City of Colorado Springs

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

Regular Meeting Agenda - Final

City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, July 12, 2016 | **1:00 PM** | **Council Chambers**

1. Call to Order

2. Invocation and Pledge of Allegiance

3. Changes to Agenda/Postponements

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

4A.A. CPC ZC 16-00053

Ordinance No. 16-64 amending the zoning map of the City of Colorado Springs pertaining to 10.5 acres located 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF/AO (Public Facility with Airport Overlay).

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments:
ZC_ORD_SandCreekSub
Exhibit A - Property Legal
Exhibit B - ROW Legal
Exhibit C - Depiction

4A.B. CPC ZC 16-00037

Ordinance No. 16-65 amending the zoning map of the City of Colorado Springs pertaining to 3.81 acres located northwest of East Woodmen Road and Campus Drive from OC (Office Complex) to PBC (Planned Business Center).

(Quasi-Judicial)

Related File: CPC CP 16-00038

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

Attachments: ZC_ORD_ViewHouse

Exhibit A_Legal

Exhibit B_PBC Zone Change Layout

4A.C. 16-414

Ordinance No. 16-66 amending Section 201 (Definitions) and 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport Advisory Commission) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial activities at the Colorado Springs Airport

Presenter:
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Attachments: AAC Ltr of Support 2.pdf

Chapter14EDAOrd201.docx

4A.D. 16-415

Ordinance No. 16-67 amending Section 102 (Definitions) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to commercial activity

Presenter:
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Attachments: AAC Ltr of Support 2.pdf

Chapter2EDAOrd 12.docx

4B. First Presentation:

4B.A. 16-471 City Council Meeting Minutes June 28, 2016

Presenter:
Sarah Johnson, City Clerk

Attachments: 2016-06-28 Minutes Draft

4B.B. 16-475 Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Attachments: 071216 Boards and Commissions

4B.C. 16-429 2017 Audit Plan Approval

Presenter:
Denny L. Nester, City Auditor, Office of the City Auditor

Attachments: 062716 Audit Plan 2017

062716 2017 Audit Plan Presentation

4B.D. 16-466 An Ordinance of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of the First Amendment to Standby Bond Purchase Agreement by and Among the City of Colorado Springs, Colorado and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent and Bank of America, N.A., as Credit Facility Bank and the First Amendment to Fee Agreement Between the City of Colorado Springs, Colorado and Bank of America, N.A.; and Providing Other Matters Relating Thereto

Presenter:
Bill Cherrier, Chief Planning and Finance Officer
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Attachments: Ordinance No. 16- - CSU-2004A SBPA -Bank of America

5. Recognitions

6. Citizen Discussion

7. Mayor's Business

8. Items Called Off Consent Calendar

9. Utilities Business

10. Unfinished Business

10.A. CPC A 16-00020

Ordinance No. 16-68 Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC ZC 16-00021

Presenter:
Meggan Herington, AICP, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Attachments:

Annexation Ordinance_Mohl Hollow

Exhibit A_Legal_Annexation

Mohl Annexation_Staff Report

Mohl Hollow Annexation Plat

FIGURE 2-Project Statement

FIGURE 3-Enclave Map

7.6.203-Annexation Conditions

05.19.16 Minutes_Mohl Hollow

10.B. CPC ZC 16-00021

Ordinance No. 16-69 Amending the Zoning Map of the City of Colorado Springs Relating to 1.26 Acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard Establishing the A Zone District.

(Legislative)

Related File: CPC A 16-00020

Presenter:
Meggan Herington, AICP, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Attachments:

Annex_ZC_Ordinance_Mohl Hollow

Exhibit A_Legal-Zoning

7.5.603.B Establishment or change of zone district boundaries

10.C. CPC PUZ 16-00010

Ordinance No. 16-70 amending the zoning map of the City of Colorado Springs pertaining to 135.63 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A15MJ16, CPC PUZ 16-00011, CPC PUP 16-00013

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Attachments:

ZC_ORD_PUD-135.63

Exhibit A_Residential Legal

Exhibit B Vicinity Map

7.3.603 Establishment & Development of a PUD Zone

7.5.603 Criteria for granting zone changes

062816 Enclaves at Mountain Vistas slides

10.D. CPC PUZ 16-00011

Ordinance No. 16-71 amending the zoning map of the City of Colorado Springs pertaining to 17.7 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 87-000381-A15MJ16, CPC PUZ 16-00010, CPC PUP 16-00013

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Attachments:

ZC_ORD_PBC_17.7

Exhibit A_Commercial Legal

Exhibit B Vicinity Map

7.5.603 Criteria for granting zone changes

062816 Enclaves at Mountain Vistas slides

10.E. CPC ZC 16-00028

Ordinance No. 16-72 amending the zoning map of the City of Colorado Springs pertaining to 3.8 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC PUZ 16-00031, CPC CP 16-00033, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments:

ZC_ORD_Copper_PBC-AO

Exibit A_Legal Description - PBC Zone Change

Exhibit B_Layout_PBC Zone Change

7.5.603 Criteria for granting zone changes

062816 Copper Range Presentation - Staff

10.F. CPC PUZ 16-00031

Ordinance No. 16-73 amending the zoning map of the City of Colorado Springs pertaining to 13.3 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC ZC 16-00028, CPC CP 16-00033, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Attachments:

ZC_ORD_PUD_Copper

Exhibit A_Legal Description - PUD Zone Change

Exhibit B_Layout_PUD Zone Change

Vicinity Map

7.3.603 Establishment & Development of a PUD Zone

7.5.603 Criteria for granting zone changes

062816 Copper Range Presentation - Staff

11. New Business

12. Public Hearing

12.A. CPC ZC 16-00022

An zone change and an appeal of the City Planning Commission's recommendation of approval to the City Council to change the zoning of 2.95 acres from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Related File: CPC DP 16-00023

Presenter:
Hannah Van Nimwegen, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director

Attachments:

Appeal Letter

PPA_Staff Report

Figure 1 - Development Plan

Figure 2 - Project Narrative

Figure 3 - Surrounding land use

Figure 4 - Land Suitability Analysis

Figure 5 - Neighborhood comments

Figure 6 - Applicant's response to neighborhood comments

Figure 7 - Second applicant response

Figure 8 - New building elevations

Figure 9 - Dickerson_Letter

Figure 10 - Vaupel letter

7.5.603.B Establishment or change of zone district boundaries

Kirkman email

Exhibit 1 - Additional Letters from Neighbors

Exhibit A_LEGAL DESCRIPTION for zone change Ord

CPC JUNE 16 Meeting Minutes - PPA

7.5.906 (B)

12.B. CPC DP 16-00023

A development plan and an appeal of the City Planning Commission's recommendation to City Council to approve a development plan for swim and athletic facility located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Related File: CPC ZC 16-00022

Presenter:
Hannah Van Nimwegen, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director

Attachments:

Appeal Letter

Figure 1 - Development Plan

7.5.502.E Development Plan Review

7.5.906 (B)

12.C. CPC AP 16-00071

An appeal of the City Planning Commission's decision to grant the appeal of the Notice of Violation & Order to Abate served on the property owner of 2215 North Farragut Avenue or violation of fence height.

(Quasi-Judicial)

Presenter:
Dennis Wolf, Land Use Inspector, Planning and Community Department
Peter Wysocki, Planning and Community Development Director

Attachments:

Fence appeal by Leland Pilger

CPC STAFF REPORT - CPC AP 16-00071 -Code Enforcement appeal - DLW

FIGURE 1 - 2215 N. Farragut Ave - Zone Map

FIGURE 2 - Appeal statement

FIGURE 3 - 2215 N. Farragut Ave. - photo history

Notice & Order with signatures

Rebuttal ltr Leland Pilger

CPC JUNE 16 Meeting Minutes - Code Enforcement appeal

Vicinity Map

7.5.906 (A)(4)

7.5.906 (B)

13. Added Item Agenda

14. Executive Session

15. Adjourn

Memorandum

File #: CPC ZC 16-00053, **Version:** 3

Ordinance No. 16-64 amending the zoning map of the City of Colorado Springs pertaining to 10.5 acres located 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF/AO (Public Facility with Airport Overlay).

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Summary:
Applicant: City of Colorado Springs
Owner: City of Colorado Springs
Location: 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop

This project includes a PF zone change and concept statement for the future development of the Sand Creek Police Substation. A development plan and final plat will be required prior to building permit.

