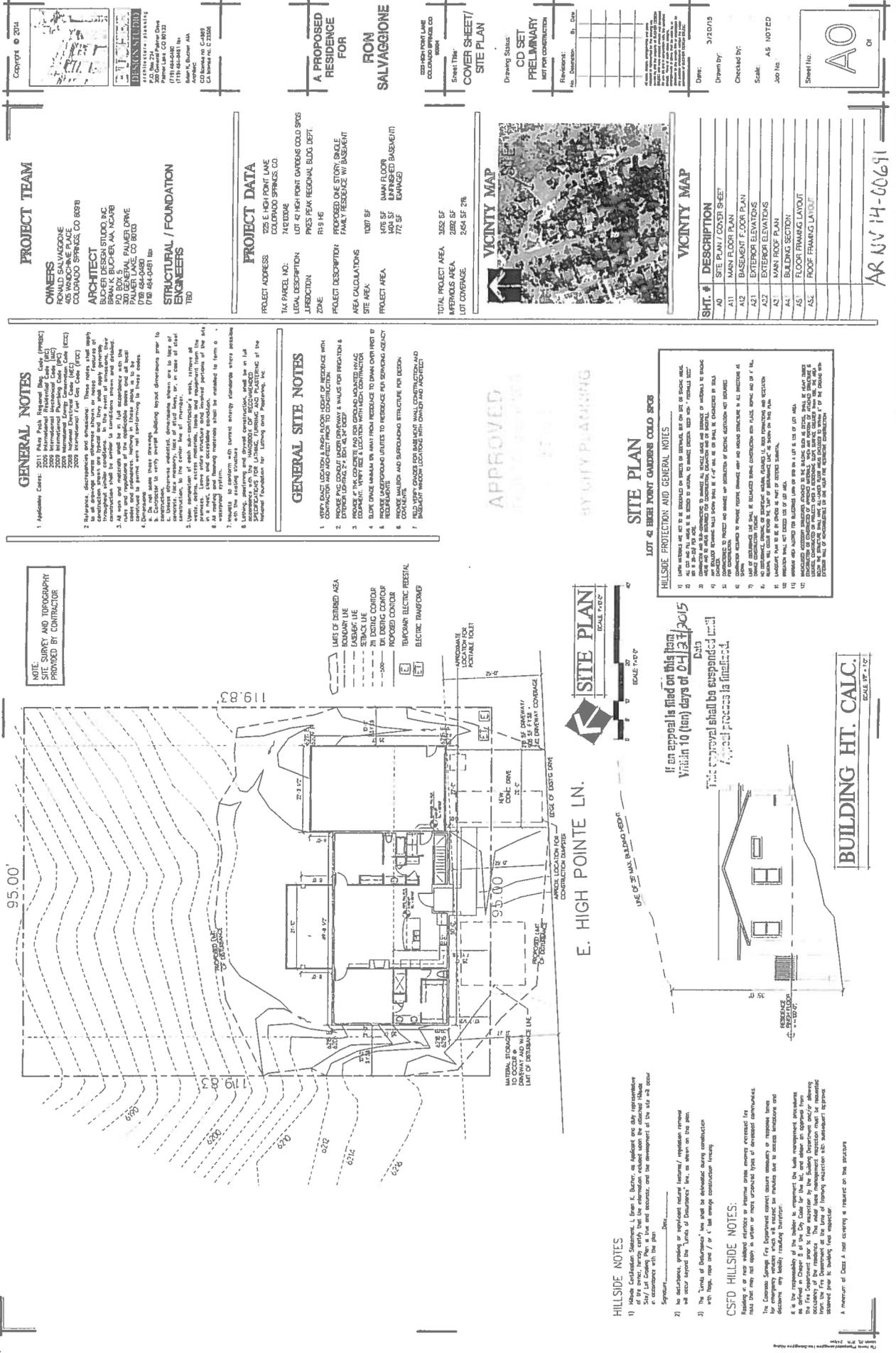
  
STAFF MEMBER

**APPLICANTS:** THE DECISION PERTAINS ONLY TO THE APPLICATION YOU SUBMITTED. YOU MUST COMPLY WITH ALL OTHER APPLICABLE REQUIREMENTS OF THE CITY OF COLORADO SPRINGS AND THE REGIONAL BUILDING DEPARTMENT. A COPY OF THE RECORD-OF-DECISION AND APPROVED SITE PLAN SHALL BE SUBMITTED IN CONJUNCTION WITH A BUILDING PERMIT APPLICATION. THIS VARIANCE DOES NOT SUPERSEDE OR NULLIFY PRIVATE COVENANTS THAT MAY LAWFULLY IMPOSE OTHER RESTRICTIONS ON THE USE OF YOUR PROPERTY.

**\*\*\*\*\*IMPORTANT\*\*\*\*\***

**THE VARIANCE SHALL BE VOID IF ALL REQUIRED PERMITS ARE NOT OBTAINED WITHIN ONE (12) MONTHS OF THE FINAL APPROVAL DATE. PRIOR TO THE EXPIRATION OF A NONUSE VARIANCE, A TWELVE (12) MONTH EXTENSION OF APPROVAL MAY BE GRANTED BY THE MANAGER UPON DEMONSTRATION OF GOOD CAUSE.**

The administrative approval of the application may be appealed to the City Planning Commission. The written notice of the appeal together with the fee (\$176.00) must be submitted to the Land Use Review Office of Planning and Development Department within ten (10) days of the date of the approval (by 5:00 pm on May 7, 2015).



**PROJECT TEAM**

**OWNERS**  
 RONALD SALVAGNONE  
 405 WINDOCHME PLACE  
 COLORADO SPRINGS, CO 80978

**ARCHITECT**  
 BLUCHER DESIGN STUDIO, INC.  
 BRUNNEN BLUCHER, AA, NCARB  
 300 GENERAL PALMER DRIVE  
 COLORADO SPRINGS, CO 80903  
 (719) 444-0481 fax

**STRUCTURAL / FOUNDATION ENGINEERS**  
 TBD

**PROJECT DATA**

**PROJECT ADDRESS**  
 226 E HIGH POINT LANE  
 COLORADO SPRINGS, CO

**TAX PARCEL NO.**  
 74102046

**LEGAL DESCRIPTION**  
 LOT 42 HIGH POINT GARDENS COLD SPRINGS

**JURISDICTION**  
 Pikes Peak Regional, Bldg. Dept.

**ZONE**  
 R19 HS

**PROJECT DESCRIPTION**  
 PROPOSED ONE STORY SINGLE FAMILY RESIDENCE WITH BASEMENT

**AREA CALCULATIONS**  
 10397 SF

**SITE AREA**  
 1476 SF

**PROJECT AREA**  
 MAIN FLOOR 1476 SF  
 BASEMENT 172 SF

**TOTAL PROJECT AREA**  
 3632 SF

**IMPERVIOUS AREA**  
 2892 SF

**LOT COVERAGE**  
 2,654 SF 28%

**A PROPOSED RESIDENCE FOR RON SALVAGNONE**

**226 HIGH POINT LANE COLORADO SPRINGS, CO**

**COVER SHEET / SITE PLAN**

Drawing Status:  
 CD SET  
 PRELIMINARY  
 NOT FOR CONSTRUCTION

Checked by:  
 AS NOTED

Scale:  
 AS NOTED

Job No.  
 14-00691

Sheet No.  
 AO

**VICINITY MAP**



**VICINITY MAP**

SHT. #	DESCRIPTION
A0	SITE PLAN / COVER SHEET
A1	MAIN FLOOR PLAN
A2	BASEMENT FLOOR PLAN
A3	EXTERIOR ELEVATIONS
A4	MAIN FLOOR SECTION
A5	FLOOR FRAMING LAYOUT
A6	ROOF FRAMING LAYOUT

**GENERAL NOTES**

1. Applicant's Notes: 2011 Pikes Peak Regional Base Code (P-RBC), 2009 International Residential Code (IRC), 2009 International Building Code (IBC), 2009 National Electrical Code (NEC), 2009 International Fuel Gas Code (IFGC)
2. Refer to all drawings for notes and specifications. All dimensions are to the centerline of the structure unless otherwise noted. Foundation notes shall be in accordance with the applicable notes and all notes on the drawings. All notes shall be in accordance with the applicable notes and all notes on the drawings.
3. All work shall be in accordance with the applicable notes and all notes on the drawings.
4. All work shall be in accordance with the applicable notes and all notes on the drawings.
5. All work shall be in accordance with the applicable notes and all notes on the drawings.
6. All work shall be in accordance with the applicable notes and all notes on the drawings.
7. All work shall be in accordance with the applicable notes and all notes on the drawings.
8. All work shall be in accordance with the applicable notes and all notes on the drawings.

**GENERAL SITE NOTES**

1. VERIFY EXISTING UTILITIES AND RECORD THEM PRIOR TO CONSTRUCTION.
2. PROVIDE PROTECTIVE MEASURES FOR EXISTING UTILITIES AND RECORD THEM PRIOR TO CONSTRUCTION.
3. PROVIDE 4" THICK CONCRETE PAD FOR GRADE-LEVELTED HVAC EQUIPMENT. VERIFY SET A LOCATION WITH HIGH CONTRACTOR.
4. SLOPE DRAINAGE AWAY FROM RESIDENCE TO DRAIN DOWN STREET.
5. PROVIDE WALKING AND SURFACING STRUCTURE FOR DECK.
6. PROVIDE WALKING AND SURFACING STRUCTURE FOR DECK.
7. PROVIDE WALKING AND SURFACING STRUCTURE FOR DECK.
8. PROVIDE WALKING AND SURFACING STRUCTURE FOR DECK.

**HILLSIDE PROTECTION AND GENERAL NOTES**

1. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.
2. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.
3. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.
4. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.
5. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.
6. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.
7. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.
8. SLOPE MATERIALS ARE TO BE EXPOSED TO PROTECT OR DETAIL, OR ON SET OF STAKE MARKS TO BE 10' FROM THE TOE OF THE SLOPE.

**CSFD HILLSIDE NOTES:**

- 1) No excavation, grading or replacement natural features / vegetation removal shall occur beyond the "Limit of Disturbance" line, as shown on this plan.
- 2) The "Limit of Disturbance" line shall be delineated during construction with high-visibility orange or red flags.
- 3) The "Limit of Disturbance" line shall be delineated during construction with high-visibility orange or red flags.

**BUILDING HT. CALC.**



**APPROVED**

BY CITY PLANNING

DATE: 06/13/2015

SCALE: 1/8" = 1'-0"

SCALE: 1/4" = 1'-0"

FIGURE 1



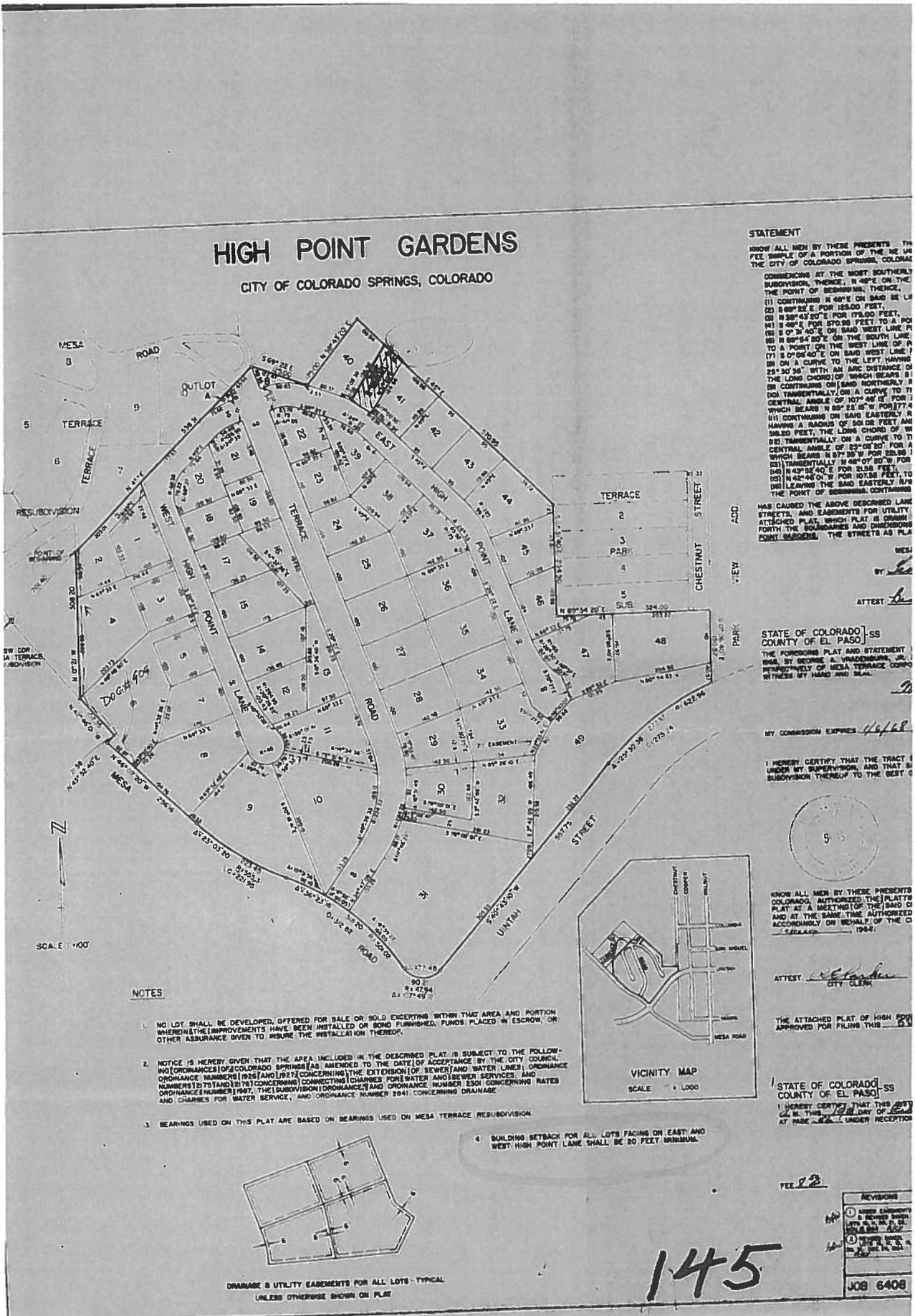
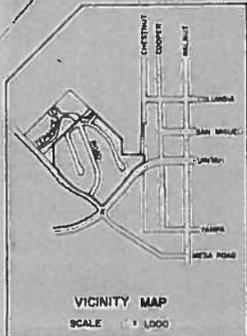
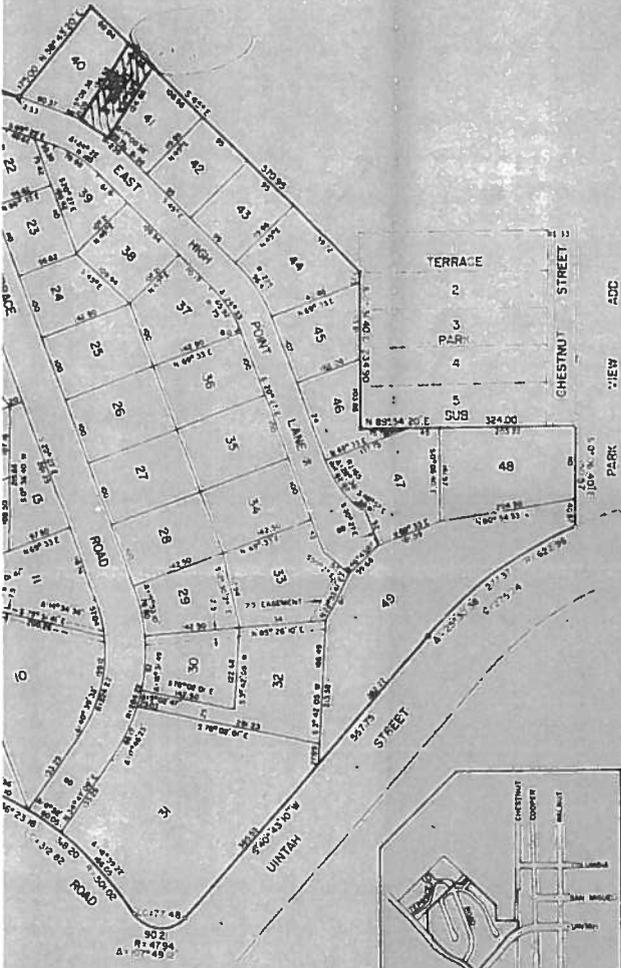


FIGURE 1

# POINT GARDENS

COLORADO SPRINGS, COLORADO

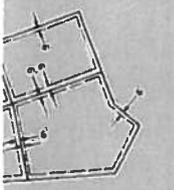


FOR SALE OR SOLD EXCEPTING WITHIN THAT AREA AND PORTION INSTALLED OR BOND FURNISHED, FUNDS PLACED IN ESCROW, OR INSTALLATION THEREOF.

INCLUDED IN THE DESCRIBED PLAT IS SUBJECT TO THE FOLLOWING AMENDMENTS TO THE DATE OF ACCEPTANCE BY THE CITY COUNCIL CONCERNING THE EXTENSION OF SEWER AND WATER LINES, ORDINANCE NUMBER 1348 CONCERNING WATER AND SEWER SERVICES AND AN ORDINANCE AND ORDINANCE NUMBER 1350 CONCERNING RATES AND ORDINANCE NUMBER 1341 CONCERNING DRAINAGE.

ON BEARINGS USED ON MESA TERRACE RESUBDIVISION

4. BUILDING SETBACK FOR ALL LOTS FACING ON EAST AND WEST HIGH POINT LANE SHALL BE 20 FEET MINIMUM.



### STATEMENT

KNOW ALL MEN BY THESE PRESENTS THAT MESA TERRACE CORPORATION, BEING THE OWNER IN FEE SIMPLE OF A PORTION OF THE NE 1/4 OF SEC 18, T48S, R67W, OF THE 6TH PRM. SURV. IN THE CITY OF COLORADO SPRINGS, COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF THE RESUBDIVISION OF MESA TERRACE SUBDIVISION, THENCE, N 40° E ON THE SE LINE OF SAID SUBDIVISION FOR 20.40 FEET TO THE POINT OF BEGINNING, THENCE:

- (1) CONTINUING N 40° E ON SAID BE LINE FOR 336.34 FEET.
- (2) S 89° 52' E FOR 183.00 FEET.
- (3) S 38° 43' 20" E FOR 176.80 FEET.
- (4) S 60° 4' FOR 875.86 FEET TO A POINT ON THE WEST LINE OF TERRACE PARK SUBDIVISION.
- (5) S OF 3° 40' E ON SAID WEST LINE FOR 234.30 FEET TO THE SW CORN. OF SAID TERRACE PARK SUB.
- (6) N 89° 54' 30" E ON THE SOUTH LINE OF SAID SUB. & SAID LINE EXTENDED FOR 324.0 FEET TO A POINT ON THE WEST LINE OF PARK VIEW ADDITION.
- (7) S 0° 05' 30" E ON SAID WEST LINE FOR 184.87 FEET TO THE NORTH R/W LINE OF UTAH STREET.
- (8) ON A CURVE TO THE LEFT HAVING A RADIUS OF 622.96 FEET AND A CENTRAL ANGLE OF 251° 30' 38" WITH AN ARC DISTANCE OF 277.37 FEET ON SAID R/W LINE (BOOK 187, PAGE 83), THE LONG CHORD OF WHICH BEARS S 52° 28' 23" W FOR 275.24 FEET.
- (9) CONTINUING ON SAID NORTHWEST R/W LINE TANGENTIALLY S 40° 43' 43" W FOR 567.75 FEET.
- (10) TANGENTIALLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 47.94 FEET AND A CENTRAL ANGLE OF 107° 40' 12" FOR AN ARC DISTANCE OF 90.21 FEET, THE LONG CHORD OF WHICH BEARS N 89° 22' 15" W FOR 77.48 FEET TO THE EASTERLY R/W LINE OF MESA ROAD, WHICH BEARS N 89° 22' 15" W FOR 77.48 FEET TANGENTIALLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 50.08 FEET AND A CENTRAL ANGLE OF 38° 23' 18" FOR AN ARC DISTANCE OF 38.20 FEET, THE LONG CHORD OF WHICH BEARS N 89° 50' 01" W FOR 35.32 FEET.
- (11) CONTINUING ON SAID EASTERLY R/W LINE TANGENTIALLY ON A CURVE TO THE LEFT HAVING A RADIUS OF 12° 05' 20" FOR AN ARC DISTANCE OF 223.48 FEET, THE LONG CHORD OF WHICH BEARS N 87° 30' W FOR 223.96 FEET.
- (12) TANGENTIALLY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 106.84 FEET, WHICH BEARS N 43° 58' 40" E FOR 153.8 FEET.
- (13) N 42° 48' 01" W FOR 107.20 FEET TO A POINT 80' 21" E 308.20 FEET FROM POINT OF BEGINNING.
- (14) LEAVING THE SAID EASTERLY R/W LINE OF MESA ROAD N 02° 21' W FOR 308.20 FEET TO THE POINT OF BEGINNING, CONTAINING 24.17 ACRES OF LAND MORE OR LESS.

HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, SUBDIVIDED, AND PLATTED INTO LOTS, STREETS, AND EASEMENTS FOR UTILITY SERVICES AND DRAINAGE IN THE SUBDIVISION, AS SHOWN ON THE ATTACHED PLAT, WHICH PLAT IS DRAWN TO A FIXED SCALE AS INDICATED THEREON AND ACCURATELY SETS FORTH THE BOUNDARIES AND DIMENSIONS OF SAID TRACT, AND WHICH TRACT SHALL BE ENTITLED HIGH POINT GARDENS. THE STREETS AS PLATTED ARE HEREBY DEDICATED TO PUBLIC USE.

MESA TERRACE CORPORATION  
 BY *George C. Wadsworth* PRESIDENT  
 ATTEST *Antonia W. Wadsworth* SECRETARY

STATE OF COLORADO ) SS  
 COUNTY OF EL PASO )  
 THE FOREGOING PLAT AND STATEMENT WAS ACKNOWLEDGED BEFORE ME THIS 28<sup>TH</sup> DAY OF FEBRUARY 1964, BY GEORGE A. WADSWORTH, PRESIDENT AND ANTONIA W. WADSWORTH, SECRETARY OF MESA TERRACE CORPORATION, A COLORADO CORPORATION WITNESS MY HAND AND SEAL.

*Nell E. Buckley*  
 NOTARY PUBLIC

MY COMMISSION EXPIRES 4/6/68

I HEREBY CERTIFY THAT THE TRACT SHOWN ON THIS PLAT, WAS SURVEYED, SUBDIVIDED, AND PLATTED UNDER MY SUPERVISION, AND THAT SAID PLAT ACCURATELY SHOWS THE DESCRIBED TRACT AND THE SUBDIVISION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*George L. Williams*  
 GEORGE L. WILLIAMS  
*Shelly & McMillin*  
 SHELLEY & McMILLIN

KNOW ALL MEN BY THESE PRESENTS THAT THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO, AUTHORIZED THE PLATTING OF SAID TRACT OF LAND AS SET FORTH IN THE ATTACHED PLAT AT A MEETING OF THE SAID CITY COUNCIL HELD ON THE 22<sup>ND</sup> DAY OF FEBRUARY 1964, AND AT THE SAME TIME AUTHORIZED THE UNDERSIGNED TO ACKNOWLEDGE THE SAME, WHICH IS DONE ACCORDINGLY ON BEHALF OF THE CITY OF COLORADO SPRINGS, COLORADO, THIS 28<sup>TH</sup> DAY OF FEBRUARY 1964.

*Henry C. Tubel*  
 MAYOR AND PRESIDENT OF COUNCIL  
 ATTEST *Clayton* CITY CLERK

THE ATTACHED PLAT OF HIGH POINT GARDENS IN THE CITY OF COLORADO SPRINGS, COLORADO, IS APPROVED FOR FILING THIS 28<sup>TH</sup> DAY OF FEBRUARY 1964.

*George L. Williams*  
 CITY ENGINEER

STATE OF COLORADO ) SS  
 COUNTY OF EL PASO )  
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT 10 O'CLOCK A.M. THIS 19<sup>TH</sup> DAY OF FEBRUARY, A.D. 1964, AND IS ONLY RECORDED IN PLAT BOOK 262 AT PAGE 24 UNDER RECEPTION NUMBER 1964-28.

HARREY BEALS, COUNTY CLERK AND RECORDER

BY *James Bailey* DEPUTY

FEE \$22

REVISIONS	FILING PLAT	INITIALS
1. AMEND EASEMENTS & SERVICE LINES TO BE 10' W. OF S.E. CORN. OF LOT 1.		DWR RAYNOR
2. AMEND EASEMENTS & SERVICE LINES TO BE 10' W. OF S.E. CORN. OF LOT 1.		CHD G.S.A.
3. AMEND EASEMENTS & SERVICE LINES TO BE 10' W. OF S.E. CORN. OF LOT 1.		MP ATCH
	HIGH POINT GARDENS	
JOB 6408	G.L. WILLIAMS - CONSULTING ENGINEER	

145

FIGURE 1

11-16-76

BOOK 2874 PAGE 708

County of El Paso State of Colorado Fee 5.00  
RECEIVED AT 3:45 O'CLOCK P. M. NOV 16 1976  
RECEPTION NO. 277433 HARRIET BEALS Paul Kaus DEPUTY

AMENDED AND RESTATED PROTECTIVE COVENANTS  
OF HIGH POINT GARDENS

High Point Gardens is a duly constituted subdivision of real property located in El Paso County, Colorado, the plat thereof having been filed for record in the Clerk and Recorder's Office of said County on February 19, 1965, in Plat Book G-2, at Page 56 thereof.

On February 16, 1965, the original owner in fee simple of all real property in said High Point Gardens placed upon all such real property certain binding restrictions, conditions and covenants by due execution of an instrument known as "Protective Covenants High Point Gardens," which instrument was filed for record in the Clerk and Recorder's Office of El Paso County, Colorado, on February 19, 1965, in Book 2058, at Page 183 thereof.

On June 13, 1974, certain of the then owners in fee simple of real property in said High Point Gardens, pursuant to paragraph 13 of "Protective Covenants High Point Gardens," caused revisions and amendments to said Protective Covenants to be recorded with the Clerk and Recorder's Office of El Paso County by filing for record in said office in Book 2683, at Page 541 thereof, an instrument reciting such revisions and amendments.

Two-thirds of the current owners of real property in said High Point Gardens now desire to amend and restate the restrictions, conditions and covenants governing use and development of all real property in said subdivision and, pursuant to the authority granted to them in paragraph 13 of "Protective Covenants High Point Gardens," hereby declare that as of the filing for record of this instrument in the office of the Clerk and Recorder of El Paso County, the following shall constitute the restrictions, conditions and covenants governing use and development of all real property in High Point Gardens, unless and until further amended as provided herein. The restrictions, conditions and covenants created hereby shall run with the land and shall be fully and completely enforceable in law and in equity pursuant to the laws of the State of Colorado:

1. The term "lot owners" as used herein shall refer to owners in fee simple of lots duly designated within the High Point Gardens Subdivision. In the event any lot within said subdivision is owned in joint tenancy, co-tenancy, or tenancy by the entireties such lot shall nonetheless be deemed to have only one owner. Any joint tenant, co-tenant, or tenant by the entireties shall be authorized hereunder to fully represent the lot or lots to which his or her ownership interest applies. In the event a lot owner owns more than one lot within said subdivision, such lot owner shall have no greater representation hereunder than a lot owner owning a single lot.

2. Lots within High Point Gardens Subdivision shall be used for private residence purposes only, and no building or structure shall be erected, maintained or permitted upon any lot or part thereof other than for residential purposes. However, a private garage for not more than two cars, a garden house, pergola, or conservatory appurtenant to the dwelling house thereon for the sole and

# 11-16-76

BOOK 2874 PAGE 709

exclusive use of the owner or occupant of such dwelling house is permitted.