Previous Council Action:
On June 28, 2016, the City Council unanimously voted to approve the Consent Calendar item for the request change of zone, with eight votes in favor (Council President Bennett, Council President Pro-tem Gaebler, Councilor Knight, Councilor Bagley, Councilor King, Councilor Pico, Councilor Murray, Councilor Strand, and Councilor Collins) and none opposed, and set the second hearing date for July 12, 2016.

Background:
The current Sand Creek Police Substation no longer serves the need of the southeast quadrant of Colorado Springs despite multiple remodels. The proposed site was purchased by the City of Colorado Springs in 2015 for the future development of the Sand Creek Police Substation. The rezoning to PF (Public Facility) is the first step in the development process for the site. A development plan and final plat will be required prior to building permit. The PF zone district allows for land which is used or being reserved for a governmental purpose by the City of Colorado Springs, El Paso County, State of Colorado, the Federal government or a public utility. Generally, the existing or proposed use is a unique governmental or utility service or a governmental function. The police substation would fall under the use category of Administrative and Safety Services of the City Zoning Code, which is allowed in the PF zone district. Administrative and Safety Services are defined as governmental offices providing administrative, clerical or public contact services, public safety and emergency services that deal directly with the citizen, together with incidental storage and

maintenance of necessary vehicles. Typical uses include Federal, State, County, and City offices along with police and fire protection services and emergency medical and ambulance services.

Typically, a concept plan is required in conjunction with a zone change application. However, City Code Section 7.5.501.C.1 permits the substitution of a “concept statement” instead for zone changes to PF.

This item supports the City’s strategic plan to excel in City Services. The construction of a new police substation will ensure a fiscally sustainable and resilient City that will deliver consistent quality services to the citizens of Colorado Springs.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on May 19, 2016 the Planning Commission voted 8-0 (1 absent) to approve the zone change.

Stakeholder Process:
The public process involved with the review of these applications included posting of the site and sending of postcards to 10 property owners on two separate occasions to all property owners within 500 feet. No comments were received.

Alternatives:
1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

Proposed Motion:
CPC ZC 16-00053 - CHANGE OF ZONING TO PF
Adopt an ordinance changing the zoning from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF (Public Facility), based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 10.5 acres located 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF (Public Facility).

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 10.5 ACRES LOCATED 0.2 MILES EAST OF THE INTERSECTION OF SOUTH ACADEMY BOULEVARD AND ACADEMY PARK LOOP FROM PBC/HR/AO (PLANNED BUSINESS CENTER WITH HIGH RISE AND AIRPORT OVERLAY) TO PF/AO (PUBLIC FACILITY WITH AIRPORT OVERLAY)

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 10.5 acres located 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop as described in Exhibit A and Exhibit B, and depicted in Exhibit C, which are attached hereto and made a part hereof by reference, from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF/AO (Public Facility with Airport Overlay), pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

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

Finally passed: _____ _____

Council President

ATTEST:

_____

Sarah B. Johnson, City Clerk

EXHIBIT A

THE PROPERTY

That portion of the southwest quarter of SECTION 23, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., situate in the City of Colorado Springs, El Paso County, Colorado. More particularly described as follows:
Commencing at the southwest corner of said section 23, thence N 00°25'09"W (an assumed bearing to which all others contained herein are relative thereto) along the west line of the southwest quarter (SW 1/4) of said section 23, a distance of 1244.43 feet;
thence N 89°34'51" E, 40.00 feet;
thence N 00°25'09" W parallel with said west line of the southwest (SW 1/4) and 40.00 feet easterly therefrom, a distance of 935.31 feet to a point on the Right of Way line of Academy Park Loop as platted in Gateway Plaza Filing No. 1 as recorded June 11, 1981 in plat book N3 at page 100 of the records of said El Paso County;
thence N 89°34'51" E along said south Right of Way line a distance of 460.00 feet to the point of beginning;

(The following 4 courses continue along said Right of Way line);
thence N 89°34'51" E a distance of 116.30 feet;
thence along the arc of a curve to the right, said curve having a central angle of 56°11'14", a radius of 653.10 feet, and an arc length of 640.46 feet;
thence S 34°13'55" E, 329.88 feet;
thence along the arc of a curve to the right, said curve having a central angle of 16°14'23", a radius of 328.22 feet, and an arc length of 93.03 feet;
thence S 79°00'28" W on a non-tangent line to the last described curve, a distance of 36.90 feet;
thence along the arc of a curve to the right, said curve having a central angle of 10°34'23", a radius of 260.00 feet, and an arc length of 47.98 feet;
thence S 89°34'51" W a distance of 372.98 feet;
thence along the arc of a curve to the right, said curve having a central angle of 45°00'00", a radius of 260.00 feet, and an arc length of 204.20 feet;
thence N 45°25'09" W, 234.40 feet;
thence along the arc of a curve to the right, said curve having a central angle of 45°00'00", a radius of 260.00 feet, and an arc length of 204.20 feet;
thence N 00°25'09" W, 232.74feet to the Point of Beginning;

Except that portion thereof platted as dedicated Right of Way as contained in the plat of Gateway Corporate Plaza Filing No. 1 as recorded June 20, 1986 in plat book A4 at page 135 of the records of said El Paso County, Colorado.

CITY OF COLORADO SPRINGS

Parcel
Southwest 1/4 of Section 23,
Township 14 South, Range 66
West of the 6th P.M.

Drawn By: R. Kotwica | Date: JUNE 22, 2016

Job Number: 2015703

EXHIBIT B

THE RIGHT OF WAY

That portion of the southwest quarter of SECTION 23, TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE SIXTH P.M., situate in the City of Colorado Springs, El Paso County, Colorado. More particularly described as follows:
Commencing at the southwest corner of said section 23, thence N 00°25'09"W (an assumed bearing to which all others contained herein are relative thereto) along the west line of the southwest quarter (SW 1/4) of said section 23, a distance of 1244.43 feet;
thence N 89°34'51" E, 40.00 feet;
thence S 84°29'54" E, 477.44 feet;
thence N 05°30'06" E, 49.51 feet;
thence N 00°25'09" W, 355.68 feet;
thence N 45°25'09" W, 31.92 feet;
thence N 44°34'51" E, 75.00 feet;
to the Point of Beginning;
thence S 45°25'09" E, 190.74 feet;
thence on a curve to the left, said curve having a central angle of 45°00'00", a radius of 340.00 feet, and an arc length of 267.04 feet;
thence N 89°34'51" E, 372.98 feet;
thence on a curve to the left, said curve having a central angle of 10°34'23", a radius of 340.00 feet, and an arc length of 62.74 feet;
thence N 79°00'28" E, 36.86 feet a point on the westerly right of way line of Academy Park Loop as platted in Gateway Plaza Filing No. 1 as recorded June 11, 1981 in plat book N3 at page 100 of the records of said El Paso County;
thence on a curve to the left, said curve having a central angle of 30°14'53", a radius of 328.22 feet, and an arc length of 173.28 feet (the chord of said curve bears N 19°06'29" W, 171.27 feet);
thence N 34°13'55" W, 329.88 feet;
thence on a curve to the left, said curve having a central angle of 47°55'23", a radius of 653.10 feet, an arc length of 546.26 feet;
thence S 07°50'42" W, 10.00 feet;
thence southeasterly on a curve to the right, said curve having a central angle of 47°55'23", a radius of 643.10 feet, and an arc length of 537.90 feet (the chord of said curve bears S 58°11'36" E, 522.36 feet);
thence N 34°13'55 " E, 329.88 feet;
thence on a curve to the right, said curve having a central angle of 16°01'37", a radius of 318.22 feet, and an arc length of 89.01 feet;
thence S 79°00'28" W, 26.79 feet;
thence on a curve to the right, said curve having a central angle of 10°34'23", a radius of 260.00 feet, and an arc length of 47.98 feet;
thence S 89°34'51" W, 372.98 feet;
thence on a curve to the right, said curve having a central angle of 45°00'00", a radius of 260.00 feet, and an arc length of 204.20 feet;
thence N 45°25'09" W, 190.74 feet;
thence S 44°34'51" W, 80.00 feet to the point of beginning.
Said portion containing a protracted area of 81,086.3 Square feet.

This legal description was prepared for and on behalf of The City of Colorado Springs by
Robert A. Pisciotta Jr. Colorado P.L.S. 38224
30 S. Nevada Ave. Suite 402
Colorado Springs, CO
719-385-5545

COLORADO LICENSED
ROBERT A. PISCIOTTA JR.
38224
6/22/16
PROFESSIONAL LAND SURVEYOR

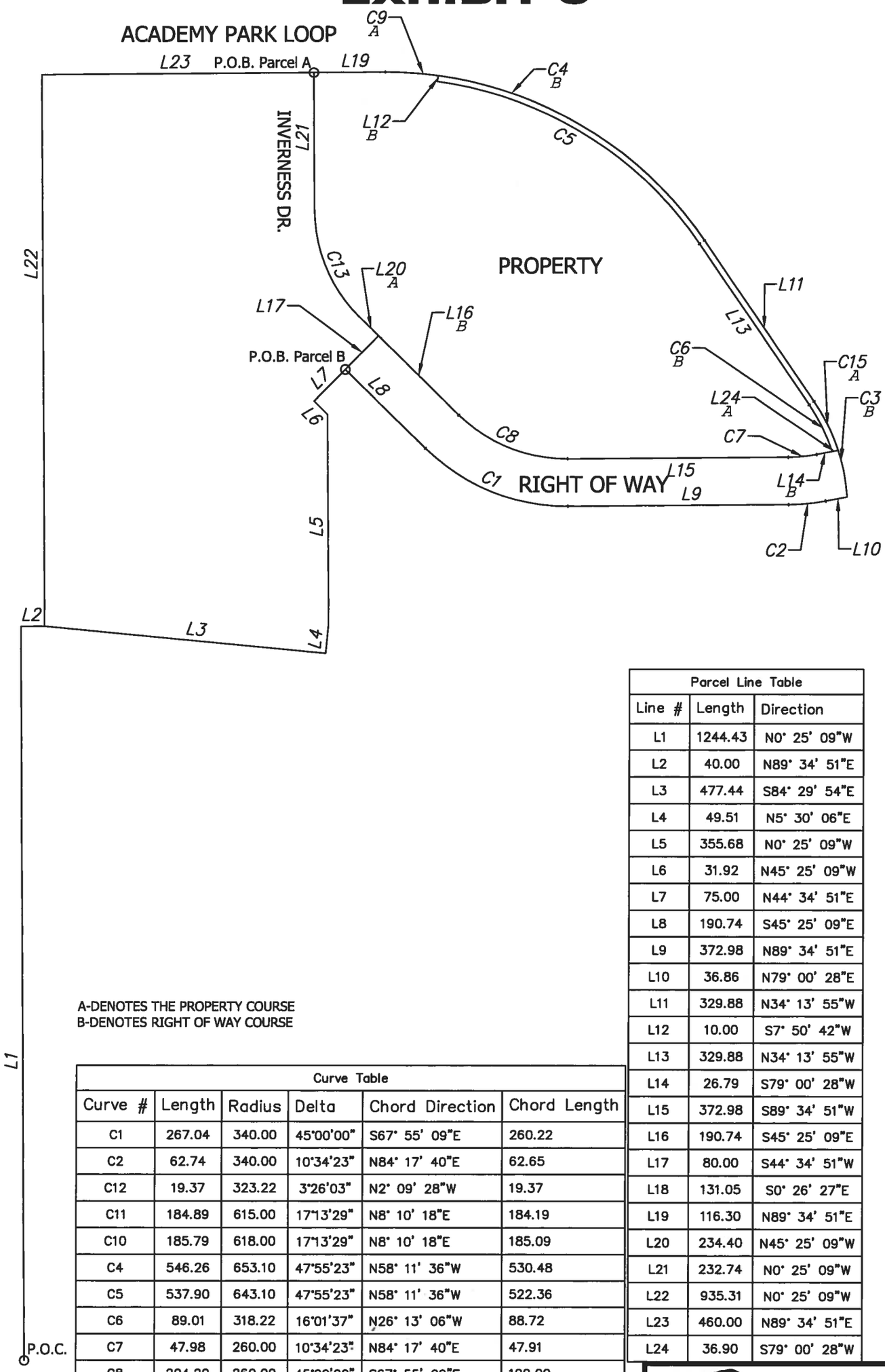
CITY OF COLORADO SPRINGS

Parcel
Southwest 1/4 of Section 23,
Township 14 South, Range 66
West of the 6th P.M.

Drawn By: R. Kotwica Date: JUNE 22, 2016

Job Number: 2015703

EXHIBIT C



A-DENOTES THE PROPERTY COURSE
B-DENOTES RIGHT OF WAY COURSE

Parcel Line Table		
Line #	Length	Direction
L1	1244.43	N0° 25' 09"W
L2	40.00	N89° 34' 51"E
L3	477.44	S84° 29' 54"E
L4	49.51	N5° 30' 06"E
L5	355.68	N0° 25' 09"W
L6	31.92	N45° 25' 09"W
L7	75.00	N44° 34' 51"E
L8	190.74	S45° 25' 09"E
L9	372.98	N89° 34' 51"E
L10	36.86	N79° 00' 28"E
L11	329.88	N34° 13' 55"W
L12	10.00	S7° 50' 42"W
L13	329.88	N34° 13' 55"W
L14	26.79	S79° 00' 28"W
L15	372.98	S89° 34' 51"W
L16	190.74	S45° 25' 09"E
L17	80.00	S44° 34' 51"W
L18	131.05	S0° 26' 27"E
L19	116.30	N89° 34' 51"E
L20	234.40	N45° 25' 09"W
L21	232.74	N0° 25' 09"W
L22	935.31	N0° 25' 09"W
L23	460.00	N89° 34' 51"E
L24	36.90	S79° 00' 28"W

Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	267.04	340.00	45°00'00"	S67° 55' 09"E	260.22
C2	62.74	340.00	10°34'23"	N84° 17' 40"E	62.65
C12	19.37	323.22	3°26'03"	N2° 09' 28"W	19.37
C11	184.89	615.00	17°13'29"	N8° 10' 18"E	184.19
C10	185.79	618.00	17°13'29"	N8° 10' 18"E	185.09
C4	546.26	653.10	47°55'23"	N58° 11' 36"W	530.48
C5	537.90	643.10	47°55'23"	N58° 11' 36"W	522.36
C6	89.01	318.22	16°01'37"	N26° 13' 06"W	88.72
C7	47.98	260.00	10°34'23"	N84° 17' 40"E	47.91
C8	204.20	260.00	45°00'00"	S67° 55' 09"E	199.00
C3	173.28	328.22	30°14'53"	N19° 06' 29"W	171.27
C9	640.46	653.10	56°11'14"	N62° 19' 32"W	615.11
C15	93.03	328.22	16°14'23"	N26° 06' 43"W	92.72
C13	204.20	260.00	45°00'00"	S22° 55' 09"E	199.00

CITY OF COLORADO SPRINGS

Parcel
Southwest 1/4 of Section 23,
Township 14 South, Range 66
West of the 6th P.M.

Drawn By: R. Kotwica
Date: JUNE 22, 2016
Job Number: 2015703

Memorandum

File #: CPC ZC 16-00037, **Version:** 3

Ordinance No. 16-65 amending the zoning map of the City of Colorado Springs pertaining to 3.81 acres located northwest of East Woodmen Road and Campus Drive from OC (Office Complex) to PBC (Planned Business Center).

(Quasi-Judicial)

Related File: CPC CP 16-00038

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

Summary:
Applicant: Obering, Wurth and Associates
Owner: Ent Federal Credit Union
Location: Northwest of the East Woodmen Road and Campus Drive intersection.

This project includes concurrent applications for a zone change and concept plan for a 3.81 acre site located northwest of the East Woodmen Road and Campus Drive intersection. The applications propose to rezone the Ent Federal Credit Union subdivision from existing OC (Office Complex) to PBC (Planned Business Center) and establish an accompanying concept plan for office and restaurant development.

Previous Council Action:
On June 28, 2016, City Council approved this item on consent.

City Council last acted on this property with the annexation, and zoning for Woodmen Campus Addition in 1981.

Background:
The property is located northwest of the intersection of East Woodmen Road and Campus Drive. The site's southern boundary is created by Woodmen Road; however, the development will not have any access to Woodmen. A private drive extends south along the western property boundary to give access to the southern lot for development. Existing Lot 1 is currently a bank use.

This item supports the City's strategic plan to promote a development pattern that is characterized by a mix of commercial land uses to support the future creation of employment opportunities and maintain prospects for strengthening the Colorado Springs economy.