3. No lot shall be subdivided, or any part thereof conveyed separately, except that any lot or a portion thereof may be conveyed to increase the area of any abutting lot or lots.

4. No trailer, basement, tent, shack, garage, barn or other out building erected on the lot shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence. No house trailer or mobile home shall be brought onto or permitted to remain on any lot. No inoperative vehicle shall be stored or undergo repair or overhaul on or adjacent to any lot except in a closed garage. No outside toilet or lavatory shall at any time be permitted on any part of any lot.

5. No business shall be conducted upon any lot. There shall at no time be permitted, maintained, or carried on on any lot, or any part thereof, any trade, business or industry. The office of an architect, artist, painter or sculptor, lawyer or doctor of medicine, when located in his her or dwelling and provided no advertising is done on the premises, shall be permitted.

6. No single story dwelling house with less than 1,700 square feet of living area, not including garages, whether attached or not, and not including unfinished areas, if any, shall be erected, maintained or permitted.

7. No garden level dwelling with less than 1,400 square feet per floor of living area, of which 1,700 square feet in said dwelling must be finished, shall be erected, maintained or permitted.

8. All buildings shall conform to existing zoning regulations as applied by local zoning authorities, whenever the same are more restrictive than the requirements set forth herein.

9. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

10. No nuisance or noxious, offensive, odorous, or unusually noisy or annoying activity shall be carried on upon any lot.

11. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers, and all such containers must be kept in an enclosed area. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition at all times.

12. No structure shall be erected, placed or altered on any lot until the building plans, specification, and plot plan showing the location of such building or buildings have been approved in writing by the Architectural Control Committee as herein established. Judgment in part by the Committee shall be based on conformity and harmony of external design with existing structures in the subdivision. As to the location of any building, judgment of said Committee shall be with respect to topography and land elevation. Garden level dwellings shall be permitted only when

**FIGURE 1**

# 11-16-76

BOOK 2874 PAGE 710

the terrain of the lot is conducive to such dwelling. It shall be the express purpose of the Architectural Control Committee to ensure that any new construction or alterations to existing construction within High Point Gardens not occur in any manner which would substantially lessen the fair market value of any other lot or construction thereon within said subdivision. Decisions by the Committee shall require a simple majority vote of that Committee. Decisions by the Committee shall be final and non-appealable. If no suit to enjoin erection of any building or the making of any alterations has been commenced prior to the completion thereof, such approval shall not be required and this covenant will be deemed to have been complied with fully.

13. The Architectural Control Committee shall consist of three members, all of whom shall be lot owners in High Point Gardens Subdivision. The members of such Committee shall be chosen by a vote of a simple majority of the lot owners within said subdivision. Members of the Committee shall serve an indefinite term. At any time, any member of said Committee may be removed by a vote of 2/3 of the lot owners within High Point Gardens Subdivision. The Committee shall designate one of its members as Chairman. The Chairman shall be charged with keeping and maintaining records of all meetings, decisions and other activities of said Committee. Such records shall be available for inspection, upon reasonable notice to the chairman, by any lot owner or any other person having a legitimate interest in making such inspection. The election to office or removal from office of any member of the Committee as provided herein shall be recorded in the records of such Committee. Such records shall manifest the requisite number of votes by lot owners in favor of the election to or removal from office of any member of said Committee. No member of the Committee shall be entitled to any compensation for services performed pursuant to this covenant. Resignation of a member shall be mandatory and automatic if he or she should cease to be a lot owner as herein defined. A member of the Committee may resign at any time upon the giving of notice of intent to resign 30 days prior to the effective date of such resignation to the owners of all lots within High Point Gardens. Vacancies on the Committee shall be filled by a vote of a simple majority of lot owners as herein provided.

14. Members of the Architectural Control Committee shall not be liable for any act or omission unless such act or omission shall be adjudged to have been the result of gross negligence or attended by circumstances of fraud or malice.

15. In the event any action is brought against the Architectural Control Committee or any of its members challenging any act or omission thereof, and the party or parties shall not succeed in obtaining the relief requested in such action, such party or parties shall be liable for payment of all costs and attorneys' fees incurred by said Committee or any of its members in defending in such action.

16. These covenants may be amended or modified in whole or in part by the vote of a 2/3 majority of the then lot owners of property in High Point Gardens Subdivision. Any such modifications or amendments shall be manifested by a duly recorded instrument showing approval of any such change or modification by the requisite number of lot owners eligible to vote.

17. If any word, phrase, sentence, section or other part hereof shall be held unconstitutional, void or

# 11-16-76

BOOK 2874 PAGE 711

unenforceable by any court having jurisdiction thereof, such holding shall not affect or render void any other word, phrase, sentence, section or other part hereof.

18. The restrictions, conditions and covenants contained in paragraphs 2 and 5 shall not apply to lots 31 and 48 of High Point Gardens Subdivision as now constituted.

This instrument is intended to replace entirely any previous restrictions, conditions, and covenants governing the use and development of lots within High Point Gardens Subdivision and has been approved and adopted by the undersigned lot owners of said subdivision, which lot owners collectively represent no less than 2/3 of the now existing lot owners, as that term is herein defined. This instrument shall be effective as of the date of its recordation with the Clerk and Recorder's Office, El Paso County, Colorado.

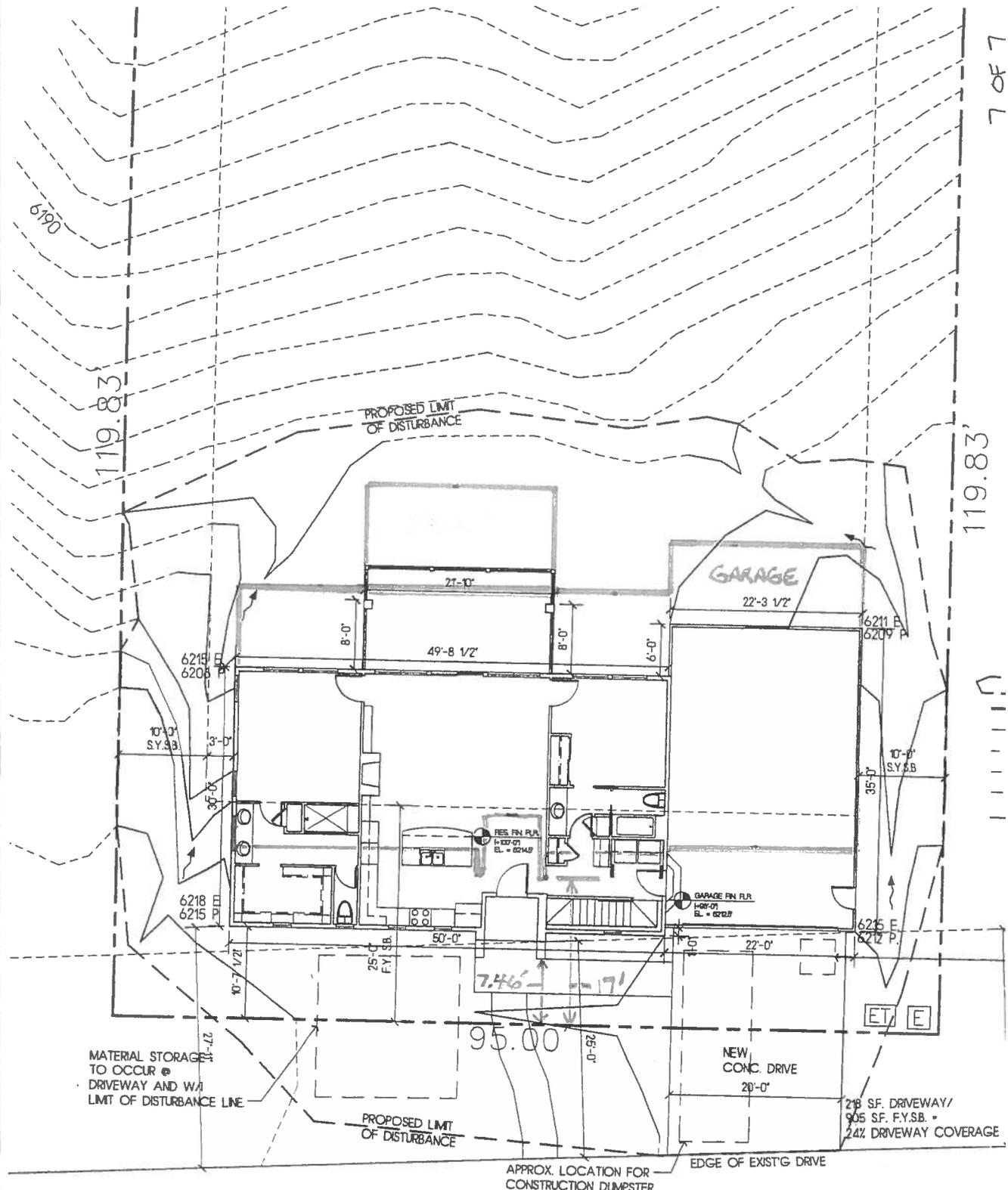
LOT OWNER	LOT NUMBER
James T. Flynn	#3
Elvora Godshall	#5
Marilyn A. Schnurr	#20
Margo F. Nethercot	9
Lucy Mathesen	11
Joseph E. Nolan	34
Marcella C. McKinley	48
Horace A. Hanes	38
George A. Vradenburg, Jr.	35
Paul J. Reimer	40
Barbara J. Carpenter	7
Keith Heim	5
Dorothy Hopper	1
Dee Pearce	41
Patricia Clapp	33
Burton Giaser	8
Frank Cremonesi	39
Alvin Clancy	36-beneficial owner
	10
	47
	36

STATE OF COLORADO )  
 COUNTY OF EL PASO )

The foregoing instrument was acknowledged before me this 15th day of November, 1976, by James T. Flynn, Elvora Godshall, Marilyn A. Schnurr, Margo F. Nethercot, Charles M. Holland, Lucy Mathesen, Joseph E. Nolan, Marcella C. McKinley, Horace A. Hanes, George A. Vradenburg, Jr., Paul J. Reimer, Barbara J. Carpenter, Woodrow W. Peterson, Dorothy Hopper, Dee Pearce, Keith Heim, Patricia Clapp, Ryer Hitchcock, Burton Giaser, Frank Cremonesi and Alvin Clancy.

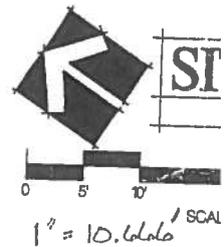


Lorraine Thompson  
 Notary Public



7 OF 7

E. HIGH POINTE LN.



ly representative  
 locked Hillside  
 the site will occur

LINE OF 35' MAX. BUILDING HEIGHT

val  
 on.

**FIGURE 1**

**CITY OF COLORADO SPRINGS  
PLANNING & DEVELOPMENT DEPARTMENT  
NONUSE VARIANCE RECORD-OF-DECISION**

**FILE: AR NV 14-00691**

**DECISION DATE: 27 APRIL 2015**

**INFORMATION**

Name of Owner:	Ronald Salvaggione	Address of Premises:	1225 E. High Point Lane
Zone District:	R-1 9000/HS (Single Family Residential with Hillside Overlay)		
Property Size:	0.261 acres	Tax Schedule Number:	7412103048

**REQUEST**

Request for approval of a nonuse variance to the following section of City Code:

- Section 7.3.104: Front Yard Setback – To allow a ten (10) foot front yard setback where twenty-five is the requirement.

The project is to construct a single family residence.

**STAFF ANALYSIS**

**CITY CODE CRITERIA TO GRANT A NONUSE VARIANCE**

**CRITERIA MET OR NOT MET**

**1. 7.5.802 (B.1) Exceptional or Extraordinary Conditions**

**Met**

The property is located within the High Point Gardens subdivision, northeast of Mesa Avenue and East Uintah Street. The property is located within the Hillside Overlay which requires a 'Hillside Plan Requirements' site plan review for the construction of a structure on the site. It is relatively flat along the front of the property and then the topography drops down significantly at the middle of the property to the rear. The site has a range of steep sloping percentages; 48%, 78% and 93% calculations taken from the site plan. The proposed residence is situated closer to the front of the property line to stay away from the rear steep slope terrain.

**2. 7.5.802 (B.2) No Reasonable Use of Property**

**Met**

The requested nonuse variance is to allow the property owner to construct a single family residence with a ten (10) ft. front yard setback where 25 ft. is the requirement. The application request originally was proposed for 18 ft. and then modified to 12 ft. front yard setback. The applicant now has a request submitted for a ten (10) ft. front yard distance with plans drawn by a professional architect which include the Hillside Overlay topography contours. The applicant indicates in his project statement: "I do not want to disturb the natural slope on vegetation on that slope . . . are at varying distances from the street I would not be any closer to the street than other homes on the street keep with the character of the neighborhood."

The applicant is requesting reasonable use of the property to locate the single family structure closer to the front property line with a ten (10) ft. front yard setback. Staff finds that the proposed location of the residential structure to be in keeping with this criterion. There are other Hillside Overlay residential structures within the city limits that have obtained a nonuse variance to keep from infringing into the steep slope landscaping terrain.

All of the residential structures on E. High Point Lane, except one vacant parcel and the applicant's property, were all built prior to the May 1996 Hillside Development Overlay District. The May 1995 Hillside Overlay district is more restrictive than the previous City's hillside code. City Code Section 7.3.504.H.5, Lots Created Prior to June 6, 1996 states that it may not be possible for lots platted prior to the adoption of the hillside standards enacted with ordinance 96-80 to be developed in full compliance with all of the standards and guidelines of this Code. The High Point Gardens subdivision was platted in 1996. The applicant submitted a site plan with a reasonable house plan and the plan illustrates the residence situated in the most logical location on the property, away from the steep slope. Once again, City Planning Staff prefers to have the structure built away from the rear steep slope and protect the natural features of the site without grading disturbance.

**3. 7.5.802 (B.3) No Adverse Impact to Surrounding Property**

**Met**

Notices were sent out to nine adjacent property owners within a 150 ft. buffer and three members of the High Point Gardens Architectural Control Committee and the property was posted. The applicant submitted three different site plans to be reviewed which were commented on during the internal review phase of the project. Each time a request was submitted, the site plan provided better information which detailed the setbacks and dimensions of the property along with the residential structure.

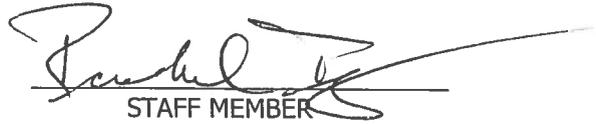
Staff finds that even with the correspondence of letters and e-mails in opposition from the High Point Gardens ACC and the neighborhood, that the nonuse variance shall not be detrimental to public health, safety and welfare or injurious to the surrounding properties in the High Point Gardens subdivision neighborhood.

AR NV 14-00691 (1225 E. High Point Lane)

**STAFF DECISION**

**APPROVED:** Staff approves the nonuse variance based on all three (3) criteria being met.

27 April 2015  
DATE OF DECISION

  
STAFF MEMBER

**APPLICANTS:** THE DECISION PERTAINS ONLY TO THE APPLICATION YOU SUBMITTED. YOU MUST COMPLY WITH ALL OTHER APPLICABLE REQUIREMENTS OF THE CITY OF COLORADO SPRINGS AND THE REGIONAL BUILDING DEPARTMENT. A COPY OF THE RECORD-OF-DECISION AND APPROVED SITE PLAN SHALL BE SUBMITTED IN CONJUNCTION WITH A BUILDING PERMIT APPLICATION. THIS VARIANCE DOES NOT SUPERSEDE OR NULLIFY PRIVATE COVENANTS THAT MAY LAWFULLY IMPOSE OTHER RESTRICTIONS ON THE USE OF YOUR PROPERTY.

**\*\*\*\*\*IMPORTANT\*\*\*\*\***

**THE VARIANCE SHALL BE VOID IF ALL REQUIRED PERMITS ARE NOT OBTAINED WITHIN ONE (12) MONTHS OF THE FINAL APPROVAL DATE. PRIOR TO THE EXPIRATION OF A NONUSE VARIANCE, A TWELVE (12) MONTH EXTENSION OF APPROVAL MAY BE GRANTED BY THE MANAGER UPON DEMONSTRATION OF GOOD CAUSE.**

The administrative approval of the application may be appealed to the City Planning Commission. The written notice of the appeal together with the fee (\$176.00) must be submitted to the Land Use Review Office of Planning and Development Department within ten (10) days of the date of the approval (by 5:00 pm on May 7, 2015).



# 1225 EAST HIGH POINT LANE

MY NAME IS RONALD G SALVAGNONE ( I AM WRITING THIS LETTER TO ADDRESS 3 ISSUES THAT ARE REQUIRED FOR ~~THE~~ A NON-VARIANCE ON THE PROPERTY I AM ATTEMPTING TO BUY & BUILD MY SINGLE FAMILY DWELLING ON (1225 E HIGH POINT). THE PROPERTY HAS A STEEP SLOPE TO IT THAT FALLS OFF TO THE NORTH, NORTHEAST DIRECTION & I DO NOT WANT TO DISTURB THE NATURAL SLOPE OR VEGETATION ON THAT SLOPE.

THE NEIGHBORS ON THIS RIDGE ALL SEEM TO HAVE USED VARIANCES TO BUILD THEIR HOMES ( ONE AT VARYING DISTANCES FROM THE STREET I WOULD NOT BE ANY CLOSER TO THE STREET THEN OTHER HOMES ON THE STREET TO KEEP WITH THE CHARACTER OF THE NEIGHBORHOOD.

I HAVE SPOKEN TO THE NEIGHBORS 2 ON NORTH ( 2 ON SOUTH SIDE AS WELL AS 4 ACROSS THE STREET.

ALSO HAVE SPOKEN TO 3 ARCHITECTURAL REVIEW BOARD MEMBERS REGARDING PROPOSED HOME.

I'm RONALD G SALVAGGIONE & WANT to purchase &  
Build a single family home on 1225 EAST High Point.  
I need a variance to move the home closer to the  
street so as not to impact the hillside behind  
the proposed home. IF you ~~love~~ ARE ok with  
my proposal for A VARIANCE please Print your  
Name / Address Below.

- ① Kim Kim STUTZMAN - 1221 E. High Point Ln  
Ghama@comcast.net  
632-3212 MEMBER OF ARCHITECTURAL CONTROL COMMITTEE
- \* ② Pam PAM HAMAMOTO 1217 E. HIGH POINT LANE
- ③ Christa + Jim Mahoney 1218 E. High Point Ln
- ④ Ann + Sterling Campbell 1224 E High Point Ln  
441-4012
- ⑤ Marylou Porak 1233 Terrace ~~1233 Terrace~~
- ⑥ MARY PAT GARMAN 1230 High Point No Home
- ⑦ Jana Hillman 1231 E High Point 337-9827
- ⑧ Wlype Mays 1220 E. High Point 440-338
- ⑨ Bob MOYERS 1202 W HIGH PT 229-9306
- ⑩ \_\_\_\_\_

Thank you



**Reviewing Planner:**

Rachel Teixeira  
(719) 385-5368  
rteixeira@springsgov.com

**Plans can be reviewed at:**

30 S. Nevada, Suite 105  
Colorado Springs, CO  
719-385-5905

**Hours of Operation:**

Monday – Friday 8am-5pm

**INTERNAL REVIEW PUBLIC NOTICE**

The City of Colorado Springs, Land Use Review Division has received a request by Ronald Salvaggione on behalf of River City Land Company Inc. C/O Jeff Carey for consideration of the following development application:

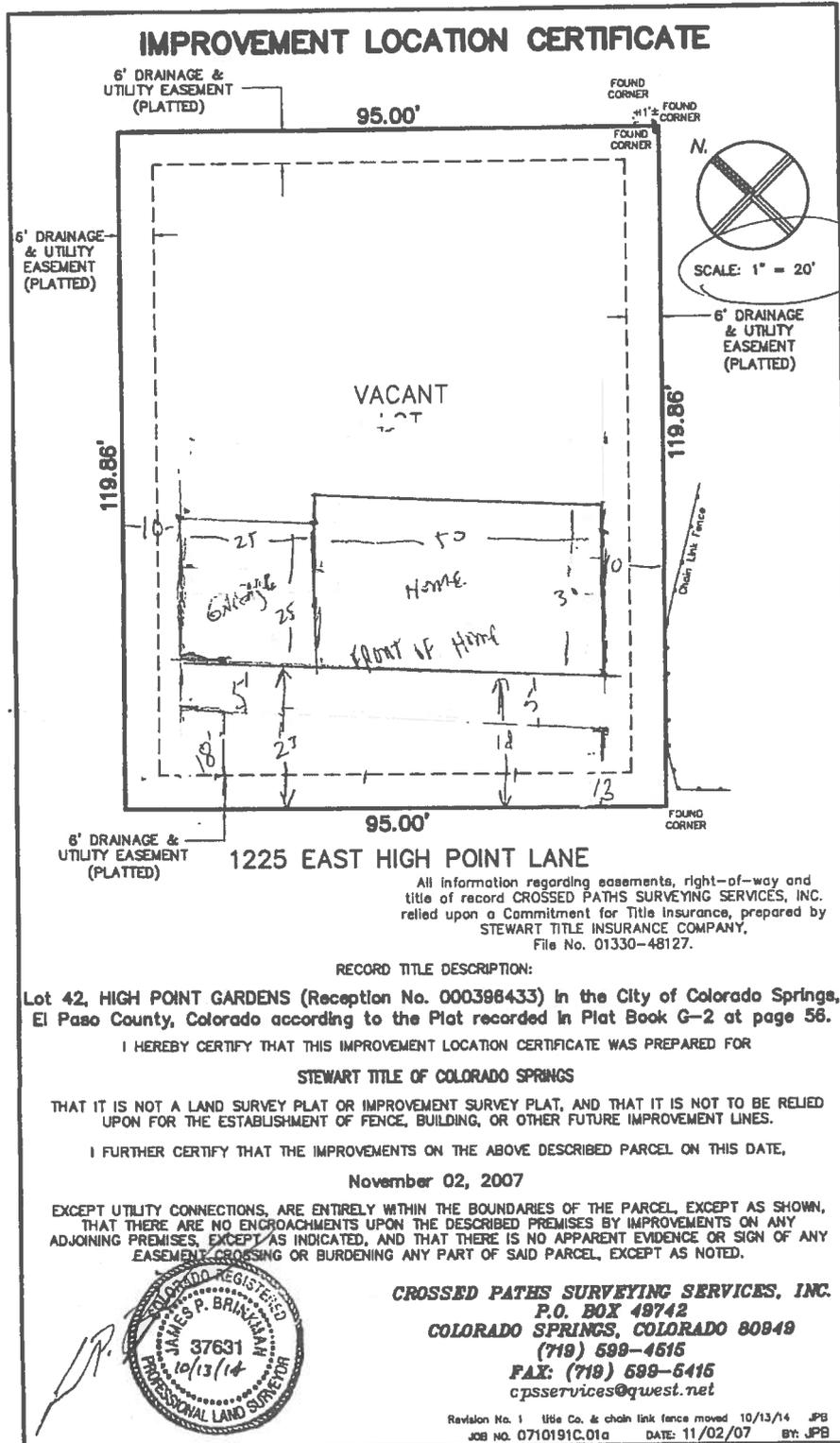
**AR NV 14-00691** – Nonuse Variance relief to the following section of City Code:

- Section 7.3.104 – Front Yard Setback - To allow an 18 ft. front yard setback where 25 ft. is required.

The project is to construct a single family residence. The subject property is zoned R-1 9000/HS (Single Family Residential with Hillside Overlay), consists of 0.26 acre and is located at 1225 E. High Point Lane.

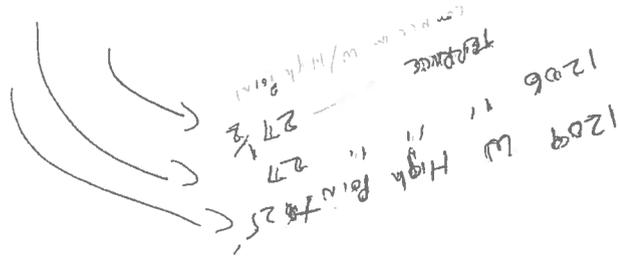
If you would like to review the plans for this project bring this postcard to the address listed above. **If you wish to provide comments regarding this application you may do so until, Monday, November 17, 2014.** All comments received are public record and will be made available to the applicant. If you have questions contact the planner listed above.

To view this application and related documents, please visit [www.springsgov.com](http://www.springsgov.com), please select "Land Use Review" from the Departments drop down list, and click on "LDRS-Plan Search." Type the entire file number, AR NV 14-00691, within the "Enter the File Number" field and click on the "Run Query" button. You can view PDF documents by clicking on the links that appear on the left-hand side of the resulting page. Please contact Rachel Teixeira for assistance viewing this application.



**FIGURE 4**

THE Builder is the person who put the Home Katy wampus because  
of THE 18'/13' SET BACKS, ~~but~~ I DREW IT THAT WAY BUT I  
would be ok with a FRONT PARALLEL TO THE STREET. AT 25'  
I looked { MEASURED some of THE OTHER HOMES in THE  
NEIGHBORHOOD



1225 EAST HIGH POINT LANE

MY NAME IS RONALD G SALVAGNONE ( I AM WRITING THE LETTER TO ADDRESS 3 ISSUES THAT ARE REQUIRED FOR ~~A~~ A NON VARIANCE ON THE PROPERTY I AM ATTEMPTING TO BUY & BUILD MY SINGLE FAMILY DWELLING ON (1225 E HIGH POINT). THE PROPERTY HAS A STEEP SLOPE TO IT THAT FALLS OFF TO THE NORTH, NORTHEAST DIRECTION & I DO NOT WANT TO DISTURB THE NATURAL SLOPE OR VEGETATION ON THAT SLOPE.

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I need a variance to move the home closer to the  
street so as not to impact the hillside behind  
the proposed home. IF you have ARE ok with  
my proposal for a variance please print your  
name / address below.

- ① Kim ~~Kim~~ STUTZMAN - 1221 E. High Point Ln  
Ghama@comcast.net  
632-3212 MEMBER OF ARCHITECTURAL CONTROL COMMI:
- \* ② Pam PAM HAMAMOTO 1217 E. HIGH POINT LANE
- ③ Christa + Jim Mahoney 1218 E. High Point Ln
- ④ Ann + Sterling Campbell 1224 E High Point Ln  
441-4012
- ⑤ Marylou Pusk 1233 Terrace ~~1233 Terrace~~
- ⑥ Mary Pat GARMAN 1230 High Point No. 1 Home
- ⑦ Shari Hillman 1231 E High Point 337-9827
- ⑧ Wayne Moyer 1220 E. High Point 440-33
- ⑨ Bob MOYERS 1202 W HIGH PT 229-9306
- ⑩ \_\_\_\_\_

Thank you

## Teixeira, Rachel

---

**From:** George Hamamoto <ghama@comcast.net>  
**Sent:** Thursday, November 06, 2014 11:38 AM  
**To:** Teixeira, Rachel  
**Cc:** rmoyerspc@gmail.com; mlrunts@comcast.net  
**Subject:** RE: 1225 E. High Point Lane Nonuse Variance (AR NV 14-00691)

Hello Rachel,

Thanks for contacting the Architectural Control Committee for High Point Gardens. We have been active since the neighborhood was platted, including successfully preventing extreme reductions of front lot easements.

The three members of the Architectural Control Committee agree that the nearest point of the proposed home should be no closer to the pavement than any other home in the neighborhood, ignoring the cul-de-sac setbacks which are in a different type of situation. Many of the neighborhood homes have had variances granted in the past to reduce the front setback and we agree that that is reasonable. But we do not feel that a special reduction of the front setback that would move the structure closer than 29.5 feet to the street pavement is fair or appropriate (That translates to 17' behind the front lot line.). The base measurement of 29.5' is from the home immediately north of 1225 E High Point Lane.