The project is also supported by the Infill Chapter of the City's Comprehensive Plan, which

encourages adaptive re-use of existing buildings. Uses such as restaurants are particularly desirable given their ability to enhance “human activation” and vitality.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on May 19, 2016 the Planning Commission voted unanimously to approve the applications as part of the consent calendar.

Stakeholder Process:
The public process involved included posting the site and sending postcards on two separate occasions to all property owners within 500-feet of the site. A neighborhood meeting was held during the pre-application stage on February 25, 2016 with four neighbors in attendance. One written notice was received by staff on behalf of the neighborhood association. The neighborhood raised awareness of traffic and noise but stated they are in support of the project as proposed.

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 Parks, Police, E-911, Airport, and the Falcon School District.

Alternatives:
1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:
Adopt an ordinance changing the zoning of 3.81 acres from OC (Office Complex) to PBC (Planned Business Center), based upon the findings that the change of zoning request complies with the criteria for granting of zone changes as set forth in City Code Section 7.5.603.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.81 acres northwest of the intersection of East Woodmen Road and Campus Drive from OC (Office Complex) to PBC (Planned Business Center).

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 3.81 ACRES LOCATED NORTHWEST OF THE INTERSECTION OF EAST WOODMEN ROAD AND CAMPUS DRIVE FROM OC (OFFICE COMPLEX) TO PBC (PLANNED BUSINESS CENTER)

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 3.81 acres located northwest of the intersection of East Woodmen Road and Campus Drive as described in Exhibit A and depicted in Exhibit B, which are attached hereto and made a part hereof by reference, from OC (Office Complex) to PBC (Planned Business Center), pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

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

Finally passed: _____ _____

Council President

ATTEST:

_____

Sarah B. Johnson, City Clerk

Obering, Wurth & Associates
Consulting Civil Engineers
Professional Land Surveyors
1046 Elkton Drive · Colorado Springs, Colorado · 80907 · Phone 719-531-6200 Fax 719-531-6266

ZONE CHANGE LEGAL DESCRIPTION
7029 & 7063 CAMPUS DRIVE
ZONE CHANGE OFFICE COMPLEX (OC)
TO
PLANNED BUSINESS CENTER (PBC)

LOTS 1, 2 AND TRACT A, "ENT FEDERAL CREDIT UNION SUBDIVISION NO. 8" AS RECORDED AT RECEPTION NO. 96153461 OF THE RECORDS OF EL PASO COUNTY, COLORADO.

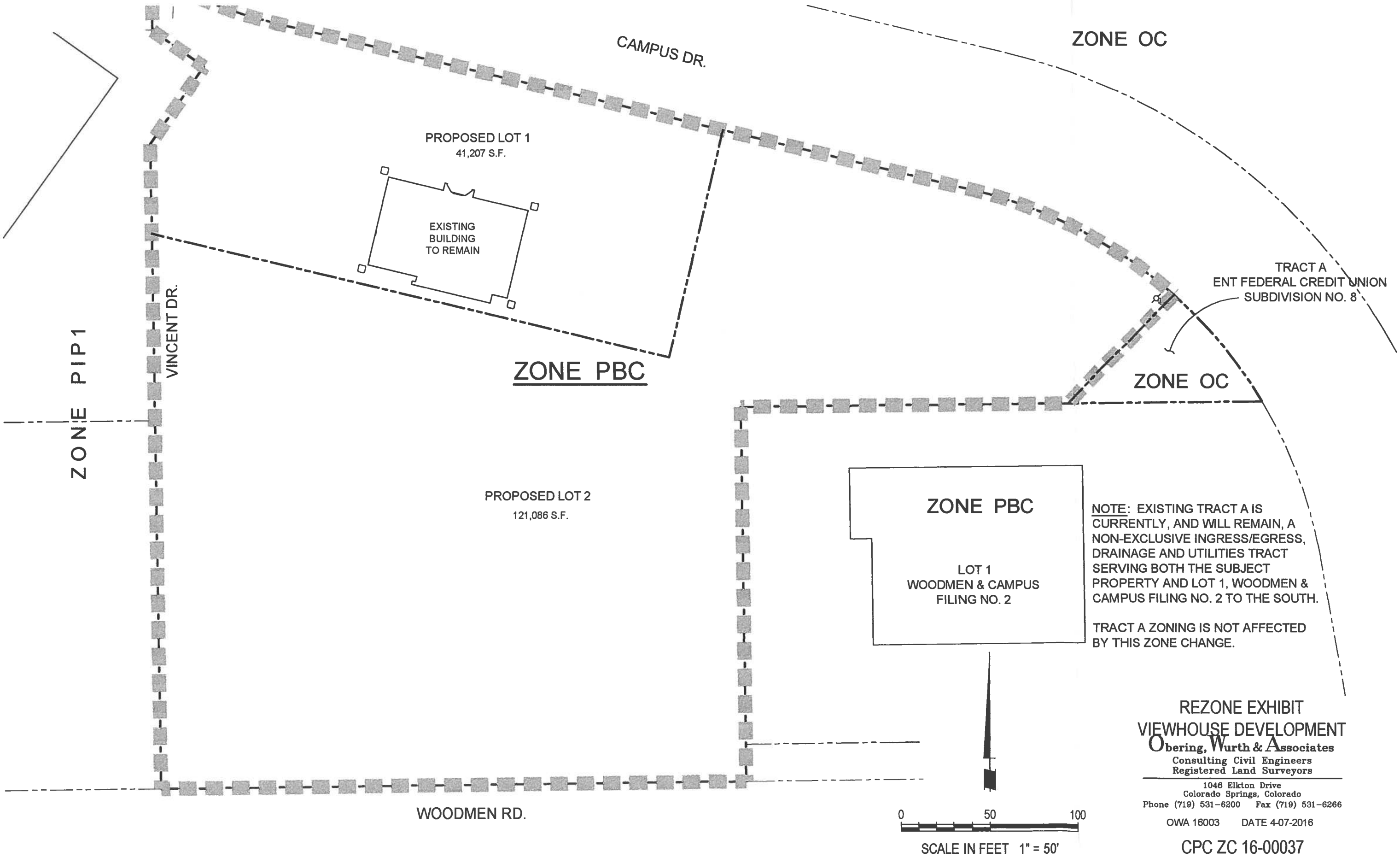

CAMPUS DR.
ZONE OC
PROPOSED LOT 1
41,207 S.F.
EXISTING
BUILDING
TO REMAIN
TRACT A
ENT FEDERAL CREDIT UNION
SUBDIVISION NO. 8
ZONE PBC
ZONE OC
VINCENT DR.
ZONE PIP1
PROPOSED LOT 2
121,086 S.F.
ZONE PBC
LOT 1
WOODMEN & CAMPUS
FILING NO. 2
NOTE: EXISTING TRACT A IS CURRENTLY, AND WILL REMAIN, A NON-EXCLUSIVE INGRESS/EGRESS, DRAINAGE AND UTILITIES TRACT SERVING BOTH THE SUBJECT PROPERTY AND LOT 1, WOODMEN & CAMPUS FILING NO. 2 TO THE SOUTH.
TRACT A ZONING IS NOT AFFECTED BY THIS ZONE CHANGE.
WOODMEN RD.
0
50
100
SCALE IN FEET 1" = 50'
REZONE EXHIBIT
VIEWHOUSE DEVELOPMENT
Obering, Wurth & Associates
Consulting Civil Engineers
Registered Land Surveyors
1046 Elkton Drive
Colorado Springs, Colorado
Phone (719) 531-6200 Fax (719) 531-6266
OWA 16003 DATE 4-07-2016
CPC ZC 16-00037

FIGURE 4

Memorandum

File #: 16-414, **Version:** 3

Ordinance No. 16-66 amending Section 201 (Definitions) and 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport Advisory Commission) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial activities at the Colorado Springs Airport

Presenter:
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Summary:
In 2004, City Council established guidelines for economic development agreements (“EDA") with businesses and prospective employers seeking to relocate to or expand within the City.

In 2014, City Council established a commercial aeronautical zone ("CAZ") wherein sales and use tax exemptions would be established for certain commercial aeronautical activities within the boundaries of the CAZ. The CAZ has far exceeded its original projections, not only in new businesses occupying vacant facilities, but driving the demand for new construction.

In 2015, the City Council established supplemental EDA guidelines within the Commercial Aeronautical Zone (CAZ), specifically for on-Airport property as it relates to the construction of new, expanded or renovated facilities to better respond to this emerging demand and to create procedural efficiencies.