I went out yesterday to check the measurements to the 3 properties that are listed in the Variance request on 1225 E High Point Lane. All three, using a tape measure, are more than 30' from the street pavement. 1206 W High Point Lane has additional asphalt transitioning from the street pavement to the driveway to accommodate the storm drain next to the driveway, but that is not in line with the main street pavement and is on the cul-de-sac. 1209 E High Point Lane, measured to the straight part of the road is 33' 8", but on the cul-de-sac side is 27' 1".

The hillside ordinance, passed long after High Point Gardens was platted and after most of the homes in the neighborhood were built is important but many of us in the neighborhood have successfully built homes with fill dirt or existing dirt moved over the side of the hill. Again I invite you out to High Point Gardens to see how the nearby neighbors have handled our hillside sites. I am available most days. Also I will be happy to meet with you or the buyer/buyer's representative and double check the measurements that are under question.

Pam Hamamoto

632-3212

-----Original Message-----

From: Teixeira, Rachel [<mailto:RTeixeira@springsgov.com>]  
Sent: Wednesday, November 05, 2014 1:55 PM  
To: [ghama@comcast.net](mailto:ghama@comcast.net)  
Subject: 1225 E. High Point Lane Nonuse Variance (AR NV 14-00691)

Ms. Hamamoto,

Attached are the site plan and project statement for the above referenced property. Please forward comments to Planning and Development whether in support or opposition to the attached project site plan by Thursday at 3 pm. I know this is short notice however, the applicant needs to make a decision on this property.

Thank you,  
Rachel Teixeira



**PLANNING AND DEVELOPMENT**  
Land Use Review

**Reviewing Planner:**

Rachel Teixeira  
(719) 385-5368  
rteixeira@springsgov.com

**Plans can be reviewed at:**

30 S. Nevada, Suite 105  
Colorado Springs, CO  
719-385-5905

**Hours of Operation:**

Monday – Friday 8am-5pm

**INTERNAL REVIEW PUBLIC NOTICE – MODIFIED SETBACK REQUEST**

The City of Colorado Springs, Land Use Review Division has received a request by Ronald Salvaggione on behalf of River City Land Company Inc. C/O Jeff Carey for consideration of the following development application:

**FILE NO.: AR NV 14-00691** – A nonuse variance to the following section of City Code:

- Section 7.3.104 – Front Yard Setback - To allow a 12 ft. front yard setback (distance from the property line to the closest point of the residential structure) where 25 ft. is required.

The project is to construct a single family residence. The subject property is zoned R-1 9000/HS (Single Family Residential with Hillside Overlay), consists of 0.26 acre and is located at 1225 E. High Point Lane.

If you would like to review the plans for this project bring this postcard to the address listed above. **If you wish to provide comments regarding this application you may do so until, Monday, December 1, 2014.** All comments received are public record and will be made available to the applicant. If you have questions contact the planner listed above.

To view this application and related documents, please visit [www.springsgov.com](http://www.springsgov.com), please select "Land Use Review" from the Departments drop down list, and click on "LDRS-Plan Search." Type the entire file number, **AR NV 14-00691**, within the "Enter the File Number" field and click on the "Run Query" button. You can view PDF documents by clicking on the links that appear on the left-hand side of the resulting page. Please contact Rachel Teixeira at 719-385-5368 for assistance viewing this application.

Dear Rachael,

I am writing this letter to address some of the communications you have received regarding the proposed variance on the property at 1225 East High Point.

I have spoken with the neighbors (as you advised) and explained my wishes to move my future home closer to the street to avoid building on/or the down the slope that is my backyard. I explained that I needed a variance to be closer to the "street" and was looking for 25 ft from the pavement. A few of those I spoke with asked questions but all signed my petition with no more than a few questions about my future home. I assured them that my home was going to be in the flavor of the rest of the neighborhood adding to the community in beauty and value.

While many of the letters were positive I was asked (by you) to address those that weren't. I will attempt to do this from a few different perspectives because I feel there is no one answer. First, some were concerned that I asked for an 18ft setback (in the letter from your office) than a second letter asked for a 12 ft setback. I was asked what I wanted (from the city) and stated an 18 ft setback "from the street". When you realized the letter didn't clearly state that, the city decided to send a second letter stating 12 ft from the property line (25ft from the street).

I feel some people think I keep asking to be closer to the street but that is not the case, as I was asking for 18 ft "from the street" and moved it to 25ft "from the street".

Another perspective I decided to undertake before I asked for my variance was to measure some of the other homes in the neighborhood and found one to be 25 ft from the street and two at 27 ft. Regardless of reasons I feel most of the neighbors don't even realize that there are homes that close to the street. I have also found that there are homes in the community that are in violation of side lot restrictions and while that doesn't matter to me it can be argued that they are trying to hold me to a different standard.

Lastly and most importantly I am trying to stay off the hillside. Most important is the drainage issue of being on the hillside, there is a natural beauty of the hillside I want to keep intact, the long range stability of my home is also a concern, and the increased cost of building down the hill. Not to mention the potential conflict with the city for building on a hillside.

I hope this addresses your concerns and those of my future neighbors.

Please let me know if I can be of further help on this topic.

Sincerely,

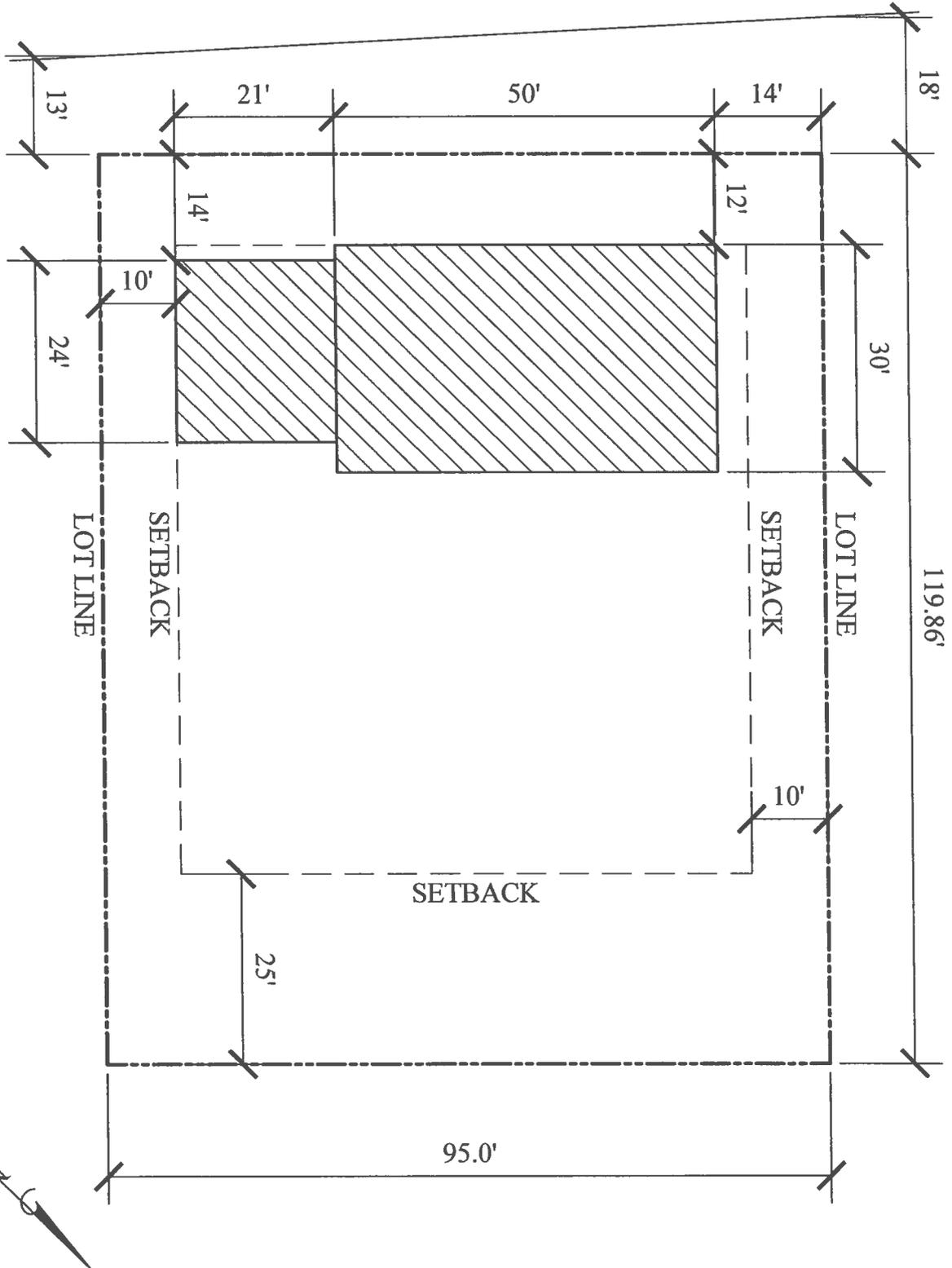


Ron Salvaggione, DC



# EAST HIGH POINT LANE

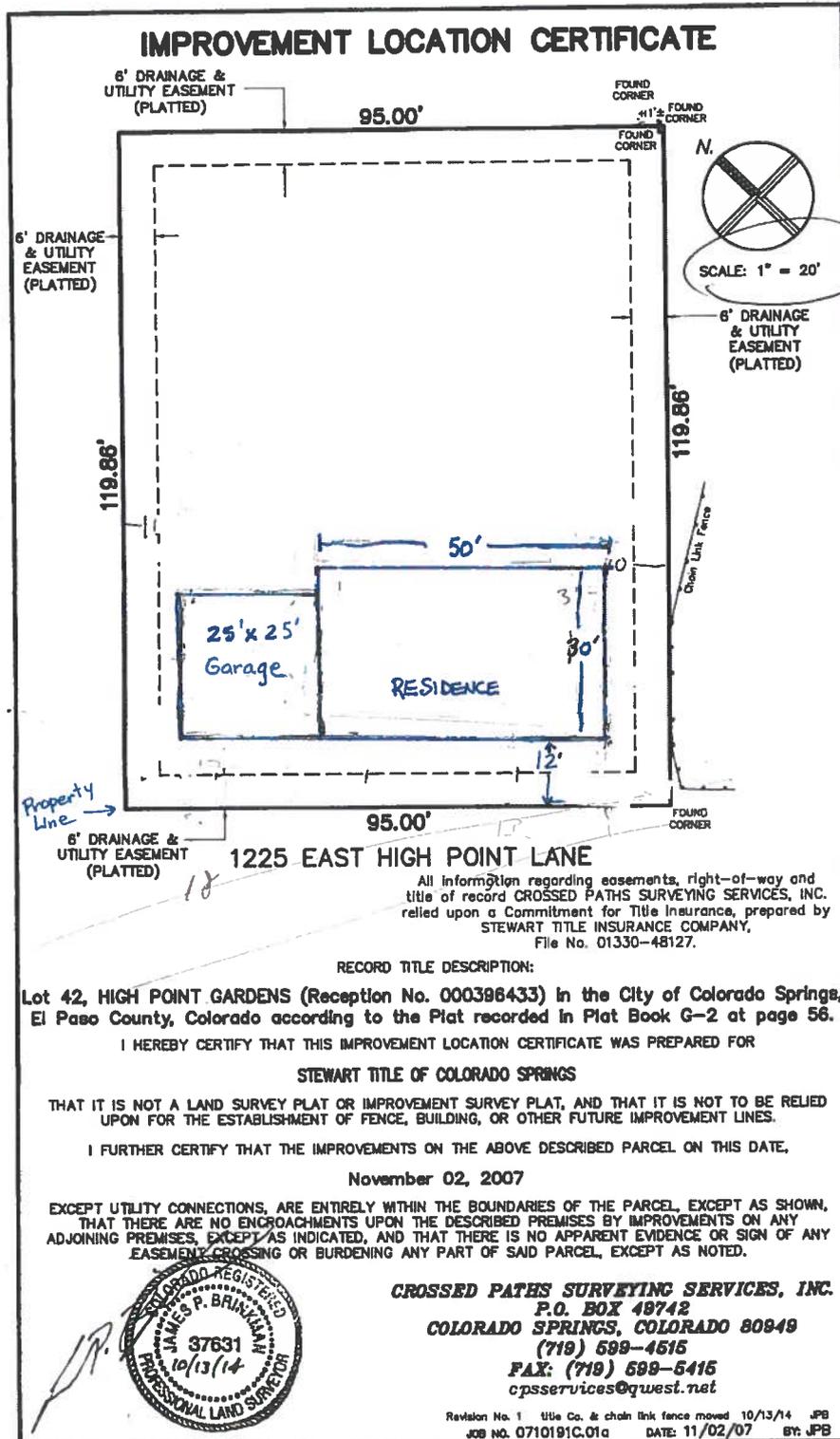
1225 EAST HIGH POINT LANE



SCALE: 1" = 20'

**FIGURE 6**

LOT SIZE:	SQUARE FOOTAGE	LOT COVERAGE
Proposed Residence:	1,500 SF.	13.17%
Proposed Attached Garage:	625 SF.	5.48%
Proposed Total:	2,125 SF	18.66%



AR NV 14-00691

**FIGURE 6**

**Pam Hamamoto**

**From:** George Hamamoto [ghama@comcast.net]  
**Sent:** Thursday, November 06, 2014 8:48 PM  
**To:** phamamoto@comcast.net  
**Subject:** FW: 1225 E. High Point Lane Nonuse Variance (AR NV 14-00691)

George Hamamoto  
1217 E High Point LN  
Colorado Springs, CO 80904  
Home: 719 632-3212  
Cell: 719 338-0656  
Work: 719 528-4706

ARCHITECTURAL CONTROL  
COMMITTEE

BOB MOYERS 1202 W HIGH PT. LN.  
PAM HAMAMOTO 1233 TERRACE RD.  
MARY LOU PORAK 1217 E HIGH PT. LN.

-----Original Message-----

From: George Hamamoto [mailto:ghama@comcast.net]  
Sent: Thursday, November 06, 2014 11:38 AM  
To: 'Teixeira, Rachel'  
Cc: 'rmoyerspcc@gmail.com'; 'mlrunts@comcast.net'  
Subject: RE: 1225 E. High Point Lane Nonuse Variance (AR NV 14-00691)

COMMENT CONTINUES AS BEFORE

Hello Rachel,

Thanks for contacting the Architectural Control Committee for High Point Gardens. We have been active since the neighborhood was platted, including successfully preventing extreme reductions of front lot easements.

The three members of the Architectural Control Committee agree that the nearest point of the proposed home should be no closer to the pavement than any other home in the neighborhood, ignoring the cul-de-sac setbacks which are in a different type of situation. Many of the neighborhood homes have had variances granted in the past to reduce the front setback and we agree that that is reasonable. But we do not feel that a special reduction of the front setback that would move the structure closer than 29.5 feet to the street pavement is fair or appropriate (That translates to 17' behind the front lot line.). The base measurement of 29.5' is from the home immediately north of 1225 E High Point Lane.

I went out yesterday to check the measurements to the 3 properties that are listed in the Variance request on 1225 E High Point Lane. All three, using a tape measure, are more than 30' from the street pavement. 1206 W High Point Lane has additional asphalt transitioning from the street pavement to the driveway to accommodate the storm drain next to the driveway, but that is not in line with the main street pavement and is on the cul-de-sac. 1209 E High Point Lane, measured to the straight part of the road is 33' 8", but on the cul-de-sac side is 27' 1".

The hillside ordinance, passed long after High Point Gardens was platted and after most of the homes in the neighborhood were built is important but many of us in the neighborhood have successfully built homes with fill dirt or existing dirt moved over the side of the hill. Again I invite you out to High Point Gardens to see how the nearby neighbors have handled our hillside sites. I am available most days. Also I will be happy to meet with you or the buyer/buyer's representative and double check the measurements that are under question.

Pam Hamamoto

632-3212

-----Original Message-----

From: Teixeira, Rachel [mailto:RTeixeira@springsgov.com]  
Sent: Wednesday, November 05, 2014 1:55 PM  
To: ghama@comcast.net

Subject: 1225 E. High Point Lane Nonuse Variance (AR NV 14-00691)

Ms. Hamamoto,

Attached are the site plan and project statement for the above referenced property. Please forward comments to Planning and Development whether in support or opposition to the attached project site plan by Thursday at 3 pm. I know this is short notice however, the applicant needs to make a decision on this property.

Thank you,  
Rachel Teixeira

**Pam Hamamoto**

---

**From:** Mary Pat [mpgarman@aol.com]  
**Sent:** Friday, November 21, 2014 11:21 AM  
**To:** phamamoto@comcast.net  
**Subject:** Setback

I for one do not wish the setback distance to be lowered. If lot will not allow for conforming house to be built, perhaps new design will be necessary. My house is triangular to fit lot...and fall within guidelines. Hope architectural committee holds its ground. Thanks...Mary Pat

Sent from my iPad

MARY PAT GARMAN  
1230 E. HIGH PT. LN.

## Pam Hamamoto

---

**From:** sarajhillman@comcast.net  
**Sent:** Friday, November 21, 2014 8:15 PM  
**To:** Pam Hamamoto  
**Cc:** Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Morgan, Alyce; Angie & Thomas Brunette; Ann & Sterling Campbell; Amy & Bill Hoopes; Bob Moyers; Carolyn & Al Cyr; Charlotte & Ron Stecklein; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Jill & Banty Hoover; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; Lori & Norm Thom; Mary & Larry Gilland; Mary & Larry Renoux; mlrunts@comcast.net; Mary Pat Garman; Nancy Bentley & John Atkinson; Rene & Greg Gibbs; Rich Kwesell; Sharon & Jimmie Wilson; Sharon Martin; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

1231 E HIGH  
PT. LN.

Hi Everybody,

I don't have a problem with the variance request, but allow me to be devil's advocate in order to present possible, unintended consequences:

A precedent for a closer setback can possibly have implications. Here is a hypothetical situation. Someone's house burns down in HPGardens (God forbid). The new house they want to build does not have the same footprint, but a larger one. The precedent allows a variance. The Waldo Canyon fire cause bigger homes in some cases to be built on the same lots. It's not as bad as what I have seen in Santa Barbara (one of my hometowns)...cute bungalows with huge second stories added. Subsequent issues can be higher density housing with more people living in the neighborhood.

Another thought is this: Some lots in the neighborhood are large. Are they subdividable? So some property owners subdivide. Then, with the extras houses, and the new precedent, the neighborhood can take on a whole new look.

Granted, these changes would probably not happen in our lifetimes, but food for thought.

Huggies,  
Sara

---

**From:** "Pam Hamamoto" <phamamoto@comcast.net>  
**To:** "Michelle & Richard Weihing" <weihingrj@aol.com>, "Alexis & Kurt Bunch" <videowrangler@gmail.com>, "Allison & Marcus Gagliardi" <asugargreen@yahoo.com>, "Morgan, Alyce" <afmorgan53@yahoo.com>, "Angie & Thomas Brunette" <angbrunett@aol.com>, "Ann & Sterling Campbell" <campbells@usa.com>, "Amy & Bill Hoopes" <billyhoopes@yahoo.com>, "Bob Moyers" <rmoyerspc@gmail.com>, "Carolyn & Al Cyr" <cyr10@aol.com>, "Charlotte & Ron Stecklein" <ronsteck3@msn.com>, "Christa & Jim Mahoney" <jimchris1@comcast.net>, "Don DuBois" <dl\_dubois@hotmail.com>, "Genevieve & Leonard Buresh" <wbhodgins@comcast.net>, "Jill & Banty Hoover" <scrapqueen3@msn.com>, "Joann White" <jwhite1127@msn.com>, "Judy & Larry Swanson" <swansonpeak@aol.com>, "Julie & Steve Lamb" <jal@lambsunidries.com>, "Karen & Paul Stellick" <paulstellick@aol.com>, "Karen Thompson" <kthomp5709@hotmail.com>, "Kate Cornelius" <ktcorn@q.com>, "Kathleen Brenner" <rbrenner1@earthlink.net>, "Kelly & Devon Bryant" <dlbryant4@yahoo.com>, "Kim & Darrel Stutzman" <stutzracin@hotmail.com>, "Lari Jean Trogani & Jim Patterson" <judgejimweddings@yahoo.com>, "Laura Fawcett & Adam Curry" <adam.curry@adamcurry.net>, "Linda Benson" <lmbenson@pcisys.net>, "Lori & Norm Thom" <lorilu722@comcast.net>, "Mary & Larry Gilland" <marygilland@gmail.com>, "Mary & Larry Renoux"

11/25/14

**FIGURE 7**

<renoux@comcast.net>, mlrunts@comcast.net, "Mary Pat Garman" <mpgarman@aol.com>, "Nancy Bentley & John Atkinson" <nancybentley@q.com>, "Pam & George Hamamoto" <phamamoto@comcast.net>, "Rene & Greg Gibbs" <skimom35@gmail.com>, "Rich Kwesell" <rich@therichmagic.com>, sarajhillman@comcast.net, "Sharon & Jimmie Wilson" <jswilson12@q.com>, "Sharon Martin" <slmartin1025@comcast.net>, "Stacie & Brett Badgett" <hi\_yah@msn.com>, "Stormy & Shane Burns" <msburns@me.com>, "Yvonne Brakel & Christopher Jackson" <jsbrakel@gmail.com>

**Sent:** Monday, January 1, 1990 3:55:47 AM

**Subject:** Proposed new home at 1225 E High Point Lane

To property owners in High Point Gardens,

A person is interested in buying the empty lot at 1225 E High Point Lane and building a house. Prior to the purchase he has requested a variance on the front lot setback with City Planning.

Those neighbors near the lot received a postcard from the City Planner about the variance request to reduce the front yard setback from 25' to 18'. Now a second request has been made to reduce the front yard setback to 12'. The person requesting the variance has told us he would like the setback to be about 24.5' from the EDGE OF PAVEMENT.

The Architectural Control Committee for High Point Gardens sent a message to the Planner that we felt 29.5' from the EDGE OF PAVEMENT, or 17' from the front lot line would equal the closest existing home to the EDGE OF PAVEMENT in the neighborhood. The 17' is based on the front property pin at 1225 E High Point Lane being 12.5' from the EDGE OF PAVEMENT. We do not wish to set a new precedence of building closer to the road than what now exists.

After taking many measurements of home set backs in High Point Gardens, the Architectural Control Committee found the 29.5' from EDGE OF PAVEMENT to be the closest. That does not include flag, cul-de-sac or corner lots which fall under other circumstances. Please note that the EDGE OF PAVEMENT measurement was used because the road is not centered in the 30' R.O.W. and seems a fairer way to approach this.

Several of the homes in our neighborhood have met the challenge of building on lots that have slopes of low to high angles and foundations, as far as we have heard, are holding up well.

PLEASE CONTACT ONE OF THE ARCHITECTURAL CONTROL COMMITTEE MEMBERS by Wednesday morning, November 26th, to let us know your opinion on the question of reducing the set back to less than what now exists in the neighborhood.

Bob Moyers  
rmoyerspc@gmail.com

Pam Hamamoto  
phamamoto@comcast.net

Mary Lou Porak  
mlrunts@comcast.net

**Pam Hamamoto**

---

**From:** Alyce Morgan [afmorgan53@yahoo.com]  
**Sent:** Sunday, November 23, 2014 11:55 AM  
**To:** Jill Hoover  
**Cc:** Mary Gilland; Pam Hamamoto; Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Angie Brunette; Ann & Sterling Campbell; W C H; Bob Moyers; Carolyn Cyr; Charlotte & Ron Stecklein; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; lorilu722@comcast.net; Larry and Mary; Mary Lou Porak; Mary Pat Garman; Nancy Bentley & John Atkinson; Rene & Greg Gibbs; Rich Kwesell; Sara & Mike Hillman; Sharon & Jimmie Wilson; Sharon Martin; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

Dave and I are in agreement with Mary, as well. Thx.

Sent from my iPhone

On Nov 23, 2014, at 9:11 AM, Jill Hoover <scrapqueen3@msn.com> wrote:

think I agree with Mary Gilland on this one. Jill Hoover

*1229 E HIGH PT. LN.*

---

Date: Fri, 21 Nov 2014 13:13:22 -0700  
Subject: Re: Proposed new home at 1225 E High Point Lane  
From: [marygilland@gmail.com](mailto:marygilland@gmail.com)  
To: [phamamoto@comcast.net](mailto:phamamoto@comcast.net)  
CC: [weihingrj@aol.com](mailto:weihingrj@aol.com); [videowrangler@gmail.com](mailto:videowrangler@gmail.com); [asugargreen@yahoo.com](mailto:asugargreen@yahoo.com); [afmorgan53@yahoo.com](mailto:afmorgan53@yahoo.com); [angbrunett@aol.com](mailto:angbrunett@aol.com); [campbells@usa.com](mailto:campbells@usa.com); [billyhoopes@yahoo.com](mailto:billyhoopes@yahoo.com); [rmoyerspc@gmail.com](mailto:rmoyerspc@gmail.com); [cyr10@aol.com](mailto:cyr10@aol.com); [ronsteck3@msn.com](mailto:ronsteck3@msn.com); [jimchris1@comcast.net](mailto:jimchris1@comcast.net); [dl\\_dubois@hotmail.com](mailto:dl_dubois@hotmail.com); [wbhodgins@comcast.net](mailto:wbhodgins@comcast.net); [scrapqueen3@msn.com](mailto:scrapqueen3@msn.com); [jwhite1127@msn.com](mailto:jwhite1127@msn.com); [swansonpeak@aol.com](mailto:swansonpeak@aol.com); [jal@lambsunndries.com](mailto:jal@lambsunndries.com); [paulstellick@aol.com](mailto:paulstellick@aol.com); [kthomp5709@hotmail.com](mailto:kthomp5709@hotmail.com); [ktcorn@q.com](mailto:ktcorn@q.com); [rbrenner1@earthlink.net](mailto:rbrenner1@earthlink.net); [dlbryant4@yahoo.com](mailto:dlbryant4@yahoo.com); [stutzracin@hotmail.com](mailto:stutzracin@hotmail.com); [judgejimweddings@yahoo.com](mailto:judgejimweddings@yahoo.com); [adam.curry@adamcurry.net](mailto:adam.curry@adamcurry.net); [lmbenson@pcisys.net](mailto:lmbenson@pcisys.net); [lorilu722@comcast.net](mailto:lorilu722@comcast.net); [renoux@comcast.net](mailto:renoux@comcast.net); [mlrunts@comcast.net](mailto:mlrunts@comcast.net); [mpgarman@aol.com](mailto:mpgarman@aol.com); [nancybentley@q.com](mailto:nancybentley@q.com); [skimom35@gmail.com](mailto:skimom35@gmail.com); [rich@therichmagic.com](mailto:rich@therichmagic.com); [sarajhillman@comcast.net](mailto:sarajhillman@comcast.net); [jswilson12@q.com](mailto:jswilson12@q.com); [smartin1025@comcast.net](mailto:smartin1025@comcast.net); [hi\\_yah@msn.com](mailto:hi_yah@msn.com); [msburns@me.com](mailto:msburns@me.com); [jsbrakel@gmail.com](mailto:jsbrakel@gmail.com)

All, I think that we don't really have to worry about the "precedent" since almost all of the lots are built on. I think it would be an improvement to the neighborhood, and those two lots have been sitting up there for sale for a very long time.

Just my opinion.

Mary Gilland  
LGA Studios  
201 E. Las Animas St. Ste 113  
Colorado Springs, CO 80903  
(719) 635-0880 FAX (719) 694-2088  
Cell) (719) 291-1053

On Mon, Jan 1, 1990 at 3:55 AM, Pam Hamamoto <[phamamoto@comcast.net](mailto:phamamoto@comcast.net)> wrote:

To property owners in High Point Gardens,

A person is interested in buying the empty lot at 1225 E High Point Lane and building a house. Prior to the purchase he has requested a variance on the front lot setback with City Planning.