Although the Commercial Aeronautical Zone (CAZ) continues to be successful in the retention and recruitment of businesses at COS, Airport staff is proposing amending the supplemental EDA guidelines to further clarify, streamline and enhance development opportunities at the Colorado Springs Airport.

Therefore, in order to enhance economic development within the Commercial Aeronautical Zone (CAZ), Airport staff is proposing changes to the supplemental EDA process for properties located on-Airport, within the CAZ as set forth in the proposed ordinance.

Previous Council Action:
City Council previously approved Ordinance No. 15-45 on August 11, 2015.

Background:
In September 2004, City Council passed Resolution No. 203-04, which authorized business personal property tax rebates to encourage private investment and job creation in Colorado Springs. In 2014, City Council established a commercial aeronautical zone (“CAZ") and sales and use tax exemption

for certain commercial aeronautical activities within the CAZ. In 2015, City Council passed an ordinance allowing the Executive Branch to negotiate and execute EDAs as set forth in Ordinance 15 -45.

Due to the reversionary right clause, tenants of on-Airport properties typically recover their return on capital investment within the initial term of the lease. This has a significant impact on the cost of products and services, thus impacting competitive advantage and potentially delaying economic development opportunities at the Airport. Conversely, off-Airport properties belong to property owners indefinitely. Hence, these owners can establish costs of goods and services with the full rights and privileges of asset ownership.

In light of the differences between on-Airport and off-Airport private investments, City Council created supplemental EDAs for on-Airport investments as defined in Ordinance 15-45.

The proposed Ordinance amendment clarifies the stakeholders eligibility and computation for this economic incentive tool.

Moreover, the Airport has the potential to be an even greater economic driver for the region, as potential investors are seeking to establish additional assembly and manufacturing facilities on or near Airport property.

Therefore, Airport staff recommends that City Council amend the supplemental EDAs with potential tenants, owners, developers, and contractors performing commercial activities within the Commercial Aeronautical Zone (CAZ), specifically on-Airport as proposed in this ordinance.

Financial Implications:
N/A

Board/Commission Recommendation:
The Airport's strategic initiatives are regularly presented to the Airport Advisory Commission for its consideration and public input. The Airport Advisory Commission has been briefed on this strategy and the proposed ordinance and has unanimously voted to offer the attached letter of support.

Stakeholder Process:
Prior to briefing and obtaining the support of the Airport Advisory Commission, Airport staff has developed this proposed item with the assistance of various stakeholders, including but not limited to City Finance, City Attorney's Office, Economic Vitality, and El Paso County and discussed the implications of the proposed ordinance with prospective and current tenants of the Airport property.

Alternatives:
If City Council does not adopt the proposed ordinance, the existing EDA process will remain in effect, but further business retention, expansion and attraction will be restricted.

Proposed Motion:
MOVE TO APPROVE AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS) AND 213 (ECONOMIC DEVELOPMENT AGREEMENTS) OF PART 2 (GENERAL PROVISIONS) OF ARTICLE 1 (MUNICIPAL AIRPORT ADVISORY COMMISSION) OF CHAPTER 14 (MUNICIPAL

ENTERPRISES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, AUTHORIZING ECONOMIC DEVELOPMENT AGREEMENTS WITH BUSINESSES PERFORMING COMMERCIAL ACTIVITIES AT THE COLORADO SPRINGS AIRPORT

To enhance economic development within the Commercial Aeronautical Zone (CAZ), by making changes to the supplemental EDA process for properties located on-Airport, within the CAZ as set forth in the proposed ordinance.

powered by Legistar™

Airport Advisory Commission
Colorado Springs Airport
7770 Milton E. Proby Pkwy., Suite 50
Colorado Springs, CO 80916
Phone: 719.550.1900
www.flycos.com

May 20, 2016

Colorado Springs City Council
107 N. Nevada Avenue, Suite 300
Colorado Springs, CO 80903

RE: Letter of Support to authorize Economic Development Agreements (EDAs) with businesses performing commercial activities at the Colorado Springs Airport

Honorable President Bennett and Members of City Council:

The Colorado Springs Airport Advisory Commission has been fully briefed by Airport management on both the City's existing Economic Development Agreement (EDA) guidelines set forth in Resolution No.203-04,as well as additional, staff-recommended guidelines and authorization for EDAs specifically related to businesses performing commercial activities at the Airport.

The Airport Advisory Commission offers its full support to widen the existing EDA guidelines and authorization specifically for commercial activities at the Airport as proposed by Airport staff. These proposed guidelines and authorization will further define and strengthen the Commercial Aeronautical Zone (CAZ) and substantially support future economic development opportunities for Colorado Springs.

The Airport Advisory Commission offers its full support of the airport staff's initiative to enhance the existing EDA guidelines and authorization specifically for commercial activities at the Airport as proposed. Their proposed guidelines and authorization will serve to further define and strengthen the Commercial Aeronautical Zone (CAZ) and substantially support future economic development opportunities for Colorado Springs.

The Airport Advisory Commission is fully committed to support the City's goal in continuing economic development activities at the Airport, and we believe the proposed ordinance follows that path.

The Airport Advisory Commission strongly encourages City Council to approve the Airport's proposed ordinance to create guidelines and authorize EDAs specific to businesses performing commercial activities at the Airport.

Sincerely,

Andrew (Andi) Biancur
Chairman

cc: Dan Gallagher, Director of Aviation, Colorado Springs Airport
Airport Advisory Commission

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 201 (DEFINITIONS) AND 213 (ECONOMIC DEVELOPMENT AGREEMENTS) OF PART 2 (GENERAL PROVISIONS) OF ARTICLE 1 (MUNICIPAL AIRPORT ADVISORY COMMISSION) OF CHAPTER 14 (MUNICIPAL ENTERPRISES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, AUTHORIZING ECONOMIC DEVELOPMENT AGREEMENTS WITH BUSINESSES PERFORMING COMMERCIAL ACTIVITIES AT THE COLORADO SPRINGS AIRPORT

WHEREAS, the City of Colorado Springs ("City") has authority to levy and collect property, sales and use taxes within the City and to negotiate and offer incentive payments and credits of taxes paid by qualifying taxpayers; and

WHEREAS, to enhance and strengthen the City's economic vitality, promote job retention and creation and the City's business climate in general, encourage business spending and enhancing business transactions related to commercial aeronautical activities, attract new businesses to the City and allow existing businesses to expand within the City, City Council, by Ordinance No. 14-22, dated April 8, 2014, established the commercial aeronautical zone ("CAZ") within the City and adopted a sales and use tax exemption for certain commercial aeronautical activities within the CAZ; and

WHEREAS, the City controls, owns, operates and maintains the Colorado Springs Municipal Airport ("Municipal Airport"); and

WHEREAS, by Resolution No. 73-05, dated April 26, 2005, as amended by Resolution No. 22-15, dated March 10, 2015, City Council found that aviation and commercial development on the Municipal Airport property is an economic development activity; and

WHEREAS, City Council desires to authorize the negotiation and execution of economic development agreements with qualifying businesses performing commercial activities at the Municipal Airport to encourage development and expansion of opportunities for employment in the private sector in the City and further complement the objectives of the CAZ; and

WHEREAS, City Council believes that approving economic development agreements as set forth in this ordinance will expedite and improve the City's responsiveness to businesses desiring to relocate to or expand within the City.

WHEREAS, the previously adopted commercial aeronautical zone has surpassed its original projections

WHEREAS, the City desires to respond to emerging marketplace demand in relation to the recruitment of firms and job creation

WHEREAS, the amended ordinances will enhance the existing commercial aeronautical zone, providing for greater job creation potential

WHEREAS, these amended ordinances will further streamline the EDA process to follow marketplace realities.

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

Section 1. Section 201 (Definitions) of Part 2 (General Provisions) of Article 1 (Municipal Airport Advisory Commission) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

14.1.201: DEFINITIONS:

* * *

COMMERCIAL ACTIVITY: Any lawful activity undertaken as part of a commercial enterprise or conduct or regular course of conduct that is of a commercial character.

~~COMMERCIAL AERONAUTICAL ACTIVITY: Any activity engaged in for profit directly and substantially related to the sale, purchase, lease, rental, distribution, consumption, manufacture, maintenance, repair, overhaul, storage, or use of aircraft.~~

* * *

NEW BUSINESS FACILITY: A new ~~or~~, expanded or renovated business facility that is placed in use after the commencement date of an economic development agreement executed in accordance with this article.