Those neighbors near the lot received a postcard from the City Planner about the variance request to reduce the front yard setback from 25' to 18'. Now a second request has been made to reduce the front yard setback to 12'. The person requesting the variance has told us he would like the setback to be about 24.5' from the EDGE OF PAVEMENT.

The Architectural Control Committee for High Point Gardens sent a message to the Planner that we felt 29.5' from the EDGE OF PAVEMENT, or 17' from the front lot line would equal the closest existing home to the EDGE OF PAVEMENT in the neighborhood. The 17' is based on the front property pin at 1225 E High Point Lane being 12.5' from the EDGE OF PAVEMENT. We do not wish to set a new precedence of building closer to the road than what now exists.

After taking many measurements of home set backs in High Point Gardens, the Architectural Control Committee found the 29.5' from EDGE OF PAVEMENT to be the closest. That does not include flag, cul-de-sac or corner lots which fall under other circumstances. Please note that the EDGE OF PAVEMENT measurement was used because the road is not centered in the 30' R.O.W. and seems a fairer way to approach this.

Several of the homes in our neighborhood have met the challenge of building on lots that have slopes of low to high angles and foundations, as far as we have heard, are holding up well.

PLEASE CONTACT ONE OF THE ARCHITECTURAL CONTROL COMMITTEE MEMBERS by Wednesday morning, November 26th, to let us know your opinion on the question of reducing the set back to less than what now exists in the neighborhood.

Bob Moyers  
[rmoyerspc@gmail.com](mailto:rmoyerspc@gmail.com)  
[mlruns@comcast.net](mailto:mlruns@comcast.net)

Pam Hamamoto  
[phamamoto@comcast.net](mailto:phamamoto@comcast.net)

Mary Lou Porak

**Pam Hamamoto**

**From:** Ann and Sterling Campbell [campbells@usa.com]  
**Sent:** Sunday, November 23, 2014 12:12 PM  
**To:** Pam Hamamoto; Nancy Bentley; 'Sharon Martin'; sarajhillman@comcast.net  
**Cc:** 'Michelle & Richard Weihing'; 'Alexis & Kurt Bunch'; 'Allison & Marcus Gagliardi'; 'Alyce Morgan'; 'Angie & Thomas Brunette'; 'Ann & Sterling Campbell'; 'Amy & Bill Hoopes'; 'Bob Moyers'; 'Carolyn & Al Cyr'; 'ronsteck'; 'Christa & Jim Mahoney'; 'Don DuBois'; 'Genevieve & Leonard Buresh'; 'Jill & Banty Hoover'; 'Joann White'; 'Judy & Larry Swanson'; 'Julie & Steve Lamb'; 'Karen & Paul Stellick'; 'Karen Thompson'; 'Kate Cornelius'; 'Kathleen Brenner'; 'Kelly & Devon Bryant'; 'Kim & Darrel Stutzman'; 'Lari Jean Trogani & Jim Patterson'; 'Laura Fawcett & Adam Curry'; 'Linda Benson'; 'lorilu722'; 'Gilland, Mary'; 'Larry, Mary'; mlrunts@comcast.net; 'Mary Pat Garman'; 'Rene & Greg Gibbs'; 'Rich Kwesell'; 'Wilson, Jim'; 'Stacie & Brett Badgett'; 'Stormy & Shane Burns'; 'Yvonne Brakel & Christopher Jackson'  
**Subject:** Re: RE: Proposed new home at 1225 E High Point Lane

1224 E HIGH PT. LN.

All, we cannot make it today, but we agree w/ Sara H's on thoughts to consider. But also believe very strongly in property rights. We should invite our new neighbor to come to any meeting.

--  
Sent from my Android phone with [mail.com](mailto:) Mail. Please excuse my brevity.

Pam Hamamoto <phamamoto@comcast.net> wrote:

Tomorrow, Sunday afternoon, between 12 and 1pm (the Broncos play at 2:25) lets meet at the lot with the setback staked for people to see the impact of reducing the setback. Everyone please come over. Comments to City Planning are required to be in BEFORE monday the 1st of December, which is why we need to move in a timely manner and also in the daylight. I will try to arrange for one of the homes nearby to be available to meet in cause it will be colder than today. Sorry about the short notice, please feel free to check out the lot if you can not make the meeting tomorrow. Pam Hamamoto, Architectural Control Committee member 632-3212

-----Original Message-----

**From:** Nancy Bentley [mailto:nancybentley@q.com]  
**Sent:** Saturday, November 22, 2014 8:58 AM  
**To:** 'Sharon Martin'; sarajhillman@comcast.net  
**Cc:** 'Pam Hamamoto'; 'Michelle & Richard Weihing'; 'Alexis & Kurt Bunch'; 'Allison & Marcus Gagliardi'; 'Alyce Morgan'; 'Angie & Thomas Brunette'; 'Ann & Sterling Campbell'; 'Amy & Bill Hoopes'; 'Bob Moyers'; 'Carolyn & Al Cyr'; 'ronsteck'; 'Christa & Jim Mahoney'; 'Don DuBois'; 'Genevieve & Leonard Buresh'; 'Jill & Banty Hoover'; 'Joann White'; 'Judy & Larry Swanson'; 'Julie & Steve Lamb'; 'Karen & Paul Stellick'; 'Karen Thompson'; 'Kate Cornelius'; 'Kathleen Brenner'; 'Kelly & Devon Bryant'; 'Kim & Darrel Stutzman'; 'Lari Jean Trogani & Jim Patterson'; 'Laura Fawcett & Adam Curry'; 'Linda Benson'; 'lorilu722'; 'Gilland, Mary'; 'Larry, Mary'; mlrunts@comcast.net; 'Mary Pat Garman'; 'Rene & Greg Gibbs'; 'Rich Kwesell'; 'Wilson, Jim'; 'Stacie & Brett Badgett'; 'Stormy & Shane Burns'; 'Yvonne Brakel & Christopher Jackson'  
**Subject:** RE: Proposed new home at 1225 E High Point Lane

Thanks to the Architectural Committee for bringing this question before the neighborhood. While is interesting and helpful discussing the pros and cons of such a variance on line, I hope this does not replace a formal neighborhood meeting. As a homeowner who lives on West High Point, I need to walk over and actually see the property in order to get a better idea of the request.

At present, I am not inclined to approve such a change.

Nancy Bentley

**From:** Sharon Martin [mailto:smartin1025@comcast.net]  
**Sent:** Saturday, November 22, 2014 8:16 AM  
**To:** sarajhillman@comcast.net  
**Cc:** Pam Hamamoto; Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Alyce Morgan; Angie & Thomas Brunette; Ann & Sterling Campbell; Amy & Bill Hoopes; Bob

Moyers; Carolyn & Al Cyr; ronsteck; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Jill & Banty Hoover; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; lorilu722; Gilland, Mary; Larry, Mary; mlrunts@comcast.net; Mary Pat Garman; Nancy Bentley & John Atkinson; Rene & Greg Gibbs; Rich Kwesell; Wilson, Jim; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

Mornin' all,

Pam asked me the same question in a private email and I think it's a valid question. Here was my response to her. Unless we would have a Waldo Canyon event (I agree with Sara.....God forbid!), where even the foundations have suffered from such intense heat, rendering them unsalvageable, the insurance would not pay for a new foundation. They would repair/replace the existing structure on the current foundation, which means the footprint wouldn't change. If we had the misfortune of having a Waldo Canyon type event, we'd all go "down" and the city would impose new restrictions, new guidelines on us, just as they did with the folks in Mountain Shadows.

As to subdividing, there are a few lots up here that, according to city planning department, could be subdivided. BUT the time and red tape involved with getting that done makes it next to impossible to accomplish. Rich Falcone looked into the possibility several years ago and decided it wasn't worth the expense or headache.

Don't know if this info helps in allying some of those valid concerns or not but thought I'd pass it along.

**Sharon Martin, CNE, CRS, GRI**

Thompson Properties  
719-460-1303

---

**From:** sarajhillman@comcast.net  
**To:** "Pam Hamamoto" <phamamoto@comcast.net>  
**Cc:** "Michelle & Richard Weihing" <weihingrj@aol.com>, "Alexis & Kurt Bunch" <videowrangler@gmail.com>, "Allison & Marcus Gagliardi" <asugargreen@yahoo.com>, "Alyce Morgan" <afmorgan53@yahoo.com>, "Angie & Thomas Brunette" <angbrunett@aol.com>, "Ann & Sterling Campbell" <campbells@usa.com>, "Amy & Bill Hoopes" <billyhoopes@yahoo.com>, "Bob Moyers" <rmoyerspc@gmail.com>, "Carolyn & Al Cyr" <cyr10@aol.com>, "ronsteck" <ronsteck3@msn.com>, "Christa & Jim Mahoney" <jimchris1@comcast.net>, "Don DuBois" <dl\_dubois@hotmail.com>, "Genevieve & Leonard Buresh" <wbhodgins@comcast.net>, "Jill & Banty Hoover" <scrapqueen3@msn.com>, "Joann White" <jwhite1127@msn.com>, "Judy & Larry Swanson" <swansonpeak@aol.com>, "Julie & Steve Lamb" <jal@lambsdundries.com>, "Karen & Paul Stellick" <paulstellick@aol.com>, "Karen Thompson" <kthomp5709@hotmail.com>, "Kate Cornelius" <ktcorn@q.com>, "Kathleen Brenner" <rbrenner1@earthlink.net>, "Kelly & Devon Bryant" <dlbryant4@yahoo.com>, "Kim & Darrel Stutzman" <stutzracin@hotmail.com>, "Lari Jean Trogani & Jim Patterson" <judgejimweddings@yahoo.com>, "Laura Fawcett & Adam Curry" <adam.curry@adamcurry.net>, "Linda Benson" <lmbenson@pcisys.net>, "lorilu722" <lorilu722@comcast.net>, "Gilland, Mary" <marygilland@gmail.com>, "Larry, Mary"

<renoux@comcast.net>, mlrunts@comcast.net, "Mary Pat Garman"  
<mpgarman@aol.com>, "Nancy Bentley & John Atkinson" <nancybentley@q.com>, "Rene  
& Greg Gibbs" <skimom35@gmail.com>, "Rich Kwesell" <rich@therichmagic.com>,  
"Wilson, Jim" <jswilson12@q.com>, "Martin, Sharon" <smartin1025@comcast.net>,  
"Stacie & Brett Badgett" <hi\_yah@msn.com>, "Stormy & Shane Burns"  
<msburns@me.com>, "Yvonne Brakel & Christopher Jackson" <jsbrakel@gmail.com>

**Sent:** Friday, November 21, 2014 8:14:55 PM

**Subject:** Re: Proposed new home at 1225 E High Point Lane

Hi Everybody,

I don't have a problem with the variance request, but allow me to be devil's advocate in order to present possible, unintended consequences:

A precedent for a closer setback can possibly have implications. Here is a hypothetical situation. Someone's house burns down in HPGardens (God forbid). The new house they want to build does not have the same footprint, but a larger one. The precedent allows a variance. The Waldo Canyon fire cause bigger homes in some cases to be built on the same lots. It's not as bad as what I have seen in Santa Barbara (one of my hometowns)...cute bungalows with huge second stories added. Subsequent issues can be higher density housing with more people living in the neighborhood.

Another thought is this: Some lots in the neighborhood are large. Are they subdividable? So some property owners subdivide. Then, with the extras houses, and the new precedent, the neighborhood can take on a whole new look.

Granted, these changes would probably not happen in our lifetimes, but food for thought.

Huggies,  
Sara

---

**From:** "Pam Hamamoto" <phamamoto@comcast.net>  
**To:** "Michelle & Richard Weiing" <weiingrj@aol.com>, "Alexis & Kurt Bunch"  
<videowrangler@gmail.com>, "Allison & Marcus Gagliardi" <asugargreen@yahoo.com>,  
"Morgan, Alyce" <afmorgan53@yahoo.com>, "Angie & Thomas Brunette"  
<angbrunett@aol.com>, "Ann & Sterling Campbell" <campbells@usa.com>, "Amy & Bill Hoopes" <billyhoopes@yahoo.com>, "Bob Moyers" <rmoyerspc@gmail.com>, "Carolyn & Al Cyr" <cyr10@aol.com>, "Charlotte & Ron Stecklein" <ronsteck3@msn.com>, "Christa & Jim Mahoney" <jimchris1@comcast.net>, "Don DuBois" <dl\_dubois@hotmail.com>,  
"Genevieve & Leonard Buresh" <wbhodgins@comcast.net>, "Jill & Banty Hoover"  
<scrapqueen3@msn.com>, "Joann White" <jwhite1127@msn.com>, "Judy & Larry Swanson" <swansonpeak@aol.com>, "Julie & Steve Lamb" <jal@lambsunndries.com>,  
"Karen & Paul Stellick" <paulstellick@aol.com>, "Karen Thompson"  
<kthomp5709@hotmail.com>, "Kate Cornelius" <ktcorn@q.com>, "Kathleen Brenner"  
<rbrenner1@earthlink.net>, "Kelly & Devon Bryant" <dlbryant4@yahoo.com>, "Kim & Darrel Stutzman" <stutzracin@hotmail.com>, "Lari Jean Trogani & Jim Patterson" <judgejimweddings@yahoo.com>, "Laura Fawcett & Adam Curry"  
<adam.curry@adamcurry.net>, "Linda Benson" <lmbenson@pcisys.net>, "Lori & Norm Thom" <lorilu722@comcast.net>, "Mary & Larry Gilland" <marygilland@gmail.com>, "Mary & Larry Renoux" <renoux@comcast.net>, mlrunts@comcast.net, "Mary Pat Garman" <mpgarman@aol.com>, "Nancy Bentley & John Atkinson" <nancybentley@q.com>, "Pam &

George Hamamoto" <[phamamoto@comcast.net](mailto:phamamoto@comcast.net)>, "Rene & Greg Gibbs" <[skimom35@gmail.com](mailto:skimom35@gmail.com)>, "Rich Kwesell" <[rich@therichmagic.com](mailto:rich@therichmagic.com)>, [sarajhillman@comcast.net](mailto:sarajhillman@comcast.net), "Sharon & Jimmie Wilson" <[jswilson12@q.com](mailto:jswilson12@q.com)>, "Sharon Martin" <[slmartin1025@comcast.net](mailto:slmartin1025@comcast.net)>, "Stacie & Brett Badgett" <[hi\\_yah@msn.com](mailto:hi_yah@msn.com)>, "Stormy & Shane Burns" <[msburns@me.com](mailto:msburns@me.com)>, "Yvonne Brakel & Christopher Jackson" <[jsbrakel@gmail.com](mailto:jsbrakel@gmail.com)>

**Sent:** Monday, January 1, 1990 3:55:47 AM

**Subject:** Proposed new home at 1225 E High Point Lane

To property owners in High Point Gardens,

A person is interested in buying the empty lot at 1225 E High Point Lane and building a house. Prior to the purchase he has requested a variance on the front lot setback with City Planning.

Those neighbors near the lot received a postcard from the City Planner about the variance request to reduce the front yard setback from 25' to 18'. Now a second request has been made to reduce the front yard setback to 12'. The person requesting the variance has told us he would like the setback to be about 24.5' from the EDGE OF PAVEMENT.

The Architectural Control Committee for High Point Gardens sent a message to the Planner that we felt 29.5' from the EDGE OF PAVEMENT, or 17' from the front lot line would equal the closest existing home to the EDGE OF PAVEMENT in the neighborhood. The 17' is based on the front property pin at 1225 E High Point Lane being 12.5' from the EDGE OF PAVEMENT. We do not wish to set a new precedence of building closer to the road than what now exists.

After taking many measurements of home set backs in High Point Gardens, the Architectural Control Committee found the 29.5' from EDGE OF PAVEMENT to be the closest. That does not include flag, cul-de-sac or corner lots which fall under other circumstances. Please note that the EDGE OF PAVEMENT measurement was used because the road is not centered in the 30' R.O.W. and seems a fairer way to approach this.

Several of the homes in our neighborhood have met the challenge of building on lots that have slopes of low to high angles and foundations, as far as we have heard, are holding up well.

PLEASE CONTACT ONE OF THE ARCHITECTURAL CONTROL COMMITTEE MEMBERS by

Wednesday morning, November 26th, to let us know your opinion on the question of reducing

the set back to less than what now exists in the neighborhood.

Bob Moyers  
[rmoyersp@gmail.com](mailto:rmoyersp@gmail.com)

Pam Hamamoto  
[phamamoto@comcast.net](mailto:phamamoto@comcast.net)

Mary Lou Porak  
[mlrunts@comc](mailto:mlrunts@comc)

Dear High Point Gardens Architectural Control Committee and Rachel Teixeira,

I would like to thank the High Point Gardens ACC for keeping the neighborhood informed of the recent request for a front-yard setback variance for Lot 1225 E. High Point Ln.

As homeowners directly across the street from the proposed new house we have a special interest in the new building. We have done extensive renovations on our own home at 1218 E. High Point Lane and have always followed the covenants and all requests made by the ACC. On one of our additions the roof on the front porch exceeded the variance by 1 foot. The ACC requested that we seek a variance with your office. In stead, we decided that to obey the covenants in place and did not exceed the 1-foot non-compliance. The neighborhood is a better place because of these rules and we appreciate the ACC policy of close attention to any and all requests for variances.

In view of the fact that the ACC committee has already made a good faith offer of 17' when asked to accommodate the lot owner's front yard setback variance request from 20' to 18', I think making an additional accommodation to 12' would be unwise, especially since all the other neighborhood homes are set back at least 20'. Therefore, we strongly oppose his second request to exceed the acceptable boundary.

Two other homeowners on E. High Point have built lovely homes on lots with much steeper drop-offs. With the 17' setback approved by the ACC still available, it seems to me that the owner of Lot 1225 has plenty of opportunity to build a beautiful home without damaging the integrity of the neighborhood.

My wife and I have abided by the setback provision and I would hope that our new neighbor would respect those guidelines and demonstrate his good neighborliness by accepting the agreed upon accommodation of a 17' setback.

Jim and Christa Mahoney  
→ 1218 E. High Point Lane  
Colorado Springs, CO 80904

## George Hamamoto

---

**From:** Pam Hamamoto [phamamoto@comcast.net]  
**Sent:** Tuesday, November 25, 2014 3:35 PM  
**To:** ghama@comcast.net  
**Subject:** FW: follow-up on Sunday's meeting

-----Original Message-----

**From:** Jim Mahoney [mailto:jimchris1@comcast.net]  
**Sent:** Tuesday, November 25, 2014 10:13 AM  
**To:** Pam Hamamoto  
**Cc:** Christa Mahoney  
**Subject:** Re: follow-up on Sunday's meeting

Hi Pam, Attached is our letter. We used Nancy's as a basis. Hope this works. Thanks for your hard work on this.

Jim

---

Hi Al and Jim,

I said that I would send you the info on the City Planning contact; Rachel Teixeira [rteixeira@springsgov.com](mailto:rteixeira@springsgov.com) 385-5368.

Your choice, send your statement to her or to one of us on the Architectural Control Committee. I have attached Nancy and John's message below.

Thanks for attending the meeting, Pam

November 23, 2014

RachelTeixeira at City Planning [[rteixeira@springsgov.com](mailto:rteixeira@springsgov.com)]

High Point Gardens Architectural Control Committee

Re: Front Yard Setback Variance Request, Lot 1225 E. High Point Ln.

Dear High Point Gardens Architectural Control Committee and Rachel Teixeira,

I would like to thank the High Point Gardens ACC for keeping the neighborhood informed of the recent request for a front-yard setback variance for Lot 1225 E. High Point Ln. It is always exciting when a new home goes up in the neighborhood.

In view of the fact that the ACC committee has already made a good faith offer of 17' when asked to accommodate the lot owner's front yard setback variance request from 20' to 18', I think making an additional accommodation to 12' would be unwise, especially since all the other neighborhood homes are set back at least 20'. Therefore, I strongly oppose his second request

to exceed the acceptable boundary.

Two other homeowners on E. High Point have built lovely homes on lots with much steeper drop-offs. With the 17' setback approved by the ACC still available, it seems to me that the owner of Lot 1225 has plenty of opportunity to build a beautiful home without damaging the integrity of the neighborhood.

We have all abided by the setback provision and I would hope that our new neighbor would respect those guidelines and demonstrate his good neighborliness by accepting the agreed upon accommodation of a 17' setback.

ACC, please attach our letter to your correspondence.

Thank you,

Nancy Bentley and John Atkinson

1220 W. High Point Ln.

**Pam Hamamoto**

---

**From:** Linda Benson [lmbenson3121@outlook.com]  
**Sent:** Tuesday, November 25, 2014 5:15 PM  
**To:** Pam Hamamoto  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

Dear Architectural Committee Members,

As a resident of East High Point Lane I oppose the request for a 12 ft. front setback at 1225 East High Point Lane. I feel the lot is of more than adequate size to accommodate building a home and still observe the 18 ft. setback agreed upon previously.

Respectfully,  
Linda M. Benson  
1213 East High Point Lane

Sent from Windows Mail

---

**From:** Pam Hamamoto  
**Sent:** Monday, November 24, 2014 3:54 PM  
**To:** Linda Benson

do you want me to add this new email address to the neighborhood watch list?

-----Original Message-----

**From:** Pam Hamamoto [<mailto:phamamoto@comcast.net>]  
**Sent:** Monday, January 01, 1990 3:56 AM  
**To:** Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Alyce & Dave Morgan; Angie & Thomas Brunette; Ann & Sterling Campbell; Amy & Bill Hoopes; Bob Moyers; Carolyn & Al Cyr; Charlotte & Ron Stecklein; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Jill & Banty Hoover; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; Lori & Norm Thom; Mary & Larry Gilland; Mary & Larry Renoux; Mary Lou Porak; Mary Pat Garman; Nancy Bentley & John Atkinson; Pam & George Hamamoto; Rene & Greg Gibbs; Rich Kwesell; Sara & Mike Hillman; Sharon & Jimmie Wilson; Sharon Martin; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson  
**Subject:** Proposed new home at 1225 E High Point Lane

To property owners in High Point Gardens,

A person is interested in buying the empty lot at 1225 E High Point Lane

11/25/14

**FIGURE 7**

and building a house. Prior to the purchase he has requested a variance on the front lot setback with City Planning.

Those neighbors near the lot received a postcard from the City Planner about the variance request to reduce the front yard setback from 25' to 18'. Now a second request has been made to reduce the front yard setback to 12'. The person requesting the variance has told us he would like the setback to be about 24.5' from the EDGE OF PAVEMENT.

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PLEASE CONTACT ONE OF THE ARCHITECTURAL CONTROL COMMITTEE MEMBERS by Wednesday morning, November 26th, to let us know your opinion on the question of reducing the set back to less than what now exists in the neighborhood.

Bob Moyers  
rmoyerspc@gmail.com

Pam Hamamoto  
phamamoto@comcast.net

Mary Lou Porak  
mlrunts@comcast.net

11-25-2014

Darrel R. & Kimberly A. Stutzman

We live at 1221 East Highpoint Lane  
Colo Spgs, Co 80904

We agree to give a 17 foot  
front yard setback instead of  
a 12 yard setback at 1225

East Highpoint Lane, CO. Co 80904

File # AR NV 14-00691

Darrel Stutzman Kimberly A Stutzman

719-660-7711

## Pam Hamamoto

---

**From:** t.e.kadtke [todd.kadtke@gmail.com]  
**Sent:** Wednesday, November 26, 2014 12:19 PM  
**To:** Pam Hamamoto; rteixeira@springsgov.com  
**Subject:** Comments: Proposed new home at 1225 E High Point Lane

The vacant lot currently being discussed is of similar size and physical features to many of the neighborhood lots. Many of the neighboring homes have been built on much greater slopes with far less existing flat land area on the lot adjacent to the road. The other homes built on these lots have maintained a similar setback to others along the lane so that it creates a continuity along the street. This continuity is a large part of what has created the unique character of East High Point Lane. The street as a whole is it's own "place" for the community, each home an integral part of a larger context of this place. Some reduction of the front yard is reasonable for siting houses on this side of the street, but it really should respect the continuity of the lane and not impede or impose on the visual volume of the street space for the neighborhood, both while standing in front of the home and while walking down the neighborhood lane. The space between the house and street is important to make it comfortable for both vehicular and pedestrian use. More unique/challenging designs for the home and foundation are expected when building on hillside lots, and it is expected in order to support the character of the neighborhood's shared spaces.

Todd E. Kadtke  
Owner, 1205 E. High Point Lane

## Pam Hamamoto

---

**From:** Sharon Martin [slmartin1025@comcast.net]  
**Sent:** Friday, November 21, 2014 11:37 AM  
**To:** Pam Hamamoto  
**Cc:** Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Alyce & Dave Morgan; Angie & Thomas Brunette; Ann & Sterling Campbell; Amy & Bill Hoopes; Bob Moyers; Carolyn & Al Cyr; ronsteck; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Jill & Banty Hoover; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; lorilu722; Mary & Larry Gilland; Larry, Mary; Mary Lou Porak; Mary Pat Garman; Nancy Bentley & John Atkinson; Rene & Greg Gibbs; Rich Kwesell; Sara & Mike Hillman; Wilson, Jim; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

I think it's exciting that someone wants to build on that lot. Potentially, it could help all our property values as, up to now, our little pocket has not kept pace with the rest of the city.

Since I live on West High Point, my opinion shouldn't hold the weight as those of you on East but I don't see the variance as setting a precedent. We're 2 lots away from being totally built out so, to me, that's a non-factor. I think the 17' variance would be completely acceptable. Just my opinion.....

While I've got you all "on the phone", if anybody is thinking of selling, I've got some clients who would love to live in High Point Gardens. Let me know if you have any interest and I'll try to hook you up with these folks.

Thanks!

**Sharon Martin, CNE, CRS, GRI**  
Thompson Properties  
719-460-1303

1217 W. PT. LN.  
HIGH

---

**From:** "Pam Hamamoto" <phamamoto@comcast.net>  
**To:** "Michelle & Richard Weihing" <weihingrj@aol.com>, "Alexis & Kurt Bunch" <videowrangler@gmail.com>, "Allison & Marcus Gagliardi" <asugargreen@yahoo.com>, "Alyce & Dave Morgan" <afmorgan53@yahoo.com>, "Angie & Thomas Brunette" <angbrunett@aol.com>, "Ann & Sterling Campbell" <campbells@usa.com>, "Amy & Bill Hoopes" <billyhoopes@yahoo.com>, "Bob Moyers" <rmoyerspc@gmail.com>, "Carolyn & Al Cyr" <cyr10@aol.com>, "ronsteck" <ronsteck3@msn.com>, "Christa & Jim Mahoney" <jimchris1@comcast.net>, "Don DuBois" <dl\_dubois@hotmail.com>, "Genevieve & Leonard Buresh" <wbhodgins@comcast.net>, "Jill & Banty Hoover" <scrapqueen3@msn.com>, "Joann White" <jwhite1127@msn.com>, "Judy & Larry Swanson" <swansonpeak@aol.com>, "Julie & Steve Lamb" <jal@lambsunidries.com>, "Karen & Paul Stellick" <paulstellick@aol.com>, "Karen Thompson" <kthomp5709@hotmail.com>, "Kate Cornelius" <ktcorn@q.com>, "Kathleen Brenner" <rbrenner1@earthlink.net>, "Kelly & Devon Bryant" <dlbryant4@yahoo.com>, "Kim & Darrel Stutzman" <stutzracin@hotmail.com>, "Lari Jean Trogani & Jim Patterson" <judgejimweddings@yahoo.com>, "Laura Fawcett & Adam Curry" <adam.curry@adamcurry.net>, "Linda Benson" <lmbenson@pcisys.net>, "lorilu722" <lorilu722@comcast.net>, "Mary & Larry Gilland" <marygilland@gmail.com>, "Larry, Mary" <renoux@comcast.net>, "Mary Lou Porak" <mlruns@comcast.net>, "Mary Pat Garman" <mpgarman@aol.com>, "Nancy Bentley & John Atkinson" <nancybentley@q.com>, "Pam & George Hamamoto" <phamamoto@comcast.net>, "Rene & Greg Gibbs" <skimom35@gmail.com>, "Rich Kwesell" <rich@therichmagic.com>, "Sara & Mike Hillman" <sarajhillman@comcast.net>, "Wilson,

11/25/14

**FIGURE 7**

Jim" <jswilson12@q.com>, "Martin, Sharon" <smartin1025@comcast.net>, "Stacie & Brett Badgett" <hi\_yah@msn.com>, "Stormy & Shane Burns" <msburns@me.com>, "Yvonne Brakel & Christopher Jackson" <jsbrakel@gmail.com>

**Sent:** Monday, January 1, 1990 3:55:47 AM

**Subject:** Proposed new home at 1225 E High Point Lane

To property owners in High Point Gardens,

A person is interested in buying the empty lot at 1225 E High Point Lane and building a house. Prior to the purchase he has requested a variance on the front lot setback with City Planning.