* * *

Section 2. Section 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport Advisory Commission) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

14.1.213: ECONOMIC DEVELOPMENT AGREEMENTS:

A. Legislative Declaration: City Council finds and declares that the health, safety and welfare of the citizens of the City are dependent on the continued encouragement, development and expansion of opportunities for employment in the private sector in the City and that aviation and commercial development on the Municipal Airport property is an economic development activity within the meaning of section 10-60 of the City Charter. City Council further finds and declares that offering tax incentives to qualifying businesses performing **commercial activities**~~ commercial aeronautical activities~~ on the Municipal Airport property will enhance and strengthen the City's economic vitality, promote job retention and creation and the City's business climate in general, encourage business spending and enhancing business transactions related to commercial aeronautical activities, attract new businesses to the City, allow existing businesses to expand within the City and further support this economic development activity. City Council also finds and declares that approving economic development agreements as set forth in this section will expedite and improve the City's responsiveness to those desiring to relocate to or expand within the City.

B. Economic Development Agreements Authorized: As set forth by City Council in this section **and subject to the authorized incentives**, the Mayor is authorized to negotiate and execute one or more economic development agreements with any business that performs a **commercial activity in support of the Airport becoming as financially self-sustaining as possible.**~~commercial aeronautical activity at a new business facility on the Municipal Airport.~~ **The Airport Director or his or her designee shall inform the Airport Advisory Commission and the City Council within sixty (60) days of the execution of any Economic Develop Agreement executed pursuant to this Part 2.**

C. * * *

1. Up to ~~ninety~~**one hundred** percent (~~9~~**100**%) of the City's general fund portion of the sales tax or use tax paid by or for the benefit of the business for the purchase or use of construction materials used in the establishment of the new business facility on the Municipal Airport.

2. Up to ~~ninety~~one hundred percent (~~9~~100%) of the business personal property tax paid by or for the benefit of the business for any business personal property with its situs at the new business facility on the Municipal Airport with actual value for purposes of assessment greater than five hundred thousand dollars ($500,000.00) (net of any credits or other setoffs).

3. As used herein, the phrase "by or for the benefit of the business" includes sales and use tax payments by any construction contractor engaged by the qualified business to construct and/or equip the new business facility.

* * *

Section 3. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____ _____
Council President

Mayor's Action:

□ Approved on _____.
□ Disapproved on _____, based on the following objections:

_____
_____
_____
_____

DRAFT

_____
Mayor

Council Action After Disapproval:

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

_____
Council President

ATTEST:

_____
Sarah B. Johnson, City Clerk

DRAFT

COS: _____
CAO: _____

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

Memorandum

File #: 16-415, **Version:** 3

Ordinance No. 16-67 amending Section 102 (Definitions) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to commercial activity

Presenter:
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Summary:
In 2004, City Council established guidelines for economic development agreements (“EDA") with businesses and prospective employers seeking to relocate to or expand within the City.

In 2014, City Council established a commercial aeronautical zone ("CAZ") wherein sales and use tax exemptions would be established for certain commercial aeronautical activities within the boundaries of the CAZ. The CAZ has far exceeded its original projections, not only in new businesses occupying vacant facilities, but driving the demand for new construction.

In 2015, the City Council established supplemental EDA guidelines within the Commercial Aeronautical Zone (CAZ), specifically for off-Airport property as it relates to the construction of new, expanded or renovated facilities to better respond to this emerging demand and to create procedural efficiencies.

Although the Commercial Aeronautical Zone (CAZ) continues to be successful in the retention and recruitment of businesses at COS, Airport staff is proposing amending the supplemental EDA guidelines to further clarify, streamline and enhance development opportunities at the Colorado Springs Airport.

Therefore, in order to enhance economic development within the Commercial Aeronautical Zone (CAZ), Airport staff is proposing changes to the supplemental EDA process for properties located off-Airport, within the CAZ as set forth in the proposed ordinance.

Previous Council Action:
City Council previously approved Ordinance No. 15-46 on August 11, 2015.

Background:
In September 2004, City Council passed Resolution No. 203-04, which authorized business personal property tax rebates to encourage private investment and job creation in Colorado Springs. In 2014, City Council established a commercial aeronautical zone (“CAZ") and sales and use tax exemption for certain commercial aeronautical activities within the CAZ. In 2015, City Council passed an ordinance allowing the Executive Branch to negotiate and execute EDAs as set forth in Ordinance 15

-46.

Due to the reversionary right clause, tenants of on-Airport properties typically recover their return on capital investment within the initial term of the lease. This has a significant impact on the cost of products and services, thus impacting competitive advantage and potentially delaying economic development opportunities at the Airport. Conversely, off-Airport properties belong to property owners indefinitely. Hence, these owners can establish costs of goods and services with the full rights and privileges of asset ownership.

In light of the differences between on-Airport and off-Airport private investments, City Council created supplemental EDAs for off-Airport investments as defined in Ordinance 15-46.
The proposed Ordinance amendment clarifies the stakeholders eligibility and computation for this economic incentive tool.

Moreover, the Airport has the potential to be an even greater economic driver for the region, as potential investors are seeking to establish additional assembly and manufacturing facilities on or near Airport property.

Therefore, Airport staff recommends that City Council amend the supplemental EDAs with potential tenants, owners, developers, and contractors performing commercial activities within the Commercial Aeronautical Zone (CAZ), specifically off-Airport as proposed in this ordinance.

Financial Implications:
N/A

Board/Commission Recommendation:
The Airport's strategic initiatives are regularly presented to the Airport Advisory Commission for its consideration and public input. The Airport Advisory Commission has been briefed on this strategy and the proposed ordinance and has unanimously voted to offer the attached letter of support.

Stakeholder Process:
Prior to briefing and obtaining the support of the Airport Advisory Commission, Airport staff has developed this proposed item with the assistance of various stakeholders, including but not limited to City Finance, City Attorney's Office, Economic Vitality, and El Paso County and discussed the implications of the proposed ordinance with prospective and current tenants of the Airport property.

Alternatives:
If City Council does not adopt the proposed ordinance, the existing EDA process will remain in effect, but further business retention, expansion and attraction will be restricted.

Proposed Motion:
MOVE TO APPROVE AN ORDINANCE AMENDING SECTION 102 (DEFINITIONS) OF ARTICLE 12 (ECONOMIC DEVELOPMENT AGREEMENTS) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO COMMERCIAL ACTIVITY

To enhance economic development within the Commercial Aeronautical Zone (CAZ), by making changes to the supplemental EDA process for properties located on-Airport, within the CAZ as set forth in the proposed ordinance.

Airport Advisory Commission
Colorado Springs Airport
7770 Milton E. Proby Pkwy., Suite 50
Colorado Springs, CO 80916
Phone: 719.550.1900
www.flycos.com

May 20, 2016

Colorado Springs City Council
107 N. Nevada Avenue, Suite 300
Colorado Springs, CO 80903

RE: Letter of Support to authorize Economic Development Agreements (EDAs) with businesses performing commercial activities at the Colorado Springs Airport

Honorable President Bennett and Members of City Council:

The Colorado Springs Airport Advisory Commission has been fully briefed by Airport management on both the City's existing Economic Development Agreement (EDA) guidelines set forth in Resolution No.203-04,as well as additional, staff-recommended guidelines and authorization for EDAs specifically related to businesses performing commercial activities at the Airport.

The Airport Advisory Commission offers its full support to widen the existing EDA guidelines and authorization specifically for commercial activities at the Airport as proposed by Airport staff. These proposed guidelines and authorization will further define and strengthen the Commercial Aeronautical Zone (CAZ) and substantially support future economic development opportunities for Colorado Springs.

The Airport Advisory Commission offers its full support of the airport staff's initiative to enhance the existing EDA guidelines and authorization specifically for commercial activities at the Airport as proposed. Their proposed guidelines and authorization will serve to further define and strengthen the Commercial Aeronautical Zone (CAZ) and substantially support future economic development opportunities for Colorado Springs.

The Airport Advisory Commission is fully committed to support the City's goal in continuing economic development activities at the Airport, and we believe the proposed ordinance follows that path.

The Airport Advisory Commission strongly encourages City Council to approve the Airport's proposed ordinance to create guidelines and authorize EDAs specific to businesses performing commercial activities at the Airport.

Sincerely,

Andrew (Andi) Biancur
Chairman

cc: Dan Gallagher, Director of Aviation, Colorado Springs Airport
Airport Advisory Commission

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 102 (DEFINITIONS) OF ARTICLE 12 (ECONOMIC DEVELOPMENT AGREEMENTS) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO COMMERCIAL ACTIVITY

WHEREAS, the City of Colorado Springs ("City") has authority to levy and collect property, sales and use taxes within the City and to negotiate and offer incentive payments and credits of taxes paid by qualifying taxpayers; and

WHEREAS, to enhance and strengthen the City's economic vitality, promote job retention and creation and the City's business climate in general, encourage business spending and enhancing business transactions related to commercial aeronautical activities, attract new businesses to the City and allow existing businesses to expand within the City, City Council, by Ordinance No. 14-22, dated April 8, 2014, established the commercial aeronautical zone ("CAZ") within the City and adopted a sales and use tax exemption for certain commercial aeronautical activities within the CAZ; and

WHEREAS, the City controls, owns, operates and maintains the Colorado Springs Municipal Airport ("Municipal Airport"); and

WHEREAS, by Resolution No. 73-05, dated April 26, 2005, as amended by Resolution No. 22-15, dated March 10, 2015, City Council found that aviation and commercial development on the Municipal Airport property is an economic development activity; and

WHEREAS, City Council desires to authorize the negotiation and execution of economic development agreements with qualifying businesses performing commercial activities at the Municipal Airport to encourage development and expansion of opportunities for employment in the private sector in the City and further complement the objectives of the CAZ; and

WHEREAS, City Council believes that approving economic development agreements as set forth in this ordinance will expedite and improve the City's responsiveness to businesses desiring to relocate to or expand within the City.

WHEREAS, the previously adopted commercial aeronautical zone has surpassed its original projections

WHEREAS, the City desires to respond to emerging marketplace demand in relation to the recruitment of firms and job creation

WHEREAS, the amended ordinances will enhance the existing commercial aeronautical zone, providing for greater job creation potential

WHEREAS, these amended ordinances will further streamline the EDA process to follow marketplace realities.

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

Section 1. Section 102 (Definitions) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.12.102: DEFINITIONS:

* * *

COMMERCIAL ACTIVITY: Any lawful activity undertaken as part of a commercial enterprise or conduct or regular course of conduct that is of a commercial character.

~~COMMERCIAL AERONAUTICAL ACTIVITY: Any activity engaged in for profit directly and substantially related to the sale, purchase, lease, rental, distribution, consumption, manufacture, maintenance, repair, overhaul, storage, or use of aircraft.~~

* * *

NEW BUSINESS FACILITY: A new ~~or~~, expanded or renovated business facility that is placed in use after the commencement date of an economic development agreement executed in accordance with this article.

* * *

~~PRIMARY BUSINESS: A business that derives the majority of its gross annual income attributable to a new business facility from the sale of products or services outside of El Paso County either directly or indirectly through the sale to prime contractors.~~

* * *

Section 2. Section 103 (Economic Development Agreements Authorized) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.12.103: ECONOMIC DEVELOPMENT AGREEMENTS AUTHORIZED:

As set forth by City Council in this article and subject to the authorized incentives, the Mayor is authorized to negotiate and execute one or more economic development agreements with any ~~primary~~ business that performs a commercial activity in support of aeronautical activities or users ~~commercial aeronautical activity~~ at a new business facility within the commercial aeronautical zone. The Airport Director or his or her designee shall inform the Airport Advisory Commission and the City Council within sixty (60) days of the execution of any Economic Development Agreement executed pursuant to this Article 12.

Section 3. Section 104 (Authorized Incentives) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.12.104: AUTHORIZED INCENTIVES:

An economic development agreement executed in accordance with this article may include one or more of the following incentives so long as the agreement will result in a positive financial impact to the City:

* * *

D. As used herein, the phrase "by or for the benefit of the business" includes sales and use tax payments by any construction contractor engaged by the qualified business to construct and/or equip a new business facility.

Section 4. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 5. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____ _____
Council President

Mayor's Action:

□ Approved on _____.
□ Disapproved on _____, based on the following objections:

_____
_____
_____
_____

_____
Mayor

Council Action After Disapproval:

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

_____
Council President

ATTEST:

_____
Sarah B. Johnson, City Clerk

COS: ____
CAO: ____

City of Colorado Springs

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

Memorandum

File #: 16-471, **Version:** 1

City Council Meeting Minutes June 28, 2016

Presenter:
Sarah Johnson, City Clerk

Summary:
N/A

Previous Council Action:
N/A

Background:
N/A

Financial Implications:
N/A

Board/Commission Recommendation:
N/A

Stakeholder Process:
N/A

Alternatives:
N/A

Proposed Motion:
City Council Meeting Minutes June 28, 2016

N/A

City of Colorado Springs

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

Meeting Minutes - Draft

City Council

City Council meetings are broadcast live on Channel 18. In accordance with the ADA, anyone requiring an auxiliary aid to participate in this meeting should make the request as soon as possible but no later than 48 hours before the scheduled event.

Tuesday, June 28, 2016 | **1:00 PM** | **Council Chambers**

1. Call to Order

Present: 9 - Councilmember Larry Bagley, President Merv Bennett, Councilmember Helen Collins, President Pro Tem Jill Gaebler, Councilmember Keith King, Councilmember Don Knight, Councilmember Bill Murray, Councilmember Andy Pico, and Councilmember Tom Strand

2. Invocation and Pledge of Allegiance

The Invocation was led by Reverend Tiffany Keith, First United Methodist Church.

The Pledge of Allegiance was led by Council President Bennett.

3. Changes to Agenda/Postponements

Council President Bennett stated the following items have been pulled off the Consent Calendar, 4.B.G., 4.B.H., 4.B.I., 4.B.J., 4.B.L., 4.B.M., 4.B.N., 4.B.O., 4.B.R., 4.B.S.

4. Consent Calendar

These items will be acted upon as a whole, unless a specific item is called for discussion by a Councilmember or a citizen wishing to address the City Council. (Any items called up for separate consideration shall be acted upon following the Mayor's Business.)

4A. Second Presentation:

4A.A. CPC LUM 16-00003

Ordinance 16-61 amending the Comprehensive Plan 2020 Land Use Map reflecting changes from July 1, 2013 through June 30, 2015. - Legislative

Presenter:
Carl Schueler, Comprehensive Planning Manager, Planning & Development Department

Res/Ord Number: 16-61

The ordinance was finally passed on the Consent Calendar.

4B. First Presentation:

4B.A. 16-445 City Council Meeting Minutes June 14, 2016

Presenter:
Sarah Johnson, City Clerk

The Meeting Minutes were approved on the Consent Calendar.

4B.B. 16-452 Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

This item was approved on the Consent Calendar.

4B.C. 16-431 A Resolution Approving an Agreement Providing Water and Wastewater Service to Land Located Outside the City Limits of Colorado Springs and Agreement to Annex for 5435 Turquoise Drive in Park Vista Estates Addition

Presenter:
Brian Whitehead, Systems Extensions Manager, Water Services Division
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 66-16

The resolution was adopted on the Consent Calendar.

4B.D. 16-442 A Resolution Approving an Agreement Providing Water and Wastewater Service to Land Located Outside the City Limits of Colorado Springs and Agreement to Annex for 5335 Turquoise Drive in Park Vista Estates Addition

Presenter:
Brian Whitehead, Systems Extensions Manager, Water Services Division
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 67-16

The resolution was adopted on the Consent Calendar.

4B.E. 16-432 A Resolution Authorizing Colorado Springs Utilities to take all actions necessary to remove certain water rights from the State of Colorado's Water Rights Tabulation

Presenter:

Wayne Vanderschuere, Planning Engineering and Resource General Manager, Water Services
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 68-16

The resolution was adopted on the Consent Calendar.

4B.F. 16-433

A Resolution Authorizing the Filing of Water Court Applications for Change of Water Rights, Augmentation Plan and Appropriative Rights of Exchange related to the City of Colorado Springs' Interests in Water Rights of the Chilcott Ditch Company

Presenter:
Wayne Vanderschuere, Planning Engineering and Resource General Manager, Water Services Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 69-16

The resolution was adopted on the Consent Calendar.

4B.K. CPC ZC 16-00053

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 10.5 acres located 0.2 miles east of the intersection of South Academy Boulevard and Academy Park Loop from PBC/HR/AO (Planned Business Center with High Rise and Airport Overlay) to PF/AO (Public Facility with Airport Overlay).

(Quasi-Judicial)

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Res/Ord Number: 16-64

The Ordinance was approved on first reading on the Consent Calendar.