Those neighbors near the lot received a postcard from the City Planner about the variance request to reduce the front yard setback from 25' to 18'. Now a second request has been made to reduce the front yard setback to 12'. The person requesting the variance has told us he would like the setback to be about 24.5' from the EDGE OF PAVEMENT.

The Architectural Control Committee for High Point Gardens sent a message to the Planner that we felt 29.5' from the EDGE OF PAVEMENT, or 17' from the front lot line would equal the closest existing home to the EDGE OF PAVEMENT in the neighborhood. The 17' is based on the front property pin at 1225 E High Point Lane being 12.5' from the EDGE OF PAVEMENT. We do not wish to set a new precedence of building closer to the road than what now exists.

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Several of the homes in our neighborhood have met the challenge of building on lots that have slopes of low to high angles and foundations, as far as we have heard, are holding up well.

PLEASE CONTACT ONE OF THE ARCHITECTURAL CONTROL COMMITTEE MEMBERS by Wednesday morning, November 26th, to let us know your opinion on the question of reducing the set back to less than what now exists in the neighborhood.

Bob Moyers  
rmoyerspc@gmail.com

Pam Hamamoto  
phamamoto@comcast.net

Mary Lou Porak  
mlrunts@comcast.net

**Pam Hamamoto**

---

**From:** Mary Gilland [marygilland@gmail.com]  
**Sent:** Friday, November 21, 2014 1:13 PM  
**To:** Pam Hamamoto  
**Cc:** Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Alyce & Dave Morgan; Angie & Thomas Brunette; Ann & Sterling Campbell; Amy & Bill Hoopes; Bob Moyers; Carolyn & Al Cyr; Charlotte & Ron Stecklein; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Jill & Banty Hoover; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; Lori & Norm Thom; Mary & Larry Renoux; Mary Lou Porak; Mary Pat Garman; Nancy Bentley & John Atkinson; Rene & Greg Gibbs; Rich Kwesell; Sara & Mike Hillman; Sharon & Jimmie Wilson; Sharon Martin; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

All, I think that we don't really have to worry about the "precedent" since almost all of the lots are built on. I think it would be an improvement to the neighborhood, and those two lots have been sitting up there for sale for a very long time.

Just my opinion.

Mary Gilland  
LGA Studios  
201 E. Las Animas St. Ste 113  
Colorado Springs, CO 80903  
(719) 635-0880 FAX (719) 694-2088  
Cell) (719) 291-1053

1133 TERRACE RD -

On Mon, Jan 1, 1990 at 3:55 AM, Pam Hamamoto <phamamoto@comcast.net> wrote:  
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Bob Moyers  
[rmoyerspc@gmail.com](mailto:rmoyerspc@gmail.com)

Pam Hamamoto  
[phamamoto@comcast.net](mailto:phamamoto@comcast.net)

Mary Lou Porak  
[mlrunts@comcast.net](mailto:mlrunts@comcast.net)

## Pam Hamamoto

---

**From:** jswilson12@q.com  
**Sent:** Friday, November 21, 2014 7:11 PM  
**To:** Sharon Martin  
**Cc:** Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Alyce & Dave Morgan; Angie & Thomas Brunette; Ann & Sterling Campbell; Amy & Bill Hoopes; Bob Moyers; Carolyn & Al Cyr; ronsteck; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Jill & Banty Hoover; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; lorilu722; Mary & Larry Gilland; Mary Larry; Mary Lou Porak; Mary Pat Garman; Nancy Bentley & John Atkinson; Rene & Greg Gibbs; Rich Kwesell; Sara & Mike Hillman; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson; Pam Hamamoto  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

We are in complete agreement with Mary and Sharon. A new addition to the neighborhood would be most welcome.

Jim and Sharon

*1201 W  
HIGH PT. LN.*

---

**From:** "Sharon Martin" <slmartin1025@comcast.net>  
**To:** "Pam Hamamoto" <phamamoto@comcast.net>  
**Cc:** "Michelle & Richard Weihing" <weihingrj@aol.com>, "Alexis & Kurt Bunch" <videowrangler@gmail.com>, "Allison & Marcus Gagliardi" <asugargreen@yahoo.com>, "Alyce & Dave Morgan" <afmorgan53@yahoo.com>, "Angie & Thomas Brunette" <angbrunett@aol.com>, "Ann & Sterling Campbell" <campbells@usa.com>, "Amy & Bill Hoopes" <billyhoopes@yahoo.com>, "Bob Moyers" <rmoyerspc@gmail.com>, "Carolyn & Al Cyr" <cyr10@aol.com>, "ronsteck" <ronsteck3@msn.com>, "Christa & Jim Mahoney" <jimchris1@comcast.net>, "Don DuBois" <dl\_dubois@hotmail.com>, "Genevieve & Leonard Buresh" <wbhodgins@comcast.net>, "Jill & Banty Hoover" <scrapqueen3@msn.com>, "Joann White" <jwhite1127@msn.com>, "Judy & Larry Swanson" <swansonpeak@aol.com>, "Julie & Steve Lamb" <jal@lamb sundries.com>, "Karen & Paul Stellick" <paulstellick@aol.com>, "Karen Thompson" <kthomp5709@hotmail.com>, "Kate Cornelius" <ktcorn@q.com>, "Kathleen Brenner" <rbrenner1@earthlink.net>, "Kelly & Devon Bryant" <dlbryant4@yahoo.com>, "Kim & Darrel Stutzman" <stutzracin@hotmail.com>, "Lari Jean Trogani & Jim Patterson" <judgejimweddings@yahoo.com>, "Laura Fawcett & Adam Curry" <adam.curry@adamcurry.net>, "Linda Benson" <lmbenson@pcisys.net>, "lorilu722" <lorilu722@comcast.net>, "Mary & Larry Gilland" <marygilland@gmail.com>, "Mary Larry" <renoux@comcast.net>, "Mary Lou Porak" <mlrunts@comcast.net>, "Mary Pat Garman" <mpgarman@aol.com>, "Nancy Bentley & John Atkinson" <nancybentley@q.com>, "Rene & Greg Gibbs" <skimom35@gmail.com>, "Rich Kwesell" <rich@therichmagic.com>, "Sara & Mike Hillman" <sarajhillman@comcast.net>, "Jim Wilson" <jswilson12@q.com>, "Stacie & Brett Badgett" <hi\_yah@msn.com>, "Stormy & Shane Burns" <msburns@me.com>, "Yvonne Brakel & Christopher Jackson" <jsbrakel@gmail.com>  
**Sent:** Friday, November 21, 2014 11:36:59 AM  
**Subject:** Re: Proposed new home at 1225 E High Point Lane

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11/25/14

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**Sharon Martin, CNE, CRS, GRI**

Thompson Properties  
719-460-1303

---

**From:** "Pam Hamamoto" <phamamoto@comcast.net>  
**To:** "Michelle & Richard Weihing" <weihingrj@aol.com>, "Alexis & Kurt Bunch" <videowrangler@gmail.com>, "Allison & Marcus Gagliardi" <asugargreen@yahoo.com>, "Alyce & Dave Morgan" <afmorgan53@yahoo.com>, "Angie & Thomas Brunette" <angbrunett@aol.com>, "Ann & Sterling Campbell" <campbells@usa.com>, "Amy & Bill Hoopes" <billyhoopes@yahoo.com>, "Bob Moyers" <rmoyerspc@gmail.com>, "Carolyn & Al Cyr" <cyr10@aol.com>, "ronsteck" <ronsteck3@msn.com>, "Christa & Jim Mahoney" <jimchris1@comcast.net>, "Don DuBois" <dl\_dubois@hotmail.com>, "Genevieve & Leonard Buresh" <wbhodgins@comcast.net>, "Jill & Banty Hoover" <scrapqueen3@msn.com>, "Joann White" <jwhite1127@msn.com>, "Judy & Larry Swanson" <swansonpeak@aol.com>, "Julie & Steve Lamb" <jal@lambundries.com>, "Karen & Paul Stellick" <paulstellick@aol.com>, "Karen Thompson" <kthomp5709@hotmail.com>, "Kate Cornelius" <ktcorn@q.com>, "Kathleen Brenner" <rbrenner1@earthlink.net>, "Kelly & Devon Bryant" <dlbryant4@yahoo.com>, "Kim & Darrel Stutzman" <stutzracin@hotmail.com>, "Lari Jean Trogani & Jim Patterson" <judgejimweddings@yahoo.com>, "Laura Fawcett & Adam Curry" <adam.curry@adamcurry.net>, "Linda Benson" <lmbenson@pcisys.net>, "lorilu722" <lorilu722@comcast.net>, "Mary & Larry Gilland" <marygilland@gmail.com>, "Larry, Mary" <renoux@comcast.net>, "Mary Lou Porak" <mlruns@comcast.net>, "Mary Pat Garman" <mpgarman@aol.com>, "Nancy Bentley & John Atkinson" <nancybentley@q.com>, "Pam & George Hamamoto" <phamamoto@comcast.net>, "Rene & Greg Gibbs" <skimom35@gmail.com>, "Rich Kwesell" <rich@therichmagic.com>, "Sara & Mike Hillman" <sarajhillman@comcast.net>, "Wilson, Jim" <jswilson12@q.com>, "Martin, Sharon" <slmartin1025@comcast.net>, "Stacie & Brett Badgett" <hi\_yah@msn.com>, "Stormy & Shane Burns" <msburns@me.com>, "Yvonne Brakel & Christopher Jackson" <jsbrakel@gmail.com>  
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Bob Moyers  
rmoyerspc@gmail.com

Pam Hamamoto  
phamamoto@comcast.net

Mary Lou Porak  
mlrunts@comcast.net

November 23, 2014

RachelTeixeira at City Planning [rteixeira@springsgov.com]

High Point Gardens Architectural Control Committee

Re: Front Yard Setback Variance Request, Lot 1225 E. High Point Ln.

Dear High Point Gardens Architectural Control Committee and Rachel Teixeira,

I would like to thank the High Point Gardens ACC for keeping the neighborhood informed of the recent request for a front-yard setback variance for Lot 1225 E. High Point Ln. It is always exciting when a new home goes up in the neighborhood.

In view of the fact that the ACC committee has already made a good faith offer of 17' when asked to accommodate the lot owner's front yard setback variance request from 20' to 18', I think making an additional accommodation to 12' would be unwise, especially since all the other neighborhood homes are set back at least 20'. Therefore, I strongly oppose his second request to exceed the acceptable boundary.

Two other homeowners on E. High Point have built lovely homes on lots with much steeper drop-offs. With the 17' setback approved by the ACC still available, it seems to me that the owner of Lot 1225 has plenty of opportunity to build a beautiful home without damaging the integrity of the neighborhood.

We have all abided by the setback provision and I would hope that our new neighbor would respect those guidelines and demonstrate his good neighborliness by accepting the agreed upon accommodation of a 17' setback.

ACC, please attach our letter to your correspondence.

Thank you,

Nancy Bentley and John Atkinson

→ 1220 W. High Point Ln.

## George Hamamoto

---

**From:** Pam Hamamoto [phamamoto@comcast.net]  
**Sent:** Sunday, November 23, 2014 4:30 PM  
**To:** ghama@comcast.net  
**Subject:** FW: the neighborhood



.ot 1225 E High Pt  
Ln Varia...

-----Original Message-----

**From:** Nancy Bentley [mailto:nancybentley@q.com]  
**Sent:** Sunday, November 23, 2014 3:51 PM  
**To:** 'Pam Hamamoto'  
**Subject:** RE: the neighborhood

Hi Pam,

Here is our letter. Hope it helps.

Nancy

-----Original Message-----

**From:** Pam Hamamoto [mailto:phamamoto@comcast.net]  
**Sent:** Sunday, November 23, 2014 2:10 PM  
**To:** Nancy Bentley & John Atkinson  
**Subject:** the neighborhood

Hi Nancy and John,

Thanks a bunch for coming out today. I don't feel right sending out another email trying to explain the issues because it looks like I am trying to browbeat everyone. The ACC would really appreciate you sending your thoughts to us or RachelTeixeira at City Planning . . .  
rteixeira@springsgov.com

**Pam Hamamoto**

---

**From:** Jill Hoover [scrapqueen3@msn.com]  
**Sent:** Sunday, November 23, 2014 9:12 AM  
**To:** Mary Gilland; Pam Hamamoto  
**Cc:** Michelle & Richard Weihing; Alexis & Kurt Bunch; Allison & Marcus Gagliardi; Alyce & Dave Morgan; Angie Brunette; Ann & Sterling Campbell; W C H; Bob Moyers; Carolyn Cyr; Charlotte & Ron Stecklein; Christa & Jim Mahoney; Don DuBois; Genevieve & Leonard Buresh; Joann White; Judy & Larry Swanson; Julie & Steve Lamb; Karen & Paul Stellick; Karen Thompson; Kate Cornelius; Kathleen Brenner; Kelly & Devon Bryant; Kim & Darrel Stutzman; Lari Jean Trogani & Jim Patterson; Laura Fawcett & Adam Curry; Linda Benson; lorilu722@comcast.net; Larry and Mary; Mary Lou Porak; Mary Pat Garman; Nancy Bentley & John Atkinson; Rene & Greg Gibbs; Rich Kwesell; Sara & Mike Hillman; Sharon & Jimmie Wilson; Sharon Martin; Stacie & Brett Badgett; Stormy & Shane Burns; Yvonne Brakel & Christopher Jackson  
**Subject:** RE: Proposed new home at 1225 E High Point Lane

think I agree with Mary Gilland on this one. Jill Hoover

---

Date: Fri, 21 Nov 2014 13:13:22 -0700  
Subject: Re: Proposed new home at 1225 E High Point Lane  
From: marygilland@gmail.com  
To: phamamoto@comcast.net

CC: weihingrj@aol.com; videowrangler@gmail.com; asugargreen@yahoo.com; afmorgan53@yahoo.com; angbrunett@aol.com; campbells@usa.com; billyhoopes@yahoo.com; rmoyerspc@gmail.com; cyr10@aol.com; ronsteck3@msn.com; jimchris1@comcast.net; dl\_dubois@hotmail.com; wbhodgins@comcast.net; scrapqueen3@msn.com; jwhite1127@msn.com; swansonpeak@aol.com; jal@lamb sundries.com; paulstellick@aol.com; kthomp5709@hotmail.com; ktcorn@q.com; rbrenner1@earthlink.net; dlbryant4@yahoo.com; stutzracin@hotmail.com; judgejimweddings@yahoo.com; adam.curry@adamcurry.net; lmbenson@pcisys.net; lorilu722@comcast.net; renoux@comcast.net; mlrunts@comcast.net; mpgarman@aol.com; nancybentley@q.com; skimom35@gmail.com; rich@therichmagic.com; sarajhillman@comcast.net; jswilson12@q.com; slmartin1025@comcast.net; hi\_yah@msn.com; msburns@me.com; jsbrakel@gmail.com

1225 W HIGH PT. LN.

All, I think that we don't really have to worry about the "precedent" since almost all of the lots are built on. I think it would be an improvement to the neighborhood, and those two lots have been sitting up there for sale for a very long time.

Just my opinion.

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Colorado Springs, CO 80903  
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Cell) (719) 291-1053

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Pam Hamamoto  
[pamamoto@comcast.net](mailto:pamamoto@comcast.net)

Mary Lou Porak  
[mlrunts@comcast.net](mailto:mlrunts@comcast.net)

**Pam Hamamoto**

---

**From:** landm1221@gmail.com on behalf of Larry/Mary Renoux [Renoux@comcast.net]  
**Sent:** Sunday, November 23, 2014 4:08 PM  
**To:** phamamoto@comcast.net; rmoyerspc@gmail.com; mlrunts@comcast.net  
**Subject:** Setback variance at 1225 E. Highpoint Lane

1221 W HIGH PT. L.

Bob Moyers, Pam Hamamoto, and Mary Lou Porak --

We appreciate the research and thought the Architectural Control Committee has given the request for a setback variance at 1225 East High Point Lane. We whole-heartedly support your recommendations to City Planning.

We homeowners have elected you committee members to represent us in matters such as this; please feel free to forward or otherwise use this message in any manner you feel helpful.

-- Larry L. and Doris M. Renoux (1221 W. High Point Lane)

~~~~~  
*Experience is what you get when you don't get what you want.*  
~~~~~

**Pam Hamamoto**

---

**From:** Carolyn [cyr10@aol.com]  
**Sent:** Tuesday, November 25, 2014 10:36 AM  
**To:** phamamoto@comcast.net  
**Subject:** Re: follow-up on Sunday's meeting

1228 W HIGH PT. LN.

Thanks, Pam and again we feel that the set back should not be changed from the 17 ft. requirement. The 12 ft. request would not be a positive change for the neighborhood.  
Al and Carolyn

-----Original Message-----

**From:** Pam Hamamoto <phamamoto@comcast.net>  
**To:** Carolyn & Al Cyr <cyr10@aol.com>; Christa & Jim Mahoney <jimchris1@comcast.net>  
**Sent:** Mon, Nov 24, 2014 8:11 pm  
**Subject:** follow-up on Sunday's meeting

Hi Al and Jim,

I said that I would send you the info on the City Planning contact; Rachel Teixeira [rteixeira@springsgov.com](mailto:rteixeira@springsgov.com) 385-5368.

Your choice, send your statement to her or to one of us on the Architectural Control Committee. I have attached Nancy and John's message below.

Thanks for attending the meeting, Pam

November 23, 2014

RachelTeixeira at City Planning [[rteixeira@springsgov.com](mailto:rteixeira@springsgov.com)]

High Point Gardens Architectural Control Committee

Re: Front Yard Setback Variance Request, Lot 1225 E. High Point Ln.

Dear High Point Gardens Architectural Control Committee and Rachel Teixeira,

I would like to thank the High Point Gardens ACC for keeping the neighborhood informed of the recent request for a front-yard setback variance for Lot 1225 E. High Point Ln. It is always exciting when a new home goes up in the neighborhood.

In view of the fact that the ACC committee has already made a good faith offer of 17' when asked to accommodate the lot owner's front yard setback variance request from 20' to 18', I think making an additional accommodation to 12' would be unwise, especially since all the other neighborhood homes are set back at least 20'. Therefore, I strongly oppose his second request to exceed the acceptable boundary.

Two other homeowners on E. High Point have built lovely homes on lots with much steeper drop-offs. With the 17' setback approved by the ACC still available, it seems to me that the owner of Lot 1225 has plenty of opportunity to build a beautiful home without damaging the integrity of the neighborhood.

We have all abided by the setback provision and I would hope that our new neighbor would respect those guidelines and demonstrate his good neighborliness by accepting the agreed upon accommodation of a 17' setback.

11/25/14

**FIGURE 7**

ACC, please attach our letter to your correspondence.

Thank you,

Nancy Bentley and John Atkinson

1220 W. High Point Ln.



<b>Reviewing Planner:</b> Rachel Teixeira (719) 385-5368 rteixeira@springsgov.com	<b>Plans can be reviewed at:</b> 30 S. Nevada, Suite 105 Colorado Springs, CO 719-385-5905	<b>Hours of Operation:</b> Monday – Friday 8am-5pm
--	---	---

**INTERNAL REVIEW PUBLIC NOTICE – MODIFIED SETBACK REQUEST**

The City of Colorado Springs, Land Use Review Division has received a request by Ronald Salvaggione on behalf of River City Land Company Inc. C/O Jeff Carey for consideration of the following development application:

**FILE NO.: AR NV 14-00691** – A nonuse variance to the following section of City Code:

- Section 7.3.104 – Front Yard Setback - To allow a 10 ft. front yard setback (distance from the property line to the closest point of the residential structure) where 25 ft. is required.

The project is to construct a single family residence. The subject property is zoned R-1 9000/HS (Single Family Residential with Hillside Overlay), consists of 0.26 acre and is located at 1225 E. High Point Lane.

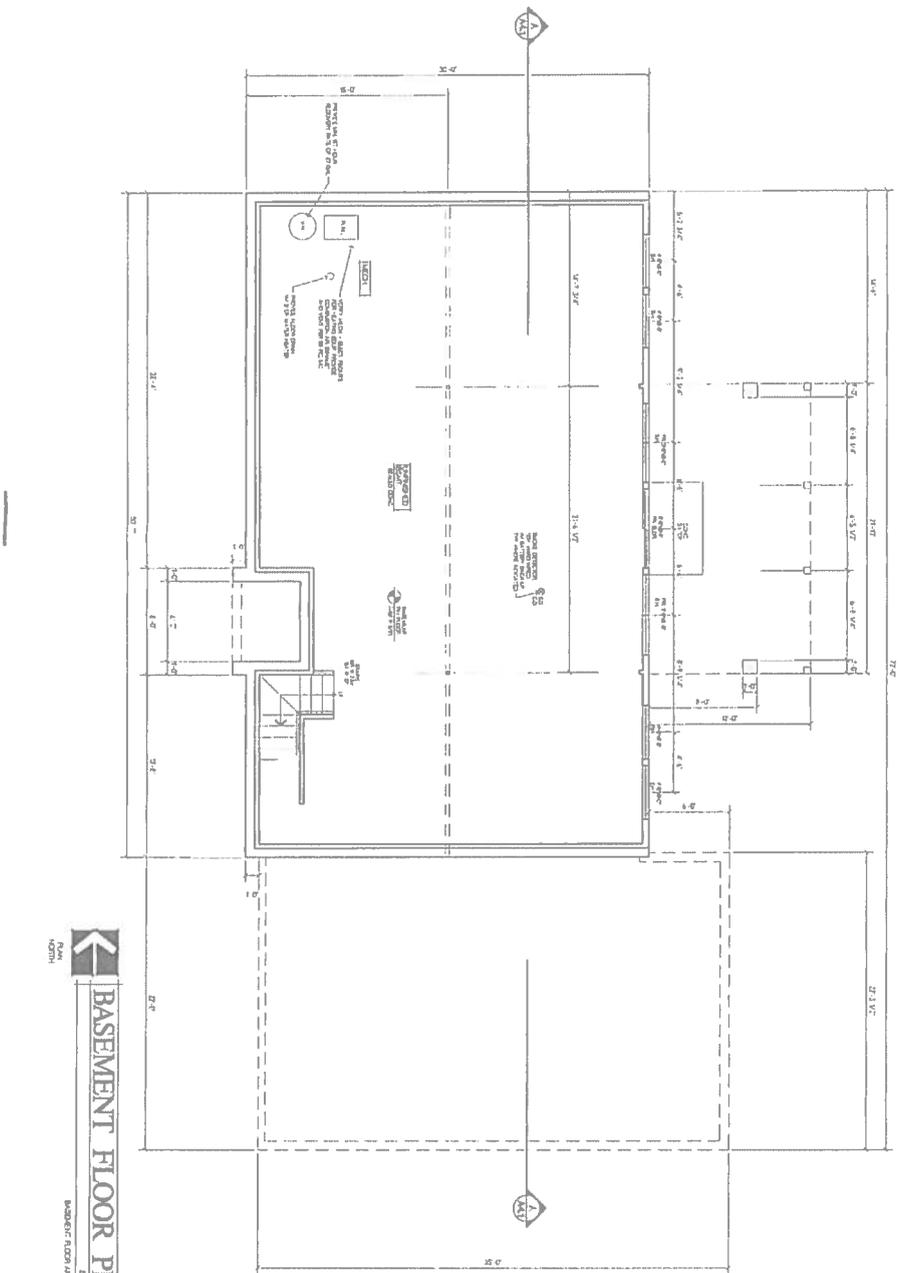
If you would like to review the plans for this project bring this postcard to the address listed above. **If you wish to provide comments regarding this application you may do so until, Friday , April 3, 2015.** All comments received are public record and will be made available to the applicant. If you have questions contact the planner listed above.

To view this application and related documents, please visit [www.springsgov.com](http://www.springsgov.com), please select "Land Use Review" from the Departments drop down list, and click on "LDRS-Plan Search." Type the entire file number, **AR NV 14-00691**, within the "Enter the File Number" field and click on the "Run Query" button. You can view PDF documents by clicking on the links that appear on the left-hand side of the resulting page. Please contact Rachel Teixeira at 719-385-5368 for assistance viewing this application.





15 sheet Drawing shall be Geoplot and Geoplotting Along with it. 2015



NOTE:  
 1. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.  
 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.  
 6. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.  
 7. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.  
 8. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.  
 9. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.  
 10. ALL DIMENSIONS SHALL BE TO CENTER UNLESS OTHERWISE NOTED.

**BASEMENT FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"  
 NORTH

Sheet No. **A12**  
 OF

DATE: 03/18/2015  
 DRAWN BY:  
 CHECKED BY:  
 SCALE: AS NOTED  
 JOB NO. AS NOTED

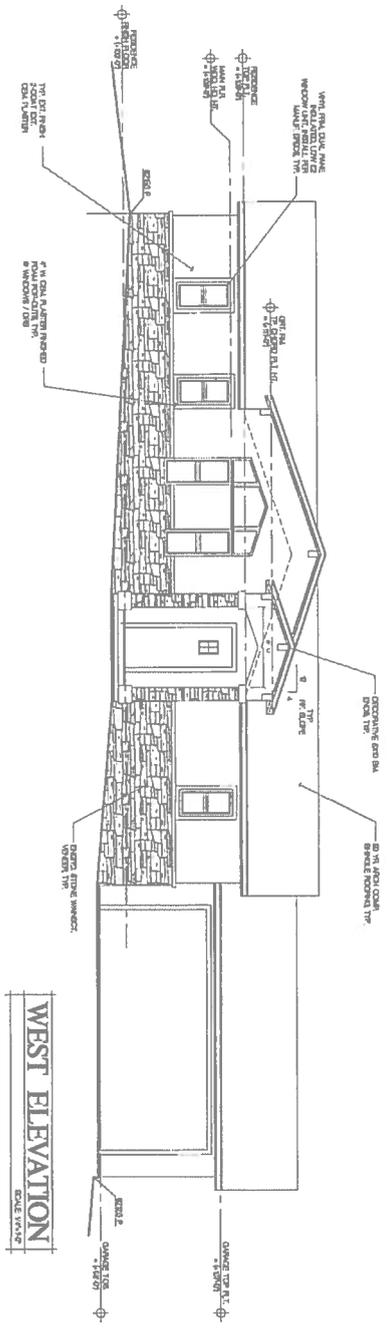
Drawing Status:  
 CD SET  
 PRELIMINARY  
 NOT FOR CONSTRUCTION

**RON SALVAGNONE**  
 A PROPOSED RESIDENCE FOR

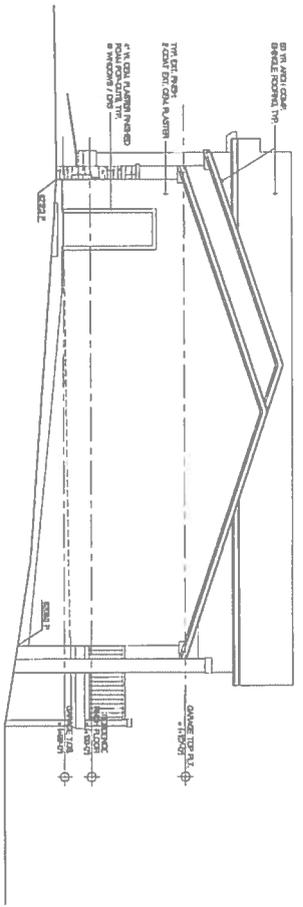
Copyright © 2015  
 ALL RIGHTS RESERVED  
 2000 Central Expressway  
 Suite 100  
 San Jose, CA 95131  
 (415) 352-8411  
 Ron Salvagnone  
 Architect  
 CA License No. C-22184

**FIGURE 8**

Professional Seal  
 State of CA  
 License No. 12345



**WEST ELEVATION**  
 SCALE 1/8" = 1'-0"



**SOUTH ELEVATION**  
 SCALE 1/8" = 1'-0"

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 BOCHNER  
 500 Quince Orchard Road  
 Gaithersburg, MD 20878  
 Phone: 301.251.1300  
 Fax: 301.251.1301  
 www.bochner.com

Architect: BOCHNER  
 500 Quince Orchard Road  
 Gaithersburg, MD 20878  
 Phone: 301.251.1300  
 Fax: 301.251.1301  
 www.bochner.com

**RON  
 SAL VAGNONE**  
 A PROPOSED  
 RESIDENCE  
 FOR

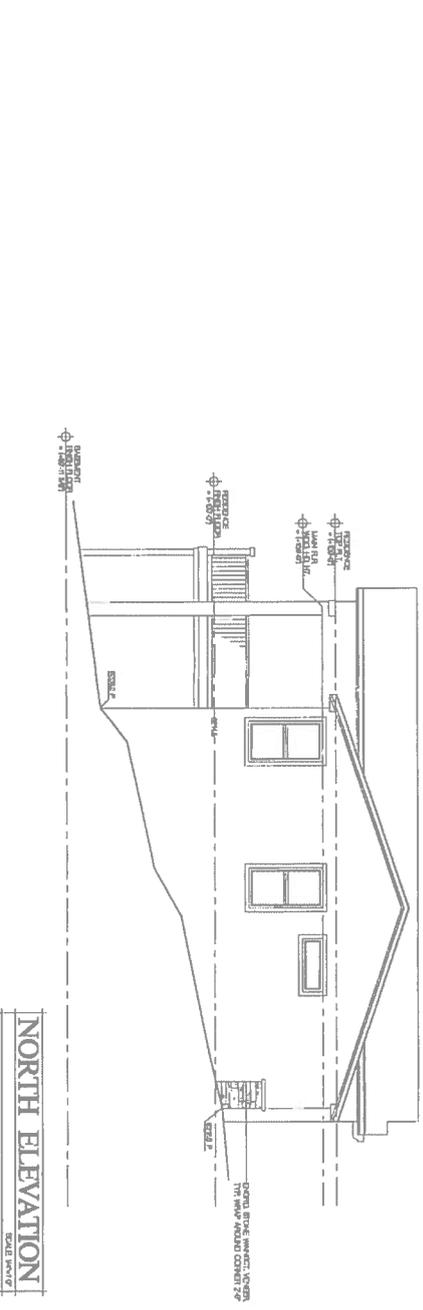
SEE SHEET FOR PORT LANE  
 COLONIAL MANSION AND  
 SHEET FOR  
**EXTERIOR  
 ELEVATIONS**

Drawing Status:

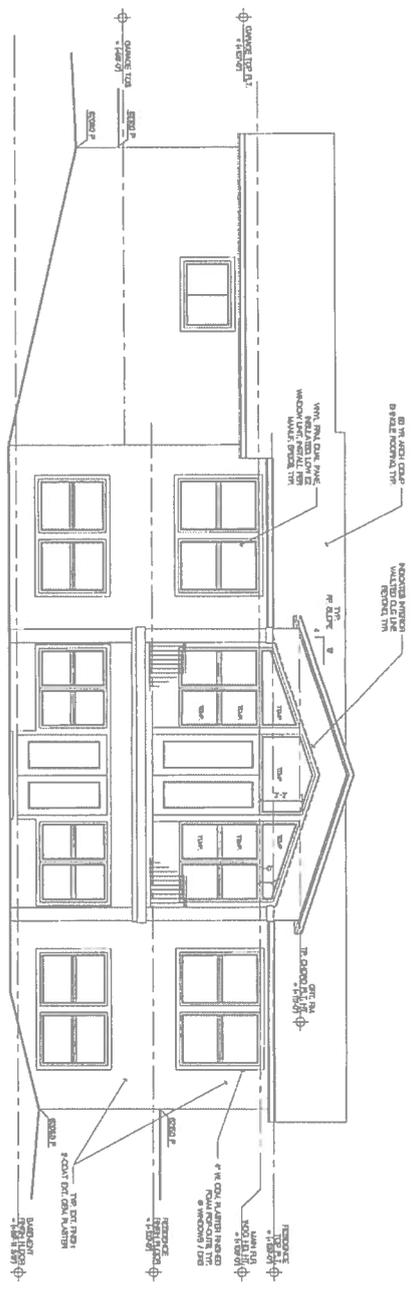
CD SET	PRELIMINARY
DATE	02/18/2015
DESIGNED BY	JAV
CHECKED BY	JAV
SCALE	AS NOTED
JOB NO.	

Sheet No.:  
**A2.1**  
 of

**FIGURE 8**



**NORTH ELEVATION**  
 SCALE: 1/4"=1'-0"



**EAST ELEVATION**  
 SCALE: 1/4"=1'-0"

Sheet No. **A2.2**  
 of

Checked By: **AS NOTED**

Drawn By: **AS NOTED**

Date: **03/16/2015**

Job No. **15010**

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	03/16/2015
2	ISSUED FOR CONSTRUCTION	03/16/2015
3	ISSUED FOR CD SET	03/16/2015

Drawing Status:  
**CD SET**  
**PRELIMINARY**  
 NOT FOR CONSTRUCTION

Scale:  
 1/4" = 1'-0"

1/8" = 1'-0"

**RON SALVAGNONE**

**A PROPOSED RESIDENCE FOR**

**RON SALVAGNONE**

3000 Granddunes Road  
 San Diego, CA 92108  
 Phone: 619.451.1111  
 Fax: 619.451.1112  
 Email: ron@salvagnone.com

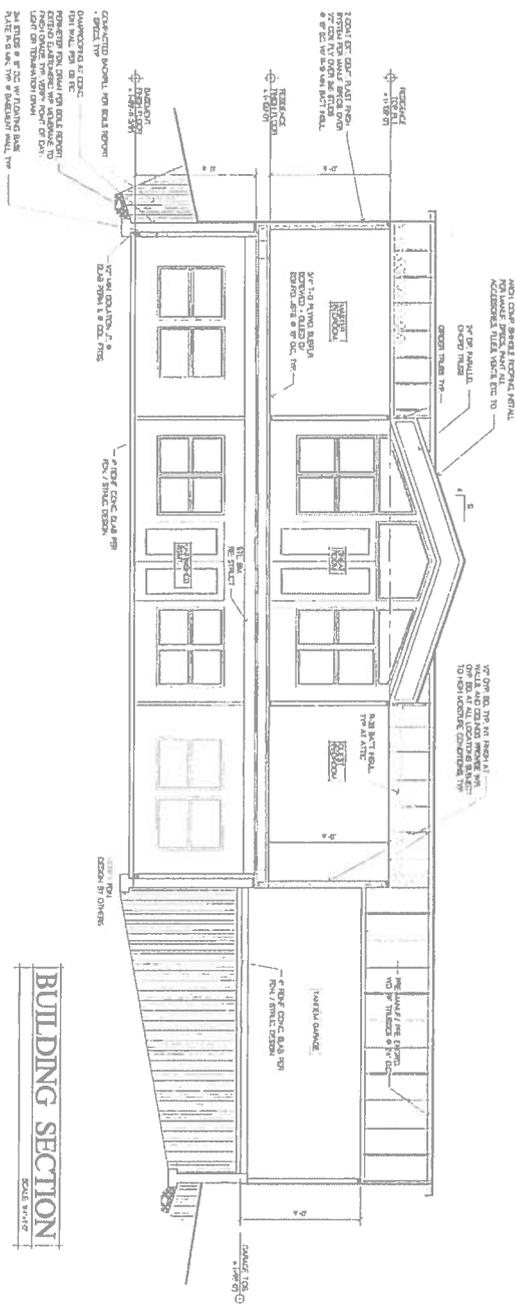
**ROCHER**

3000 Granddunes Road  
 San Diego, CA 92108  
 Phone: 619.451.1111  
 Fax: 619.451.1112  
 Email: ron@salvagnone.com

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**FIGURE 8**





**BUILDING SECTION**  
 SCALE: 3/16" = 1'-0"

Sheet No. **A41**  
 OR

CD SET  
 PRELIMINARY  
 NOT FOR CONSTRUCTION

Revised:	By:	Date:

Drawn by: **DMK**  
 Date: **02/18/2015**

Checked by: **AS NOTED**

Scale: **AS NOTED**

Job No. **15-00000000**

Project: **RON SALVAGNONE**

Client: **RON SALVAGNONE**

Address: **200 Grandview Road, Suite 200, San Diego, CA 92117**

Phone: **619-594-8111**

Fax: **619-594-8111**

Web: **www.cpc.com**

Architect: **CPC ARCHITECTS**

1500 La Jolla Village Drive, Suite 200, San Diego, CA 92161

Phone: **619-594-8111**

Fax: **619-594-8111**

Web: **www.cpc.com**

Architect: **CPC ARCHITECTS**

1500 La Jolla Village Drive, Suite 200, San Diego, CA 92161

Phone: **619-594-8111**

Fax: **619-594-8111**

Web: **www.cpc.com**

**FIGURE 8**

15.1 (Rev. 02-06-09) © Copyright The McGraw-Hill Companies  
 March 6, 2010 03:00



← PLAN NORTH  
**FLOOR FRAMING LAYOUT**  
 SCALE: 3/8" = 1'-0"

**FLOOR / DESIGN LOADS:**  
 LL = \_\_\_ PSF  
 DL = \_\_\_ PSF  
 TL = \_\_\_ PSF

**DECK / DESIGN LOADS:**  
 LL = \_\_\_ PSF  
 DL = \_\_\_ PSF  
 TL = \_\_\_ PSF

**FRAMING NOTES:**  
 ALL DIMENSIONS UNLESS OTHERWISE NOTED.  
 EXISTING BEAMS SHALL BE 2x4 AT 16" OC UNLESS NOTED OTHERWISE.  
 ALL NEW BEAMS SHALL BE 2x4 AT 16" OC UNLESS NOTED OTHERWISE.  
 JOIST SPACING SHALL BE 16" OC UNLESS NOTED OTHERWISE.

**HEADERS:**  
 ALL HEADERS SHALL BE 2x4 AT 16" OC UNLESS NOTED OTHERWISE.  
 ALL HEADERS SHALL BE 2x4 AT 16" OC UNLESS NOTED OTHERWISE.

**HANGERS:**  
 ALL HANGERS SHALL BE 2x4 AT 16" OC UNLESS NOTED OTHERWISE.  
 ALL HANGERS SHALL BE 2x4 AT 16" OC UNLESS NOTED OTHERWISE.

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 for  
**A PROPOSED RESIDENCE**  
 for  
**RON SALVAGNONE**

2015 NORTH FLOOR LAYOUT  
 SHEET TITLE:  
 FLOOR FRAMING LAYOUT  
 PRELIMINARY  
 NOT FOR CONSTRUCTION

DATE: 03/16/2015  
 DRAWN BY:  
 CHECKED BY:  
 SCALE: AS NOTED  
 JOB NO.:

Sheet No. **A51** of 5

THE McGRAW-HILL COMPANIES  
 CONSTRUCTION INFORMATION  
 1221 AVENUE OF THE AMERICANS  
 NEW YORK, NY 10020-1095  
 (212) 512-2000  
 WWW.MCGRAW-HILL.COM

**FIGURE 8**



PLANNING & DEVELOPMENT DEPARTMENT



April 3, 2015

Ron Salvaggione  
405 Windchime Place  
Colorado Springs, CO 80919

Re: File #AR NV 14-00691 (1225 E. High Point Lane)

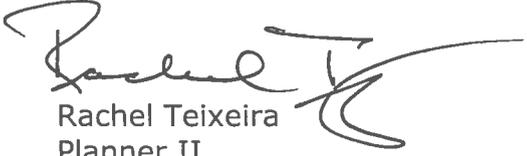
Dear Mr. Salvaggione,

City Planning staff forwarded the revised nonuse variance site plans and elevations with the new proposed ten (10) ft. front yard setback request to the adjacent property owners within a 150 ft. buffer notification. Correspondence in opposition was received via e-mail from many property owners on E. High Point Lane.

It is recommended that a meeting be held to show these neighbors on the attached list as well as those neighbors who responded via e-mail. In addition, the property should be staked with the property line boundary and the location of the residential building structure.

Please contact me at 385-5368 if you have any questions. Thank you.

Sincerely,



Rachel Teixeira  
Planner II

cc: AR NV 14-00691 (1225 E. High Point Lane)

enclosures

LAND USE REVIEW DIVISION

30 S. Nevada Ave., Suite 105 • Tel: 719-385-5905 • Fax: 719-385-5167  
Mailing Address: P.O. Box 1575, Mail Code 155 • Colorado Springs, CO 80901-1575

**FIGURE 9**

AR NV 14-00691

Number of Postcards 10  
 Cost \$6.00

Property Owner	Address	City, State, Zip
+ CAMPBELL STERLING CAMPBELL ANN R	1224 E HIGH POINT LN	COLORADO SPRINGS, CO 80904
+ GARMAN MARY P	1230 E HIGH POINT LN	COLORADO SPRINGS, CO 80904
+ HAMAMOTO GEORGE J & PAMELA K	1217 E HIGH POINT LN	COLORADO SPRINGS, CO 80904
+ HILLMAN MICHAEL H HILLMAN SARA J	1231 E HIGH POINT LN	COLORADO SPRINGS, CO 80904
+ MAHONEY ARTHUR J & CHRISTA T	1218 E HIGH POINT LN	COLORADO SPRINGS, CO 80904
+ MORGAN DAVID W MORGAN ALYCE F	235 WHEELER ST S	SAINT PAUL, MN 55105
+ PORAK MARY L	1233 TERRACE RD	COLORADO SPRINGS, CO 80904
+ RIVER CITY LAND COMPANY INC C/O JEFF CAREY	<del>562 HEBURN ST</del>	<del>WILLIAMSPORT, PA 17701</del>
+ STUTZMAN DARREL R STUTZMAN KIMBERLY A	1221 E HIGH POINT LN	COLORADO SPRINGS, CO 80904
+ THOMPSON KAREN S	1157 TERRACE RD	COLORADO SPRINGS, CO 80904
+ MOYERS ROBERT M	1202 W. HIGH POINT LANE	1229 E. HIGH POINT LANE
SALVAGGIONE RONALD	465 WINDCHIME PL	C.S., CO 80919

FIGURE 9

## Teixeira, Rachel

---

**From:** darrel@bestwaydisposal.com  
**Sent:** Thursday, April 02, 2015 9:01 AM  
**To:** Teixeira, Rachel  
**Subject:** Re: front lot setback variance request for 1225 E High Point Lane

Dear Rachel, This is Darrel Stutzman I live at 1221 e high point ln , I said I would agree to a 17 ft set back not ten I could live with a 15 ft but not no more. My house is 28 ft back and it would block my view to the west so that is where I stand. Thanks any ? call me at 660-7711 Darrel

**From:** Pam  
**Sent:** Wednesday, April 01, 2015 9:45 AM  
**To:** darrel@bestwaydisposal.com  
**Subject:** FW: front lot setback variance request for 1225 E High Point Lane

---

**From:** Pam [<mailto:phamamoto@comcast.net>]  
**Sent:** Tuesday, March 31, 2015 7:55 PM  
**To:** Kim, Darrel Stutzman ([stutzracin@hotmail.com](mailto:stutzracin@hotmail.com))  
**Subject:** front lot setback variance request for 1225 E High Point Lane

Hi Kim and Darrel,

Please consider sending an email to the City Planner, Rachel, or give me a hand written note to deliver Thursday when I have a meeting with her. [rteixeira@springsgov.com](mailto:rteixeira@springsgov.com) The email needs to be in by Thursday at 5 pm since Friday is Good Friday (the deadline she gave us). If you send an email please Cc me so that we have a record and can keep the Planner honest.

Here is the history so far - Last fall Ron, the new owner, requested an 18' front lot setback variance ( that he then changed to 12') where 20' is required. The Architectural Control Committee agreed to a 17' front lot setback since that is the closest setback in the neighborhood, excluding cul-de-sacs and corner lots. The Planner kept it unresolved for months. Now he has a new home plan and is requesting a 10' variance on the front lot setback.

Using the 17' front lot setback, the home lower level will daylight on the back with dirt above the finished floor level. His hill is not as steep as the one Linda, the Bunchs and I have. That is why the Committee feels 17' is fair.

The new home plan has a double deep garage facing your lot with a door near the front. I think the farther back the house is the less the impact on you.

Call me if you have questions, thanks, Pam

## Teixeira, Rachel

---

**From:** dwmorgan03@gmail.com  
**Sent:** Tuesday, March 31, 2015 7:25 AM  
**To:** Teixeira, Rachel  
**Cc:** Alyce Morgan  
**Subject:** File No: AR NV 14-00691

Ms Teixeira,

We live at 1229 E High Point Lane directly North of the property with this requested setback. We have 2 concerns.

1. We did not receive the Internal Review Public Notice. Please ensure we are included on future notices.
2. The 10 ft. setback request is only 40% of the 25 ft. requirement and is significantly less than any setback in the neighborhood. This seems excessive and will not keep the character of the neighborhood. Additionally, the requested setback will impact the visibility along the road in the neighborhood.

Please let us know you received our concern with this setback variance by replying to this email or calling me at the number below. Thank you,

Dave Morgan  
719.330.3334

## Teixeira, Rachel

---

**From:** jswilson12@q.com  
**Sent:** Thursday, April 02, 2015 11:01 AM  
**To:** Teixeira, Rachel  
**Cc:** Pam Hamamoto  
**Subject:** 1225 E. High Point Lane setback request

Dear Rachel Teixeira,

I'm writing in reference to the modified setback request filed by Ronald Salvaggione for the property located at 1225 E. High Point Lane ,Colorado Springs, Colo. 80904. My name is Jimmie D. Wilson and I own the property located at 1201 W. High Point Lane.

I am writing to oppose the granting of a 10 ft. setback variance for the property located at 1225 E. High Point Lane, as all properties in our community have at least a 17 to 20 ft setback and many are much steeper lots than the lot in question. We would like to keep all the property setbacks uniform and in agreement with our community covenants.

Thank you for your consideration,

Jimmie D. Wilson  
1201 W. High Point Lane  
Colorado Springs, Co. 80904  
719-633-3225

## Teixeira, Rachel

---

**From:** Linda Benson <lmbenson3121@outlook.com>  
**Sent:** Thursday, April 02, 2015 9:30 AM  
**To:** Teixeira, Rachel  
**Cc:** ghama@comcast.net  
**Subject:** Variance Request for 1225 E. High Point Lane

Dear Rachel,

My name is Linda Benson and I reside at 1213 East High Point Lane. I understand that a 10' variance for the front setback has been requested for the above mentioned lot. I am opposed to this request. Our neighborhood is a well-established one and I feel the granting of the variance would have a detrimental effect. We have no sidewalks and ours is narrow two-way street. To build a house so close to the street is not in keeping with what is already here. The size of the lot in question is more than adequate to build a home and still follow the zoning regulations for setback distances.

Thank you for your time and attention.

Respectfully,

Linda M. Benson

Sent from Windows Mail

## Teixeira, Rachel

---

**From:** Mary Pat <mpgarman@aol.com>  
**Sent:** Friday, April 03, 2015 12:25 PM  
**To:** Teixeira, Rachel  
**Subject:** File #AR NV 14-00691

I live across from this lot...in a house that is shaped like a pie wedge...built in this shape to conform to the shape of the lot while obeying all setbacks. If a precedent is set by this variance, any or all of us could add on to our houses to a 10 foot rather than 25 foot setback. That would seriously impact the neighborhood.

Therefore, I am opposed to this variance. Either the house fits within the lot as is, or a new plan is required. The other 40 or so houses in this neighborhood complied, why is this exception being considered?

Sincerely,

Mary Pat Garman

Sent from my iPad

## Teixeira, Rachel

---

**From:** Mike Hillman <mhillman@aol.com>  
**Sent:** Thursday, April 02, 2015 11:08 AM  
**To:** Teixeira, Rachel; phamamoto@comcast.net  
**Subject:** lot front setback requested at 1225 East High Point Lane

Ms.Teixeira,

Just a quick note to recommend disapproval of the 10 foot lot front setback requested at 1225 East High Point Lane. 10 feet is significantly closer than any other house on the street and is certainly not in keeping with the general look of East High Point. I back the Architectural Control Committee's recommendation of 17 feet, matching the lot next door at 1229 East High Point Lane.

Mike Hillman  
1231 East High Point Lane

## Teixeira, Rachel

---

**From:** Nancy Bentley <nancybentley@q.com>  
**Sent:** Wednesday, April 01, 2015 8:52 PM  
**To:** Teixeira, Rachel  
**Cc:** 'Pam'  
**Subject:** Front Yard Setback Variance Request, Lot 1225 E. High Point Ln.

April 1, 2015

Rachel Teixeira at City Planning [rteixeira@springsgov.com]

Cc: High Point Gardens Architectural Control Committee

Re: Front Yard Setback Variance Request, Lot 1225 E. High Point Ln.

Dear Ms. Rachel Teixeira,

This is in response to your request for additional neighbor input regarding the request for a setback variance for Lot 1225 E. High Point Ln.

The High Point Gardens ACC committee made a good faith offer of 17' when it was initially asked to accommodate the lot owner's front yard setback variance request from 20' to 18'. Now I understand the request is for a variance to 10'. It seems as though each time a request is made, a greater accommodation is asked for. This is quite disappointing.

Two other homeowners on E. High Point have built lovely homes on lots with much steeper drop-offs. With the 17' setback approved by the ACC still available, the owner of Lot 1225 has plenty of opportunity to build a beautiful home without damaging the integrity of the neighborhood.

As someone who has lived in this neighborhood for over forty years, I think making an accommodation to 10' would be intrusive and unsightly, and we object to such an accommodation.

We have all abided by the setback provision and I would hope that our new neighbor would respect those guidelines and demonstrate his good neighborliness by accepting the agreed upon accommodation of a 17' setback.

Thank you,

Nancy Bentley and John Atkinson

1220 W. High Point Ln.

## Teixeira, Rachel

---

**From:** Pam <phamamoto@comcast.net>  
**Sent:** Thursday, April 02, 2015 1:54 PM  
**To:** Teixeira, Rachel  
**Cc:** ghama@comcast.net; Robert Moyers; Mary Lou Porak  
**Subject:** 1225 E High Point Lane Variance request

Dear Rachel,

We live 2 doors from the lot in question. More than 40 homes in our neighborhood that are not on cul-de-sacs or corners are built at the 20' front lot setback that is set in the plat of High Point Gardens, with just one that is at a 17' front lot setback. I took measurements on the lot using the 17' front lot setback that the Architectural Control Committee has suggested. With a home 30' front to back, the lower level daylighting in back with the finished floor level being at existing grade or deeper. That would mean that little additional foundation work would be required compared to many of the homes in the neighborhood, including ours.

A 10' front lot setback would push the structure so far forward compared to the rest of the surrounding homes that it would feel more like downtown New York. We have no sidewalks and the pavement is about 18' wide, so getting closer to the road is more extreme in this setting than it would be in a neighborhood with sidewalks and a larger street pavement.

I believe that a good home can be built on this site with minimal impact on the hillside and a 17' front lot setback to be in harmony with the feel of the existing neighborhood.

Please refer the applicant back to the neighborhood/Architectural Control Committee that must approve the building plans per the active Covenants.

Thanks, Pam and George Hamamoto

## Teixeira, Rachel

---

**From:** Robert Moyers <rmoyerspc@gmail.com>  
**Sent:** Tuesday, March 31, 2015 1:07 PM  
**To:** Teixeira, Rachel  
**Subject:** File No R NV 14-00691 --Salvaggione

Dear Ms. Teixeira,

I live in the High Point Gardens Subdivision, where no home currently has a set back less than 17 feet. Mr. Salvaggione was offered a set back of 17 feet by the homeowners' association, demanded 12, and is now requesting 10. Other lots in the subdivision have significantly more hillside issues than Mr. Salvaggione's lot, and the owners managed to find solutions.

The subdivision's recorded covenants -- which Mr. Salvaggione received many months ago --have several requirements which an owner must meet before building. The house plans Mr. Salvaggione submitted to you do not comply with the High Point Gardens subdivision square footage requirements, nor have they been submitted to the Architectural Control Committee for final approval--another requirement of the covenants. Unless and until Mr. Salvaggione submits a final, definitive set of plans to the Architectural Control Committee compliant with the square footage requirements for homes in the subdivision, whether or not he actually needs a setback is entirely speculation.

I would request your office take no action on Mr. Salvaggione's request until such time as he can supply you with a letter from our Architectural Control Committee that his house plans conform to the recorded covenants. When everyone is certain what he actually intends to build, then the hillside ordinance issue can be addressed with certainty. Right now it's anybody's guess what he actually intends to build on the lot and whether he needs a setback at all.

Thank you,

Robert Moyers  
1202 West High Point Lane  
Colorado Springs, CO 80904  
(719) 229-9306

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# NEW BUSINESS CALENDAR

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## CITY PLANNING COMMISSION AGENDA

### ITEM NO: 6

STAFF: MARC SMITH

### LEGISLATIVE

**PROJECT: AMENDMENTS TO THE PROCEDURES OF THE CITY PLANNING COMMISSION**

**PROJECT SUMMARY:** This item includes amendments and revisions to the “Procedures of the City Planning Commission”. Section 7.6.105 of the Code of the City of Colorado Springs (2001) as amended (“City Code”), allows the Planning Commission to “adopt rules of procedure necessary for the conduct of public hearings . . .” The last major revisions to the Planning Commission’s procedures occurred prior to the recodification of the City Code in 2001. The purpose of these proposed amendments is to provide consistency in the hearing procedures between the Planning Commission and the City Council. The proposed rules are attached (**FIGURE 1**) along with a redline version (**FIGURE 2**).

**BACKGROUND:** The “Procedures of the City Planning Commission” provide the City Planning Commission with procedures for conducting its general business and public hearings. During late 2013, the City Planning Commission requested the assistance of the City Attorney’s Office and the City Planning and Development Department staff to revise their procedures. The intent was to clarify the appeal hearing process, closely reflect the City Council’s newly adopted rules of procedure, and move the Commission’s official meeting location for formal meetings to the City Council Chambers located at City Hall. Amending the Commission’s procedures provides for a more efficient and consistent hearing process. The City Planning Commission endorsed the changes to their formal procedures during their February 20, 2014 meeting. Due to a variety of administrative priorities, the attached rules were inadvertently never forwarded to City Council for approval as required by City Code Section 1.2.903. Due to the delay between the initial approval of the proposed rules of procedure and any Council action, the purpose of this item is to confirm the City Planning Commission’s approval of the proposed rules that were informally adopted in 2014. The only change in these proposed amendments compared to the 2014 version is a slight wording variation contained in Rule 9 (E)(5) and (6). The new wording more closely follows the City Council rule regarding appeals from City Planning Commission and eliminates confusion.

**STAKEHOLDER PROCESS AND INVOLVEMENT:** The proposed revisions to the Procedures were advertised in the City Planning Commission agenda as required by City Code. There were no comments received from City agencies or persons in attendance during the February 20, 2014 meeting.

### **ALTERNATIVES:**

1. Approve the attached Procedures of the City Planning Commission;
2. Modify and approve the attached Procedures of the City Planning Commission;
3. Disapprove the attached Procedures of the City Planning Commission.

### **STAFF RECOMMENDATION:**

#### **Item No: 6 AMENDMENTS TO THE PROCEDURES OF THE CITY PLANNING COMMISSION**

**Approve** the proposed amendments to the “Procedures of the City Planning Commission”, based upon the finding that the amendments as proposed comply with City Code Section 1.2.903.

## PROCEDURES OF THE CITY PLANNING COMMISSION

**PURPOSE:** It is the purpose of these Procedures to establish a guide for the operation of the City Planning Commission ("Commission").

Article IX of the City Charter provides for the creation of Boards and Commissions. It states:

9-10. Boards and Commissions:

- A. In addition to those boards and commissions existing at the time of this Charter, the Council may create any boards and commissions, including advisory and appeal boards. All boards and commissions shall be created by ordinance, which shall prescribe the powers and duties delegated by Council. Initial appointments by the Council to any board or commission shall specify the term of office of each member in order to achieve overlapping terms. All members shall be subject to removal by the Council. Council shall also make appointment to fill vacancies for unexpired terms. Each board and commission shall elect its own chairman and vice-chairman from among its members. Each board and commission shall operate in accordance with its own rules of procedure, except as otherwise directed by Council. (1977)
- B. The Council may increase, reduce, or change any or all of the powers, duties, and procedures of any boards or commissions existing at the time of this Charter, or created by ordinances thereafter. (1977)
- C. Any board or commission existing at the time of this Charter or created under this provision which is not required by this Charter or law may be abolished by Council. (1977)

**CITY CODE:** Chapter 7, Article 6, Part 1 of the City Code creates and establishes the Commission and provides as follows:

7-6-101: COMMISSION CREATED; MEMBERSHIP: There is hereby created a Planning Commission for the City, to be composed of nine (9) regular members to be appointed by the City Council. Two (2) of said regular members may reside outside of, but within three (3) miles of the corporate limits of the City. Appointments to the Commission shall be made in such manner as to achieve staggered three (3) year terms. Vacancies shall be filled by appointment for the unexpired term only. Members of the Commission shall serve without compensation for their service.

7-6-102: MEETINGS; ORGANIZATION: The members of the Planning Commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their number as chair and one as vice chair, each of whom shall serve one year and until their successors have been selected.

Special meetings may be called at any time by the chair or in his absence by the vice chair or by any other member so designated by the chair. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission shall cause a proper record to be kept of its proceedings.

7-6-103: FUNCTION: It shall be the function of the Planning Commission to encourage, coordinate and unify planning of the urban metropolitan area centering on the City. For these purposes, it may engage in cooperative and joint planning programs with the planning agencies, officials and representatives of other governmental units and with private agencies and organizations.

7-6-104: ADVICE, CONSULTATION AND HELP: The Commission may call upon any officer or employee of the City for any services, advice or consultation that it may desire and may with approval of the City Council such clerical or specialized help as

may be necessary to effectuate its purposes; provided, however, that appropriation for the expenses thereof has first been made by the City Council."

- 7-6-105: **RULES AND REGULATIONS:** The Planning Commission may adopt rules of procedure necessary for the conduct of public hearings in accord with section 1.2.903 of this Code. The official copy of the rules and regulations shall be available for inspection at the department.

**PROCEDURES:**

1. **Annual Meeting:** The Annual Meeting of the Commission shall be in June of each year or at such time that City Council has made the annual appointments to the Planning Commission. At the Annual Meeting, a chair and vice chair shall be elected. A majority vote of the entire Commission (five [5] members) shall be required for the election of the chair and the election of the vice chair. In the event there are more than two (2) candidates for an office and no individual receives a majority vote (five [5] members), the candidate receiving the least number of votes in each ballot shall withdraw until one (1) candidate receives a majority of five (5) votes.
2. **Absence of Chair and Vice Chair:** In case of absence of both the chair and vice chair, the members of the Commission, so long as a quorum is present, shall elect by a majority vote of those present a temporary Chairman to act until the chair or vice chair appears.
3. **Vacancy:** Vacancy in the office of the chair shall be filled automatically by the vice chair and a new vice chair shall be elected at the next regular meeting of the Commission as provided in Rule 1. A vacancy in the office of vice chair shall be filled at the next regular meeting of the Commission in accord with Rule 1 above. The chair or vice chair so elected shall serve until the next annual meeting.
4. **Appeals from Decision of the Chair:** The chair shall preside at all meetings of the Commission and shall preserve decorum and decide all questions of order, subject to appeal to the Commission.

If a member violates the Procedures of the Commission, the chair shall call the member to order, in which case the member shall be silent, unless permitted to explain.

5. **Manager of Development Services/Comprehensive Planning:** The Manager of Community Development ("Manager") or the Manager's representative shall keep all records of the Commission and transmit all appropriate records to the City Clerk to become a part of the official City record. The Manager, subject to the direction of the Commission, shall prepare all correspondence of the Commission; receive and file all matters referred to the Commission; send out all notices required by law; prepare and keep agendas, files and minutes of the Commission's proceedings; retain in the records the original papers acted upon by the Commission; and keep all records, files and minutes required by the Commission. The Manager, with the chair and staff assistance, is responsible for an orientation program provided to new Commission members.

If an applicant or the Manager or the Manager's representative with the concurrence of the applicant requests that an item be postponed at least fourteen (14) days prior to the Commission meeting at which the item is scheduled on the agenda, the item shall be postponed by the Manager to the next regular meeting of the Commission or to such other meeting of the Commission as may be agreed upon between the applicant and the Manager. Any items which, after filing with Community Development, the Manager determines to be an incomplete submittal, shall be postponed by the Manager to the next regularly scheduled meeting or to such meeting as the applicant and the Manager may agree upon unless the Manager determines that the submittal requirements will be met in sufficient time to allow

consideration of the item at the scheduled Commission meeting. The agenda shall indicate any items that are postponed.

6. **Committees:**

- A. There shall be no standing committees of the Commission.
- B. The chair may from time to time create temporary committees of one or more members for special duties, examinations, investigation and inquiries of interest to the Commission.
- C. The chair shall appoint all committee members and a committee chair from among the members; provided, however, that no member shall serve on more than two (2) committees simultaneously or as chair of more than one (1) committee.
- D. Any committees created under this procedure shall be required to provide a final report to the Commission and shall be deemed to be disbanded upon the acceptance of such report by the Commission. The final report may be in either an oral or written form.
- E. No committee shall have the power to commit the Commission to the endorsement of any plan, program or request without the approval of the Commission.
- F. The chair and vice chair of the Commission automatically become ex-officio members of all committees created under this Rule.

7. **Meetings:**

- A. The regular meetings of the Commission shall be held on the third Thursday of each month at 8:30 a.m. in the City Council Chambers at City Hall, 107 North Nevada Avenue, Colorado Springs, CO; or, after timely notice, at such time and place as the chair shall designate.
- B. Any regular meeting may be adjourned and reconvened at a time and place determined by a majority of the members present.
- C. Special meetings may be called at any time by the chair or in his absence by the vice chair or by any other member so designated by the chair, provided that notice of the meeting, including an agenda of all items to be considered shall be provided to each member at least twenty-four (24) hours prior to the meeting, provided all legal requirements regarding public notification have been met.
- D. A majority of the Commission shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a regular or special meeting, no action shall be taken except to adjourn the meeting to another time.
- E. Informal Meetings: One (1) week prior to the regular public hearing date (except as otherwise scheduled due to holidays or for other necessary adjustments) the City Planning Commission will hold an informal work session open to the public. The basic purpose of the informal meeting shall be for educational and general discussion of planning programs, issues and projects. Guest speakers may be invited from time to time at the request of the Commission or the staff. City staff may present information on any item scheduled for public hearing. The information received at the informal meeting shall be limited to indicating to the Commission which items on the coming public hearing agenda they should give particular attention to, or to provide special guidance to the Commission in order to visit the properties listed on the agenda, or such other general information necessary to assist the Commission in the consideration of an

agenda item. The Commission may also receive reports or updates on related land use, planning or City programs or projects. No public comment will be accepted on any matters discussed at the informal meeting

When an item is presented to the Commission at its informal meeting, one (1) or more members of the Commission may place that item on the formal public hearing agenda. That item will follow the procedures of a regular public hearing item.

- F. The chair may from time to time call work sessions for the purpose of receiving information, hearing presentations and discussing information. No official or formal action may be taken at work sessions other than to give direction to the efforts of City staff.
- G. All meetings shall be open to the public except such meetings to discuss legal and personnel matters in accord with the Colorado Open Meetings Law. No formal actions may be taken at a closed meeting.
- H. If an applicant requests postponement of an agenda item at a regular or special meeting or at any time during the fourteen (14) days preceding the meeting, the Commission shall consider the request and take such action as it deems fit. If an opponent(s) requests postponement of an agenda item at a regular or special meeting or at any time preceding the meeting, the Commission shall consider the request and take such action as it deems fit.

8. **Order of Business:**

A. The order of Business at informal Commission meetings shall be:

- 1) Call to Order.
- 2) City Staff Communications.
- 3) Commission Member Communications.
- 4) Discussion of Agenda Items.
- 5) Reports.
- 6) Open Discussion.
- 7) Adjournment.

B. The order of Business at regular Commission meetings shall be:

- 1) Call to Order: The chair shall call the Commission to order and open the meeting by stating the type of meeting: regular, special or other type. The members present and absent shall be recorded by the staff. The names of those members absent shall be announced. The chair shall state if a quorum is absent. The public shall be advised of the procedures to be followed in the meeting.
- 2) Approval of Minutes: The minutes of any preceding meeting shall be submitted for approval and shall be approved by a majority vote of those present pending any corrections by members of the Commission, the Manager, or others.
- 3) Communications: The Manager shall announce any items on the agenda which have been postponed by City staff pursuant to Rule 5 and the date to which such item has been postponed. City staff shall indicate any items for which the applicant has requested postponement during the fourteen (14) days preceding the meeting or for which an opponent(s) has requested postponement at any time preceding the meeting. The Commission shall act on such request for postponement either at the time of communication by the staff or when the item is regularly scheduled to appear on the agenda. City staff may ask for postponement of any item to provide time for additional review or information. The Commission shall immediately after such communication by City staff determine if the item should be postponed to a

definite time. City staff shall communicate to the Commission any items that have been withdrawn and withdrawal shall constitute removal of the item. If an item that is withdrawn is to be heard again it must be processed as a new item. City staff shall communicate any other reasons why an agenda item is not to be heard and the Commission shall take such action as it deems fit.

- 4) Consent Calendar: Items which have been recommended for approval by Community Development and which appear to require no discussion by the Commission, public or applicant, shall be placed on the Consent Calendar. The chair shall announce that any member or citizen wishing to address the Commission on any item on the Consent Calendar may so request and the item will be called up from the Consent Calendar and set aside for action immediately following approval of the Consent Calendar. The Consent Calendar, after call up of any items, shall be adopted by motion. The record on all items called on the Consent Calendar shall include all materials distributed to the Commission for the meeting and the decision and record provided by City staff or other body or commission which has considered the matter. Approval by the Commission of the Consent Calendar shall mean that the City staff recommendations were approved.
- 5) Public Hearings/Unfinished Business: The Commission shall hear and act upon those items scheduled for public hearing which were postponed from preceding meetings.
- 6) Public Hearings/New Business: The Commission shall hear and act upon all new items scheduled for a public hearing.
- 7) Report Items: This section shall include reports, memoranda, communications and other recommendations from Community Development and other City staff. All report items are deemed to be accepted by the Commission without further action unless called up for discussion by any member. Items called up for discussion may be discussed immediately or placed on a future agenda.
- 8) Adjournment: Upon the completion of all items on the Agenda, the chair shall declare the meeting adjourned.

9. **Public Hearing Procedures:**

- A. All items heard by the Commission are considered to be public hearings and shall be advertised in accord with City Code Chapter 7, Article 5, Part 9 provided that any item not pertaining to a specific parcel of property shall not require posting.
- B. Time must be utilized as efficiently as possible in the presentation of evidence at a public hearing.
- C. Whenever several items on the agenda are related, they may be discussed in a single hearing but each item shall be acted upon separately.
- D. The following procedures shall be followed in public hearings:
  - 1) City staff will present the item with a recommendation.
  - 2) The applicant, or representative, will then make a presentation.
  - 3) The chair will open the public hearing and ask speakers to sign in and state their names for the record.
  - 4) Supporters of the request will be heard.
  - 5) Opponents of the request will be heard.
  - 6) Additional comments by staff may be allowed for clarification or in response to new evidence.
  - 7) The applicant will then have an opportunity for rebuttal.
  - 8) Questions from the Commission may be directed at any time to the applicant, its representative(s), staff or public to clarify evidence presented in the hearing.

- 9) When the Commission has no further questions, the chair shall close the hearing and the Commission will discuss the item.
- 10) A Commission member will make a motion and a second to the motion will be required for action by the Commission. Motions must reference the City Code section(s) the application does or does not comply with.
- 11) The Commission will discuss the motion and vote.

No proponent or opponent of an item shall be permitted to speak more than once during a public hearing with the exception of the rebuttal allowed the applicant and with the exception that anyone may speak in response to questions from the Commission. Responses to questions from the Commission shall be limited to the answer to the question as stated.

E. The following procedures shall be followed in hearings for appeals of administrative decisions:

- 1) City staff will present an overview with a recommendation.
- 2) The appellant, if different from the applicant, will make a presentation.
- 3) The applicant will then make a presentation.
- 4) The chair will open the public hearing and ask speakers to sign in and state their names for the record.
- 5) Supporters of the applicant will be heard.
- 6) Opponents of the application will be heard.
- 7) The applicant will then have an opportunity for rebuttal.
- 8) The chair will close the public hearing.
- 9) Final comments from the applicant or other parties will be allowed with permission of the chair only.
- 10) Final comments by City staff.
- 11) A commission member will make a motion and a second to the motion will be required for action by the Commission. Motions must reference the City Code section(s) the application does or does not comply with.
- 12) The Commission will discuss the motion and vote.

10. **Quasi-Judicial Actions:**

- A. Ex Parte Contacts/Fair Hearings. The Commission shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the Commission or any agency, board or commission thereof, or the City Council, except at a public meeting. As an appointee, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information about a pending matter outside of a public meeting, through contact with members of the public, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing and before the public comments period is opened. If the Commission, or an individual Commission member, receives written individual information on quasi-judicial actions, a copy shall be distributed to the rest of the Commission. A matter is "pending" when an application has been filed.
- B. Commission members should refrain from discussing quasi-judicial actions with any person for forty (40) days after the date of the final agency action taken by the City.

11. **Applicants' Presence:** When a public hearing on an agenda item is opened and the applicant or the applicant's representative(s) is not present, the Commission shall follow one of the alternatives listed below:

- A. Consider the item; or
  - B. Withdraw the item; or
  - C. Postpone the item until the end of the agenda where the applicant or the applicant's representative(s) shall be required to show cause for the absence when the item was called. The item shall not be considered on its merits at the show cause hearing. If the applicant or the applicant's representative(s) is not present at the show cause hearing, the show cause hearing shall automatically be set over to the next regular monthly meeting of the Commission. In the event the Commission postpones the item for a show cause hearing, the Commission shall make findings of fact as to the evidence presented at the show cause hearing and shall schedule the item for a future meeting if the Commission finds good cause for the applicant's failure to attend the public hearing on the item or consider the application withdrawn if the Commission finds that there is not good cause for the applicant's failure to attend the public hearing on the item.
12. **Limiting Presentations:** The chair may establish reasonable time limits for presentations, but such limits shall be equal for both the proponents and opponents of an item. The chair may request representatives of each side to speak for the entire group or portions of the group, but shall not require such representation against the wishes of the group involved. Whenever necessary, the chair shall direct that remarks be germane to the item.
13. **Actions By the Commission:** Following the closing of a public hearing on an item and during the discussion of the item by the Commission, the following procedures shall apply:
- A. No statements by the applicant, staff or opponents shall be allowed except in response to additional questions from the Commission; and
  - B. No member shall state the sentiments of any absent member; and
  - C. No member shall speak on behalf of the Commission.
14. **Parliamentary Procedure for Motions:** When an item is before the Commission, no motion shall be entertained except as listed according to priority (highest to lowest):
- A. Motion to adjourn: Requires a second, is not debatable, is not amendable, and requires majority vote of those present.
  - B. Motion to postpone temporarily: Requires a second, is not debatable, is not amendable, and requires a majority vote of those present.
  - C. Motion to close debate: Requires a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present.
  - D. Motion to limit or extend debate: Requires a second, is debatable as to type and time of limitations, is amendable as to time and type of limitations, and requires a two-thirds (2/3) vote of those present.
  - E. Motion to postpone to a definite time: Requires a second, is debatable as to reasons for postponement and date of reconsideration, is amendable as to date of reconsideration, and requires a majority vote of those present.
  - F. Motion to refer: Requires a second, is debatable as to the referral, is amendable as to the referral, and requires a majority vote of those present.

- G. Motion to amend: Requires a second, is debatable unless applied to an undebatable motion, is amendable as to the referral, and requires a majority vote of those present.
  - H. Motion to postpone indefinitely: Requires a second, is debatable, is not amendable, and requires a majority vote of those present. (This motion is not applicable to quasi-judicial items).
  - I. Motion to reconsider: Requires a second, is debatable, is not amendable, and requires a majority vote of those present. This motion can be made at the same meeting or at a meeting other than the meeting at which the action was taken provided all necessary parties are present.
  - J. Main motions: Requires a second, is debatable, is amendable, and requires a majority vote of those present. In making any of the above motions, the motion maker may not interrupt another speaker.
15. **Special Motions:** The following must be disposed of immediately:
- A. Motion objecting to consideration: This motion must be made immediately after an item is called to the attention of the Commission by the Manager. This motion enables the Commission to avoid a main motion that would be undesirable to consider at the time. It does not require a second, is not debatable, is not amendable, and requires approval of two-thirds (2/3) of those present.
  - B. Motion to withdraw: A mover of any motion may withdraw such motion as of right so long as the consent of the second is first obtained.
  - C. Motion to suspend rules: The purpose of this Rule is to enable the Commission to set aside one or more of its procedural rules that would otherwise prevent consideration of a certain action. A motion to suspend rules suspends only those rules which specifically interfere with the consideration of the particular action involved. The rules are suspended only temporarily and are automatically reactivated when the proposed action has been considered.
- No rules set forth in the City Charter or City Code may be altered by suspending the rules. A motion to suspend rules is not a debatable motion and may not be amended. It requires a majority vote of the Commission members present.
16. **Unanimous Consent/Expediting Commission Business:** These rules are designed for the protection of the minority and they need not be strictly enforced by the Chair except as to voting on recommendations to City Council in regular Commission meetings. When there appears to be no opposition to a matter, the formality of voting can be avoided by a member's request for unanimous (or general) consent to a proposal or by the chair asking if there is any objection to a proposal, and if there is none, announcing the result.
17. **Procedure in Absence of Rule:** In the absence of a rule to govern a point of procedure, "Parliamentary Law for Nonprofit Organizations" shall govern the Commission's actions.
18. **Voting:**
- A. The Commission shall act only by motion. Every Commission member present must vote on every item before the Commission unless it would constitute a conflict of interest under the City Charter or City Code of Ethics. Any member of the Commission who has a personal or private interest in any matter proposed or pending before the Commission shall disclose such interest to the Commission and shall excuse

themselves, and shall refrain from attempting to influence the decisions of the other members of the Commission in voting on the matter.

- B. Whenever a vote is taken, each Commission member present shall vote "yes" or "no". After all members have voted, the chair shall announce the decision or recommendation of the Commission. Staff shall then record the vote of each member in the minutes or record of decision.
  - C. In case of a tie vote on any proposal, the proposal shall be considered lost/failed.
19. **Exhibits to Commission:** All parties who desire to submit exhibits to the Commission for the purposes of inclusion in a record shall submit the original exhibit and nine (9) copies to City staff who shall mark the exhibit and distribute it to the Commission. City staff shall mark one (1) copy of the exhibit with the item number, date and speaker name and include the exhibit within the official record. One (1) copy of each exhibit that may be displayed so that all of the Commission members can simultaneously observe it shall be given to City staff. If exhibits are electronic, an electronic copy must be provided to City staff. The Manager shall hold all exhibits until time for appeal has expired, and the exhibits shall then be disposed of, unless the person submitting the exhibit picks it up from City staff within ten (10) working days after the time to appeal has expired.

## PROCEDURES OF THE CITY PLANNING COMMISSION

**PURPOSE:** It is the purpose of these Procedures ~~of the City Planning Commission~~ to establish a guide for the operation of the City Planning Commission ("Commission").

Article ~~IX, Section 55~~ of the City Charter provides for the creation of Boards and Commissions. It states:

~~"559-10.~~ Boards and Commissions:

- A. In addition to those ~~B~~boards and ~~C~~commissions existing at the time of this ~~e~~Charter, the Council may create any boards and commissions, including advisory and appeal boards. All boards and commissions shall be created by ordinance, which shall prescribe the powers and duties delegated by Council. Initial appointments by the Council to any board or commission shall specify the term of office of each member in order to achieve overlapping terms. All members shall be subject to removal by the Council. Council shall also make appointments to fill vacancies for unexpired terms. Each board and commission shall elect its own chairman and vice-chairman from among its members. Each board and commission shall operate in accordance with its own rules of procedure, except as otherwise directed by Council. (1977)
- B. The Council may increase, reduce, or change any or all of the powers, duties, and procedures of any boards or commissions existing at the time of this ~~e~~Charter, or created by ordinances thereafter. (1977)
- C. Any board or commission existing at the time of this ~~e~~Charter or created under this provision which is not required by this ~~e~~Charter or law may be abolished by Council. (1977)

**CITY CODE:** ~~Article 1 of~~ Chapter ~~457, Article 6, Part 1~~ of the City Code creates and establishes the City Planning Commission and provides as follows:

~~457-46-~~101: COMMISSION CREATED; MEMBERSHIP: There is hereby created a Planning Commission for the City, to be composed of nine (9) regular members to be appointed by the City Council. Two (2) of said regular members may reside outside of, but within three (3) miles of the corporate limits of the City. Appointments to the Commission shall be made in such manner as to achieve staggered three (3) year terms. Vacancies shall be filled by appointment for the unexpired term only. Members of the Commission shall serve without compensation for their service.

~~457-46-~~102: MEETINGS; ORGANIZATION: The members of the Planning Commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their number as ~~C~~chairman and one as ~~V~~ice-~~C~~chairman, each of whom shall serve one year and until their successors have been selected.

Special meetings may be called at any time by the ~~C~~chairman or in his absence by the ~~V~~ice-~~C~~chairman or by any other member so designated by the ~~C~~chairman. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission shall cause a proper record to be kept of its proceedings.

~~457-46-~~103: FUNCTION: It shall be the function of the Planning Commission to encourage, coordinate and unify planning of the urban metropolitan area centering on the City. For these purposes, it may engage in cooperative and joint planning programs with the planning agencies, officials and representatives of other governmental units and with private agencies and organizations.

~~457-46~~-104: ADVICE, CONSULTATION AND HELP: The Commission may call upon any officer or employee of the City for any services, advice or consultation that it may desire and may with approval of the City Council such clerical or specialized help as may be necessary to effectuate its purposes; provided, however, that appropriation for the expenses thereof has first been made by the City Council."

7-6-105: RULES AND REGULATIONS: The Planning Commission may adopt rules of procedure necessary for the conduct of public hearings in accord with section 1.2.903 of this Code. The official copy of the rules and regulations shall be available for inspection at the department.

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#### **PROCEDURES:**

1. **Annual Meeting:** The Annual Meeting of the ~~Planning~~ Commission shall be in June of each year or at such time that City Council has made the annual appointments to the Planning Commission.

~~2. Election of Chairman and Vice Chairman:~~ At the Annual Meeting, a ~~C~~chairman and ~~V~~vice-~~C~~chairman shall be elected. A majority vote of the entire Commission (five [5] members) shall be required for the election of the ~~C~~chairman and the election of the ~~V~~vice-~~C~~chairman. In the event there are more than two ~~(2)~~ candidates for an office and no individual receives a majority vote (five [5] members), the candidate receiving the least number of votes in each ballot shall withdraw until one ~~(1)~~ candidate receives a majority of ~~(5)~~ votes).

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~~32. Absence of Chairman and Vice Chairman:~~ In case of absence of both the ~~C~~chairman and ~~V~~vice-~~C~~chairman, the members of the Commission, so long as a quorum is present, shall elect by a majority vote of those present a temporary Chairman to act until the ~~C~~chairman or ~~V~~vice-~~C~~chairman appears.

~~43. Vacancy:~~ Vacancy in the office of the ~~C~~chairman shall be filled automatically by the ~~V~~vice-~~C~~chairman and a new ~~V~~vice-~~C~~chairman shall be elected at the next regular meeting of the Commission as provided in Rule ~~12~~. A vacancy in the office of ~~V~~vice-~~C~~chairman shall be filled at the next regular meeting of the Commission in accord with Rule ~~12~~ above. The ~~C~~chairman or ~~V~~vice-~~C~~chairman so elected shall serve until the next annual meeting.

~~54. Appeals from Decision of the Chair:~~ The ~~C~~chair shall preside at all ~~regular and special~~ meetings of the Commission and shall preserve decorum and decide all questions of order, subject to appeal to the Commission. ~~In case of an appeal from a ruling of the Chair, the question shall be: "Shall the decision of the Chair stand as the decision of the Commission?"~~

If a member violates the Procedures of the Commission, the ~~C~~chair shall call ~~such~~the member to order, in which case the member shall be silent, unless permitted to explain.

~~65. Manager of Development Services/Comprehensive Planning:~~ The Manager of ~~Development Services/Comprehensive Planning~~Community Development ("Manager") or ~~his~~the Manager's representative shall keep all records of the Commission and transmit all appropriate records to the City Clerk to become a part of the official City record. The Manager, subject to the direction of the Commission, shall prepare all correspondence of the Commission; receive and file all matters referred to the Commission; send out all notices required by law; prepare and keep agendas, files and minutes of the Commission's proceedings; retain in the records the original papers acted upon by the Commission; and keep all records, files and minutes required by the Commission. The Manager, with the ~~C~~chairman and staff assistance, is responsible for an orientation program provided to new Commission members.

If an applicant or the Manager or ~~his~~ the Manager's representative with the concurrence of the applicant requests that an item be postponed at least fourteen (14) days prior to the Planning Commission Meeting at which ~~such~~ the item is scheduled on the agenda, the item shall be postponed by the Manager to the next regular meeting of the Planning Commission or to such other meeting of the Planning Commission as may be agreed upon between the applicant and the Manager. Any items which, after filing with ~~the Planning Division~~ Community Development, the Manager determines to be an incomplete submittal, shall be postponed by the Manager to the next regularly scheduled meeting or to such meeting as the applicant and the Manager may agree upon unless the Manager determines that the submittal requirements will be met in sufficient time to allow consideration of the item at the scheduled Planning Commission meeting. The agenda shall indicate any items that are postponed.

**76. Committees:**

- A. There shall be no standing committees of the Commission.
- B. The Chairman may from time to time create temporary committees of one or more members for special duties, examinations, investigation and inquiries of interest to the Commission.
- C. The Chairman shall appoint all committee members and a committee chairman from among the members; provided, however, that no member shall serve on more than two (2) committees simultaneously or as chairman of more than one (1) committee.
- D. Any committees created under this procedure shall be required to provide a final report to the Commission and shall be deemed to be disbanded upon the acceptance of such report by the Commission. The final report may be in either an oral or written form.
- E. No committee shall have the power to commit the Commission to the endorsement of any plan, program or request without the approval of the Commission.
- F. The Chairman and Vice-Chairman of the Commission automatically become ex-officio members of all committees created under this Article Rule.

**87. Meetings:**

- A. The regular meetings of the Commission shall be held on the third Thursday of each month at 8:30 a.m. in the ~~hearing room of the Pikes Peak Regional Development Center~~ City Council Chambers at City Hall, 2880 International Circle, 107 North Nevada Avenue, Colorado Springs, CO; or, after timely notice, at such time and place as the Chairman shall designate.
- B. Any regular meeting may be adjourned and reconvened at a time and place determined by a majority of the members present.
- C. Special meetings may be called at any time by the Chairman or in his absence by the Vice-Chairman or by any other member so designated by the Chairman, provided that notice of the meeting, including an agenda of all items to be considered shall be provided to each member at least ~~forty-eight~~ twenty-four (24) hours prior to the meeting, provided all legal requirements regarding public notification have been met.
- D. A majority of the Commission shall constitute a quorum for the transaction of business. Whenever a quorum is not present at a regular or special meeting, no action shall be taken except to adjourn the meeting to another time.

E. Informal Meetings: One (1) week prior to the regular public hearing date (except as otherwise scheduled due to holidays or for other necessary adjustments) the City Planning Commission will hold an informal work session open to the public. The basic purpose of the informal meeting shall be for educational and general discussion of planning programs, issues and projects. Guest speakers may be invited from time to time at the request of the Commission or the staff. City staff may present information on any item scheduled for public hearing. ~~However, the information received at the informal meeting shall be limited to indicating to the Commission which items on the coming public hearing agenda they should give particular attention to, or to provide special guidance to the Commission in order to drive-by-one-of-visit the properties listed on the agenda, or such other general information necessary to assist the Commission in the consideration of an agenda item. The Commission may also receive reports or updates on related land use, planning or City programs or projects.~~ No public comment will be ~~made~~accepted on any ~~matters discussed at the informal meeting of the coming agenda items. Typically, the staff report and recommendations for the coming agenda items are distributed to the Commission and made available to the public at the time of the informal meeting.~~

When an item is presented to the Commission at its informal meeting, one (1) or more members of the Commission may place that item on the formal public hearing agenda. That item will follow the procedures of a regular public hearing item. The basic purpose for the informal meeting shall be for educational and general discussion of planning programs, issues, and projects. Guest speakers may be invited from time to time at the request of the Commission or the staff.

F. The ~~C~~chairman may from time to time call work sessions for the purpose of receiving information, hearing presentations and discussing information; ~~provided, however, that~~ ~~n~~No official or formal action may be taken at ~~such meetings~~work sessions other than to give direction to the efforts of ~~the~~ City Planning Division staff.

G. All meetings shall be open to the public except such meetings to discuss legal and personnel matters in accord with the Colorado Open Meetings Law. No formal actions may be taken at a closed meeting.

H. If an applicant requests postponement of an agenda item at ~~the~~a regular or special meeting or at any time during the fourteen (14) days preceding the meeting, the ~~City~~ Planning Commission shall consider the request and take such action as it deems fit. If an opponent(s) requests postponement of an agenda item at ~~the~~a regular or special meeting or at any time preceding the meeting, the ~~City~~ Planning Commission shall consider the request and take such action as it deems fit.

**98. Order of Business:**

A. The order of Business at informal Commission meetings shall be:

- 1) Call to Order.
- 2) City Staff Communications.
- 3) Commission Member Communications.
- 4) Discussion of Agenda Items.
- 5) Reports.
- 6) Open Discussion.
- 7) Adjournment.

AB. The order of Business at regular Commission meetings shall be:

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- 1) Call to Order: The ~~C~~chair shall call the Commission to order and open the meeting by stating the type of meeting: regular, special or other type. The members present and absent shall be recorded by the staff. The names of those members absent shall be announced. The ~~C~~chair shall state ~~whetherif~~ a quorum is ~~absentpresent~~. The public shall be advised of the procedures to be followed in the meeting.
- 2) Approval of Minutes: The minutes of any preceding meeting shall be submitted for approval and shall be approved by a majority vote of those present pending any corrections by members of the Commission, the Manager, or others.
- 3) Communications: The Manager shall announce any items on the agenda which have been postponed by ~~the City~~ staff pursuant to Rule 65 and the date to which such item has been postponed. ~~The City~~ staff shall indicate any items for which the applicant has requested postponement during the fourteen (14) days preceding the meeting or for which an opponent(s) has requested postponement at any time preceding the meeting. The Commission shall act on such request for postponement either at the time of communication by the ~~directorstaff~~ or when the item is regularly scheduled to appear on the agenda. ~~The City~~ staff may ask for postponement of any item to provide time for additional review or information. The Commission shall immediately after such communication by ~~the City~~ staff determine if the item should be postponed to a definite time. ~~The City~~ staff shall communicate to the Commission any items that have been withdrawn and ~~such~~ withdrawal shall constitute removal of the item. If an item ~~as~~ that is withdrawn is to be heard again it must be processed as a new item, ~~including payment of fees~~. ~~The City~~ staff shall communicate any other reasons why an agenda item is not to be heard ~~to the Commission~~ and the Commission shall take such action as it deems fit.
- 4) Consent Calendar: Items which have been recommended for approval by ~~the Planning Division~~ Community Development and which appear to require no discussion by the Commission, public or applicant, shall be placed on the Consent Calendar. The ~~C~~chairman shall announce that any member or citizen wishing to address the Commission on any item on the Consent Calendar may so request and the item will be called up from the Consent Calendar and set aside for action immediately following approval of the Consent Calendar. The Consent Calendar, after call up of any items, shall be adopted by motion. The record on all items called on the Consent Calendar shall include all materials distributed to the Commission for the meeting and the decision and record provided by City staff or other body or commission which has considered the matter. Approval by the Commission of the Consent Calendar shall mean that the City staff recommendations were approved.
- 5) Public Hearings/~~Old Unfinished~~ Business: The Commission shall hear and act upon those items scheduled for public hearing which were postponed from preceding meetings.
- 6) Public Hearings/New Business: The Commission shall hear and act upon all new items scheduled for a public hearing.
- 7) Report Items: This section shall include reports, memoranda, communications and other recommendations from ~~the City Planning Division~~ Community Development and other City staff Administration. All ~~R~~report ~~l~~items are deemed to be accepted by the Commission without further action unless called up for discussion by any member. Items called up for discussion may be discussed immediately or placed on a future agenda.
- 8) Adjournment: Upon the completion of all items on the Agenda, the ~~C~~chairman shall declare the meeting ~~to be~~ adjourned.

#### 409. Public Hearing Procedures:

- A. All items heard by the Planning Commission are considered to be public hearings and shall be advertised in accordance with City Code Chapter 7, Article 5, Part 9 Section

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~~14.1-4-10~~ provided ~~herein~~ that any item not pertaining to a specific parcel of property shall not require posting.

B. Time must be utilized as efficiently as possible in the presentation of evidence ~~in at a public hearing.~~ ~~To this end, the following procedures shall be followed in public hearings:~~

C. Whenever several items on the agenda are related, they may be discussed in a single hearing but each item shall be acted upon separately.

D. The following procedures shall be followed in public hearings:

- 1) City staff will present the item with a recommendation.~~The Chair shall open the hearing by stating the number of each item as it appears in the agenda. Whenever several items on the agenda are related, they may be discussed in a single hearing but each item shall be acted upon separately.~~
- 2) The applicant, or representative, will then make a presentation.~~The Planning Division staff will read the item into the record and present a review of the item and a recommendation. Other City Administration staff may present information.~~
- 3) The chair will open the public hearing and ask speakers to sign in and state their names for the record.~~The applicant or his representative may make a presentation.~~
- 4) Supporters of the request will be heard.~~Other proponents of the item may be heard.~~
- 5) Opponents of the ~~item~~ request may will be heard.
- 6) Additional comments by staff may be allowed for clarification or in response to new evidence.~~Cross examination of person presenting evidence by proponents or opponents may be allowed.~~
- 7) The applicant will then have an opportunity for rebuttal.~~Additional comments by Planning Division or City staff may be allowed for clarification or in response to new evidence.~~
- 8) Questions from the Commission may be directed at any time to the applicant, its representative(s), staff or public to clarify evidence presented in the hearing.~~The applicant may rebut but not introduce new evidence.~~
- 9) When the Commission has no further questions, the chair shall close the hearing and the Commission will discuss the item.~~Questions from the Commission may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.~~
- 10) A Commission member will make a motion and a second to the motion will be required for action by the Commission. Motions must reference the City Code section(s) the application does or does not comply with.~~When the Commission has no additional questions, the Chair shall close the hearing and the Commission shall act on the item.~~
- 11) The Commission will discuss the motion and vote.

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No proponent or opponent of an item shall be permitted to speak more than once during a public hearing with the exception of the rebuttal allowed the applicant and with the exception that anyone may speak in response to questions from the Commission. Responses to questions from the Commission shall be limited to the answer to the question as stated.

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E. The following procedures shall be followed in hearings for appeals of administrative decisions:

- 1) City staff will present an overview with a recommendation.
- 2) The appellant, if different from the applicant, will make a presentation.

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- 3) The applicant will then make a presentation.
- 4) The chair will open the public hearing and ask speakers to sign in and state their names for the record.
- 5) Supporters of the applicant will be heard.
- 6) Opponents of the application will be heard.
- 7) The applicant will then have an opportunity for rebuttal.
- 8) The chair will close the public hearing.
- 9) Final comments from the applicant or other parties will be allowed with permission of the chair only.
- 10) Final comments by City staff.
- 11) A commission member will make a motion and a second to the motion will be required for action by the Commission. Motions must reference the City Code section(s) the application does or does not comply with.
- 12) The Commission will discuss the motion and vote.

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#### 104. **Quasi-Judicial Actions:**

A. Ex Parte Contacts/Fair Hearings. The Commission shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the Commission or any agency, board or commission thereof, or the City Council, except at a public meeting. As an appointee, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information about a pending matter outside of a public meeting, through contact with members of the public, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing and before the public comments period is opened. If the Commission, or an individual Commission member, receives written individual information on quasi-judicial actions, a copy shall be distributed to the rest of the Commission. A matter is "pending" when an application has been filed.

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B. Commission members should refrain from discussing quasi-judicial actions with any person for forty (40) days after the date of the final agency action taken by the City. When the Commission sits as a quasi-judicial body and is required to make findings of fact and act upon evidence presented to them, no member shall receive or solicit comments from any person regarding an agenda item prior to the public hearing at which the item is discussed. The City Planning Division may present to the Commission at an open work session information on any item scheduled for public hearing.

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112. **Applicants' Presence:** When a public hearing on an agenda item is opened and the applicant or the applicant's representative(s) is not present, the Commission shall follow one of the alternatives listed below:

A. A-Consider the item; or

B. B-Withdraw the item; or

C. Postpone the item until the end of the agenda where the applicant or ~~of his~~the applicant's representative(s) shall be required to show cause for the absence when the item was called~~his missed attendance~~. The item shall not be considered on its merits at the show cause hearing. If the applicant or ~~the applicant's~~ representative(s) is not present at the show cause hearing, the show cause hearing shall automatically be set over to the next regular monthly meeting of the Commission. In the event the

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Commission postpones the item for a show cause hearing, the Commission shall make findings of fact as to the evidence presented at the show cause hearing and shall schedule the item for a future meeting if the Commission finds good cause for the applicant's failure to attend the public hearing on the item or consider the application withdrawn if the Commission finds that there is not good cause for the applicant's failure to attend the public hearing on the item.

**123. Limiting Presentations:** The Chair may establish reasonable time limits for presentations, but such limits shall be equal for both the proponents and opponents of an item. The Chair may request representatives of each side to speak for the entire group or portions of the group, but shall not require such representation against the wishes of the group involved. Whenever necessary, the Chair shall direct that remarks be germane to the ~~item.~~ **14. Actions By the Commission: Following the closing of a hearing on an item and during the discussion of the item by the Commission, the following procedures shall apply:**

~~A. No statements by the applicant, staff or opponents shall be allowed except in response to additional questions from the Commission; and~~

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~~B. No member shall state the sentiments of any absent member~~

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~~C. No member shall speak on behalf of the Commission.~~

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**134. Actions By the Commission:** Following the closing of a public hearing on an item and during the discussion of the item by the Commission, the following procedures shall apply:

A. No statements by the applicant, staff or opponents shall be allowed except in response to additional questions from the Commission; and

B. No member shall state the sentiments of any absent member; and

C. No member shall speak on behalf of the Commission.

**145. Parliamentary Procedure for Motions:** When an item is before the Commission, no motion shall be entertained except as listed according to priority (highest to lowest):

~~A. Motion to adjourn: Requires a second, is not debatable, is not amendable, and requires majority vote of those present.~~

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~~B. Motion to recess: Requires a second, is not debatable, is amendable only as to time and duration of recess, and requires majority vote of those present.~~

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~~B. Motion to postpone temporarily: Requires a second, is not debatable, is not amendable, and requires a majority vote of those present.~~

~~C. Motion to close debate: Requires a second, is not debatable, is not amendable, and requires a two-thirds (2/3) vote of those present.~~

~~D. Motion to limit or extend debate: Requires a second, is debatable as to type and time of limitations, is amendable as to time and type of limitations, and requires a two-thirds (2/3) vote of those present.~~

~~E. Motion to postpone to a definite time: Requires a second, is debatable as to reasons for postponement and date of reconsideration, is amendable as to date of reconsideration, and requires a majority vote of those present.~~

~~G.F.~~ Motion to refer: Requires a second, is debatable as to the referral, is amendable as to the referral, and requires a majority [vote](#) of those present.

~~H.G.~~ Motion to amend: Requires a second, is debatable unless applied to an undebatable motion, is amendable as to the referral, and requires a majority [vote](#) of those present.

~~H.~~ Motion to postpone indefinitely: Requires a second, is debatable, is not amendable, and requires a majority [vote](#) of those present. (This motion is not applicable to quasi-judicial items-).

~~J.~~ ~~A motion to resume consideration: Requires a second, is not debatable, is not amendable, and requires a majority of those present.~~

~~K.J.~~ Motion to reconsider: Requires a second, is debatable, is not amendable, and requires a majority [vote](#) of those present. This motion can be made at the same meeting or at a meeting other than the meeting at which the action was taken provided all necessary parties are present.

~~L.J.~~ Main motions: Requires a second, is debatable, is amendable, [and](#) requires a majority [vote](#) of those present. In making any of the above motions, the motion maker may not interrupt another speaker.

156. **Special Motions:** The following must be disposed of immediately:

A. Motion objecting to consideration: This motion must be made immediately after an item is called to the attention of the Commission by the Manager. This motion enables the Commission to avoid a main motion that would be undesirable to consider at the time. It does not require a second, is not debatable, is not amendable, and requires approval of [two-thirds](#) (2/3) of those present.

B. Motion to withdraw: A mover of any motion may withdraw such motion as of right so long as the consent of the second is first obtained.

C. Motion to suspend rules: The purpose of this Rule is to enable the Commission to set aside one or more of its procedural rules that would otherwise prevent consideration of a certain action. A motion to suspend rules suspends only those rules which specifically interfere with the consideration of the particular action involved. The rules are suspended only temporarily and are automatically reactivated when the proposed action has been considered.

No rules set forth in the City Charter or City Code may be altered by suspending the rules. A motion to suspend rules is not a debatable motion and may not be amended. It requires a majority vote of the Commission members present.

167. **Unanimous Consent/Expediting Commission –Business:** ~~Since t~~These rules are designed for the protection of the minority; [and](#) they need not be strictly enforced by the Chair except as to voting on recommendations to City Council in regular Commission meetings. ~~Therefore, w~~When there appears to be no opposition to a matter, the formality of voting can be avoided by a member's requesting [for](#) unanimous (or general) consent to a proposal or by the ~~C~~Chair's asking if there is any objection to a proposal, and if there is none, announcing the result.

178. **Procedure in Absence of Rule:** In the absence of a rule to govern a point of procedure, "Parliamentary Law for Nonprofit Organizations" shall govern [the Commission's](#)~~Council's~~ actions.

189. **Voting:**

- A. The Commission shall act only by motion. Every Commission member present must vote on every item before the Commission unless it would constitute a conflict of interest under the City Charter or City Code of Ethics. Any member of the Commission who has a personal or private interest in any matter proposed or pending before the Commission shall disclose such interest to the Commission and shall excuse themselves, and shall refrain from attempting to influence the decisions of the other members of the Commission in voting on the matter when a question is put shall vote thereof.
- B. Whenever a vote is taken, each Commission member present shall vote "yesaye" or "noay". After all members have voted, the Cchair shall announce the decision or recommendation of the Commission cause the vote of the Commission to be flashed upon a recording board, which board shall be plainly visible to the Commission and others present. The sStaff shall then record the vote of each member in the minutes or record of decision.
- C. In case of a tie vote on any proposal, the proposal shall be considered lost/failed. In the event the electronic voting machine becomes inoperative during any meeting, or the meeting is at a location without an electronic voting machine, the Director of Planning shall call the roll in alphabetical order with the same Commission member being called first throughout the meeting. The staff shall record the oral vote of "aye" and "nay" of each Commission member.

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- ~~20.~~ **19. Exhibits to Commission:** All parties who desire to submit exhibits to the Commission for the purposes of inclusion in a record shall submit the original of such exhibit and nine (9) copies thereof to the City staff who shall mark suchthe exhibit and distribute the sameit to the Commission. City staff shall mark one (1) copy of the exhibit with the item number, date and speaker name and include the exhibit within the official record. One (1) copy of each exhibit that may be displayed so that all of the Commission members can simultaneously observe it shall be given to City staff. Exceptions to this rule shall be granted for those exhibits which may be displayed so that all of the Commission can simultaneously observe the same. If exhibits are electronic, an electronic copy must be provided to City staff. The Director of PlanningManager shall hold all exhibits until time for appeal has expired, and he shall then dispose of the exhibits shall then be disposed of, as he deems fit unless the person submitting the exhibit picks it up such exhibit from the City staff within ten (10) working days after the time toef appeal has expired.

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- ~~21.~~ When an item is presented to the Planning Commission at its informal meeting, one or more members of the Commission may place that item on the formal public hearing agenda. That item will follow the procedures of a regular public hearing item.

**APPENDIX**  
**DEVELOPMENT APPLICATION REVIEW CRITERIA**

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**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?

G. Pedestrian Circulation:

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

H. Landscaping:

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

I. Open Space:

1. Residential Area:

A. Open Space: The provision of adequate open space shall be required to provide light, air and privacy; to buffer adjacent properties; and to provide active and passive recreation opportunities. All residential units shall include well designed private outdoor living space featuring adequate light, air and privacy where appropriate. Common open space may be used to reduce the park dedication requirements if the open space provides enough area and recreational facilities to reduce the residents' need for neighborhood parks. Recreational facilities shall reflect the needs of the type of residents and proximity to public facilities.

B. Natural Features: Significant and unique natural features, such as trees, drainage channels, slopes, and rock

outcroppings, should be preserved and incorporated into the design of the open space. The Parks and Recreation Advisory Board shall have the discretion to grant park land credit for open space within a PUD development that preserves significant natural features and meets all other criteria for granting park land credit.

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

J. Mobile Home Parks: Does a proposed mobile home park meet the minimum standards set forth in the mobile home park development standards table in section 7.3.104 of this article? (Ord.03-110; Ord. 03-190, Ord. 12-68)

**7.3.605: PUD PLAN REVIEW CRITERIA:**

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

- A. Is the proposed development pattern consistent with the Comprehensive Plan, the 2020 Land Use Map, and all applicable elements of the Comprehensive Plan (including the Intermodal Transportation Plan and the Parks, Recreation and Trails Master Plan)?
- B. Are the proposed uses consistent with the primary and secondary land uses identified in the 2020 Land Use Map of the Comprehensive Plan, as amended?
- C. Is the proposed development consistent with any City approved Master Plan that applies to the site?
- D. Is the proposed development consistent with the intent and purposes of this Zoning Code?
- E. Does the development pattern proposed within the PUD concept plan promote the stabilization and preservation of the existing or planned land uses in adjacent areas and surrounding residential neighborhoods?
- F. Does the development pattern proposed within the PUD concept plan provide an appropriate transition or buffering between uses of differing intensities both on site and off site?
- G. Does the nonresidential development pattern proposed within the PUD concept plan promote integrated activity centers and avoid linear configurations along roadways?
- H. Are the permitted uses, bulk requirements and required landscaping appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community?
- I. Does the PUD concept plan provide adequate mitigation for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes)?
- J. Does the PUD concept plan accommodate automobile, pedestrian, bicycle and transit modes of transportation as appropriate, taking into consideration the development's primary function, scale, size and location?
- K. Does the PUD concept plan include a logical hierarchy of perimeter and internal arterial, collector and local streets that will disperse development generated vehicular traffic to a variety of access points and ways, reduce through traffic in

- adjacent residential neighborhoods and improve resident access to jobs, transit, shopping and recreation?
- L. Will streets and drives within the project area be connected to streets outside the project area in a way that minimizes significant through traffic impacts on adjacent residential neighborhoods, but still improves connectivity, mobility choices and access to jobs, shopping and recreation?
  - M. Does the PUD concept plan provide safe and convenient vehicle and pedestrian connections between uses located within the zone district, and to uses located adjacent to the zone district or development?
  - N. Will adequately sized parking areas be located to provide safe and convenient access, to avoid excessive parking ratios and avoid excessive expanses of pavement?
  - O. Are open spaces integrated into the PUD concept plan to serve both as amenities to residents/users and as a means for alternative transportation modes, such as walking and biking?
  - P. Will the proposed development overburden the capacities of existing or planned streets, utilities and other public facilities?
  - Q. Are the areas with unique or significant natural features preserved and incorporated into the design of the project? (Ord. 03-110; Ord. 03-190, Ord. 12-68)

**7.4.203 A: PARKING SPACE REQUIREMENTS BY USE:**

- A. Minimum Number Of Off Street Parking Spaces: The minimum number of off street parking spaces to be provided for a use is listed in the following table. All parking ratios are based upon the gross floor area contained within the building. When the computation of the required off street parking spaces results in a fraction, the requirement shall be rounded to the nearest whole interval. Fractions of 0.5 or less shall be rounded to the next lowest whole number. Fractions greater than 0.5 shall be rounded to the next highest whole number. Parking amounts required for uses in MU zone districts are subject to the supplemental parking requirements and standards in subsection 7.3.712B of this chapter. Alternative parking requirements may be established as a part of an FBZ regulating plan.

The required off street parking spaces for a use which is not specifically listed, shall be determined by the Manager based upon the requirements of other listed similar uses.

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

- B. Development Plan Required: A development plan shall be required prior to the issuance of a building permit or the commencement of a new use for the following instances unless specifically exempted per subsection C of this section or waived by the Manager for:
1. All new construction;
  2. When no development plan exists, additions to an existing building that cumulatively, as of September 12, 1995, increases the gross floor area of the building by fifty percent (50%) or greater;
  3. When required by the City Planning Commission or City Council, as a condition of record for the establishment of or change of zone district;
  4. The conversion of vacant land into a new use;
  5. The conversion of an existing building's or property's land use type to another land use type (ex.: residential use to a commercial use, but not commercial use to another commercial use, etc.);
  6. The total redevelopment (demolition and new construction) of an existing building or site.

**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)  
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) this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

**NONUSE VARIANCE REVIEW CRITERIA:**

**7.5.802 (B): CRITERIA FOR GRANTING A NONUSE VARIANCE:**

B. Criteria For Granting: The following criteria must be met in order for any nonuse variance to be granted:

1. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district; and

2. That the extraordinary or exceptional physical condition of the property will not allow a reasonable use of the property in its current zone in the absence of relief; and

3. That the granting of the variance will not have an adverse impact upon surrounding properties.

Nonuse variances to the parking and storage regulations (article 4, part 2 of this chapter) and to the sexually oriented business separation requirements (part 13 of this article) are subject to additional criteria set forth in subsections C and D of this section.

**USE VARIANCE REVIEW CRITERIA:**

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

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

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

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

3. That such variance will not be detrimental to the public welfare or convenience norinjurious to the property or improvements of other owners of property.

## **7.5.906: APPEALS**

### A. Appeals of Administrative Decisions:

1. Scheduling Appeals: Any person aggrieved by an appealable administrative decision made by the Manager may file a formal appeal application with the Department within ten (10) days from the date of the final decision. The Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Planning Commission or an FBZ Review Board occurring a minimum of twenty (20) days and a maximum of forty eight (48) days thereafter. After a public hearing, the Planning Commission or an FBZ Review Board shall have the power to affirm, reverse, or modify these decisions.
2. Decisions Appealable To Planning Commission: The following administrative decisions are appealable to the Planning Commission:
  - a. Appeals from all notice and orders alleging violations to the following sections:
    - (1) Chapter 6, article 3 of this Code (solid waste disposal; public health and sanitation);
    - (2) Articles 2, 3, and 4 of this chapter, and this article (zoning);
    - (3) Articles 7 and 8 of this chapter (subdivision).
  - b. Appeals from administrative decisions relating to the following sections of articles 2 and 3 of this chapter and this article (zoning):
    - (1) Section [7.2.108](#) of this chapter (similar use determinations);
    - (2) Section [7.3.504](#) of this chapter (hillside site grading plan);
    - (3) Part 3 of this article (site plan);
    - (4) Part 11 of this article (administrative relief);
    - (5) Part 12 of this article (nonconforming uses);
    - (6) Part 13 of this article (sexually oriented business permits);
    - (7) Part 14 of this article (temporary use permits);
    - (8) Part 15 of this article (home occupation permits);
    - (9) Part 8 of this article (nonuse variance).
  - c. Appeals from administrative decisions relating to the following sections of [article 7 of this chapter](#) (subdivision) and this article (subdivision minor administrative procedures):
    - (1) Section [7.7.501](#) of this chapter (property boundary amendments);
    - (2) Section [7.7.502](#) of this chapter (preservation area boundary amendments);
    - (3) Section [7.7.504](#) of this chapter (issuance of building permits to unplatted lands);

- (4) Section [7.7.505](#) of this chapter (issuance of building permits to previously platted lands);
- (5) Section [7.7.506](#) of this chapter (issuance of building permits prior to platting);
- (6) Section [7.7.304](#) of this chapter (modifications).

d. Appeals from administrative decisions relating to the following sections of [article 4 of this chapter](#) (site development standards), this article (zoning) and [article 7 of this chapter](#) (Subdivision Code):

- (1) Section [7.5.501](#) of this article (concept plan or concept plan amendment);
- (2) Section [7.5.502](#) of this article (development plan or development plan amendment);
- (3) Section [7.5.503](#) of this article (minor amendment to a concept, development, or conditional use plan);
- (4) Section [7.4.308](#) of this chapter (final landscape plan or landscape plan amendment);
- (5) Article 7, parts 2 and 3 of this chapter (preliminary or final subdivision plat).

3. Decisions Appealable To FBZ Review Board: Administrative decisions are appealable to an FBZ Review Board in accord with an approved FBZ regulating plan.

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.

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

6. Fees: Any person pursuing an appeal pursuant to this subsection A shall be responsible for the payment of all fees and for the completion of all forms which may be prescribed by the Manager. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal.

**1.2.903: RULES OF PROCEDURE:**

Boards, committees or commissions may promulgate rules of procedure for the conduct of its meetings which must be consistent with the City of Colorado Springs rules and procedures of Council and shall be approved by City Council. (Ord. 11-18)