4B.P. CPC ZC 16-00037

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.81 acres located northwest of East Woodmen Road and Campus Drive from OC (Office Complex) to PBC (Planned Business Center).

(Quasi-Judicial)

Related File: CPC CP 16-00038

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

Res/Ord Number: 16-65

The Ordinance was approved on first reading on the Consent Calendar.

4B.Q. CPC CP 16-00038

The ViewHouse concept plan for the redevelopment of an existing bank and office building to a restaurant and office building.

(Quasi-Judicial)

Related Files: Related File: CPC ZC 16-00037

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

This agenda item was approved on the Consent Calendar.

4B.T. 16-435

Consideration of Decision and Order and a Resolution Regarding Changes to Electric Rate Schedule, Industrial Service - Time-of-Day 1,000 kWh/day Minimum (ETL) Rates within the Service Areas of Colorado Springs Utilities

Presenter:
Sonya Thieme, Pricing Manager
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Res/Ord Number: 70-16

The resolution was adopted on the Consent Calendar.

Approval of the Consent Agenda

Motion by President Pro Tem Gaebler, seconded by Councilmember Strand, that all matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

5. Recognitions

5.A. 16-450

A Resolution of Appreciation for Patricia A. McFarland on the Occasion of her Retirement as the Division Supervisor of Finance - Accounts Payable with the City of Colorado Springs

Presenter:
Merv Bennett, City Council President

Res/Ord Number: 71-16

Kara Skinner, CFO, read the resolution and expressed appreciation to Ms. McFarland for her dedication, work and contributions to the City.

Motion by Councilmember Strand, seconded by Councilmember Bagley, that the

Resolution of Appreciation for Patricia A. McFarland on the Occasion of her Retirement as the Division Supervisor of Finance - Accounts Payable with the City of Colorado Springs be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

5.B. 16-423 A Resolution Designating July as National Park and Recreation Month

Presenter:
Karen Palus, Director of Parks, Recreation and Cultural Services

Res/Ord Number: 72-16

Karen Palus, Director of Parks, Recreation and Cultural Services, thanked Council for recognizing July as parks month and introduced children from the Meadows Park Community Center, Deerfield Hills Community Center, Hillside Community Center, Young Stars Program, and a group of bicyclists in attendance. Some of the children, dressed as super heroes, presented brief summaries of their “super powers”.

Ms. Palus invited everyone to join the Super Selfie COS challenge and stated the 2015 Parks, Recreation and Cultural Services Report was provided to Council.

Motion by President Pro Tem Gaebler, seconded by Councilmember Bagley, that the Resolution to Designate July as Park and Recreation Month for the purposes outlined in the resolution be adopted. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

6. Citizen Discussion

Citizen John Kilbury thanked the city for work done in the downtown area and noted some additioanl areas of concern.

Citizen Charles Barber spoke about the need for water in public parks.

Citizen Charlotte Royal voiced concern about the planned plasma donation center at Dublin and Powers.

Citizen Gerald Miller spoke about the VA denying benefits. Jeff Greene suggested the he contact the El Paso County Veterans service center.

Citizen Joseph Carlson spoke about his partnership to fight veteran homelessness in the City and invited Councilmembers to participate in a golf tournament fundraiser July 9th.

7. Mayor's Business

There was no Mayor's Business.

8. Items Called Off Consent Calendar

4B.R. 16-414 An ordinance amending Section 201 (Definitions) and 213 (Economic Development Agreements) of Part 2 (General Provisions) of Article 1 (Municipal Airport Advisory Commission) of Chapter 14 (Municipal Enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial activities at the Colorado Springs Airport

Presenter:
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Res/Ord Number: 16-66

Sarah Johnson, City Clerk, explained these items were pulled off the consent calendar due to language changes made to the ordinance after the agenda packets were published.

Motion by Councilmember Bagley, seconded by Councilmember Murray, that the updated ordinance amending Section 201 (definitions) and 213 (economic development agreements) of Part 2 (general provisions) of Article 1 (municipal airport advisory commission) of Chapter 14 (municipal enterprises) of the Code of the City of Colorado Springs 2001, as amended, authorizing economic development agreements with businesses performing commercial activities at the Colorado Springs Airport be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

4B.S. 16-415 An ordinance amending Section 102 (Definitions) of Article 12 (Economic Development Agreements) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to commercial activity

Presenter:
Dan Gallagher, Director of Aviation, Colorado Springs Airport

Res/Ord Number: 16-67

Please see comments in agenda item 4.B.R.

Motion by Councilmember King, seconded by Councilmember Murray, that the updated ordinance amending Section 102 (definitions) of Article 12 (economic development agreements) of Chapter 2 (business licensing, liquor regulation and taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to commercial activity be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

9. Utilities Business

There was no utilities business.

10. Unfinished Business

10.A. CPC A 15-00060

Ordinance No. 16-62 annexing to the City of Colorado Springs that area known as Kum and Go Store 685 consisting of 7.711 acres located at the northwest corner of Powers Boulevard and Dublin Boulevard.

(Legislative)

Related Files: CPC ZC 15-00081

Presenter:
Michael Schultz, Principal Planner, Land Use Review

Res/Ord Number: 16-62

There were no questions or comments on this agenda item.

Motion by Councilmember Knight, seconded by Councilmember Murray, that the ordiannce to approve the Kum Go Store 685 Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 and the Colorado Municipal Annexation Act of 1965 (C.R.S. 31-12-101, et seq.) be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

10.B. CPC ZC 15-00081

Ordinance No. 16-63 establishing the PBC/AO (Planned Business Center with Airport Overlay) pertaining to 4.611 acres located at the northwest corner of Powers Boulevard and Dublin Boulevard.

Related Files: CPC A 15-00060

Presenter:
Michael Schultz, Principal Planner, Land Use Review

Res/Ord Number: 16-63

There were no questions or comments on this agenda item.

Motion by Councilmember King, seconded by Councilmember Murray, that the ordinance to approve the establishment of zone district to PBC/AO (Planned Business Center with Airport Overlay) pertaining to 4.611 acres associated with the Kum & Go Store 685 annexation based upon the findings that the request complies with the criteria for granting establishment or change of zone district set forth in City Code Section 7.5.603 ba approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

11. New Business

11.A. CPC A 16-00020

An Ordinance Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC ZC 16-00021

Presenter:
Meggan Herington, AICP, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-68

There were no questions or comments on this agenda item.

Motion by Councilmember Knight, seconded by Councilmember Murray, that the ordinance to approve the Mohl Hollow annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 and the Colorado Municipal Annexation Act of 1965 be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

11.B. CPC ZC 16-00021

An Ordinance Amending the Zoning Map of the City of Colorado Springs Relating to 1.26 Acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard Establishing the A Zone District.

(Legislative)

Related File: CPC A 16-00020

Presenter:
Meggan Herington, AICP, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Res/Ord Number: 16-69

There were no questions or comments on this agenda item.

Motion by Councilmember Murray, seconded by Councilmember Strand, that the ordinance establishing of the A (Agricultural) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 9-0-0.

Aye: 9 - Bagley, Bennett, Collins, Gaebler, King, Knight, Murray, Pico, and Strand

12. Public Hearing

4B.L. CPC MP 87-000381-A 15MJ16

A major amendment to the Banning Lewis Ranch Master Plan changing the land use of 153 acres from Industrial to Neighborhood Commercial and Residential.

(Legislative)

Related Files: CPC PUZ 16-00010, CPC PUZ 16-00011, CPC PUP 16-00013

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Meggan Herington, Planning Manager for LUR/DRE, presented an overview of the proposed Master plan amendment, zone changes and Concept plan amendment.

Councilmember Murray asked if this is the same master plan involved in a court case. Ms. Herington stated this is the same plan.

Councilmember Murray asked about the shared obligation agreement and provisions for schools to be established in the area. Ms. Herington stated each developer understands they will be responsible for their share of the infrastructure costs and the developer is responsible for designating a school site. Schools are constructed when the development matures and the need for schools is established, the school district administration for this area was contacted regarding this proposal and had no comment at this time.

Councilmember Knight expressed concern that developing the Banning Lewis Ranch property as a largely residential area will create a financial drain on the City due to the lack of sales and use tax being generated by the development. He urged Council to develop consistent practices concerning master plan amendments. Ms. Herington stated there is a fiscal impact analysis done with every development plan and the proposed amendments to this plan have been evaluated based on the City's Comprehensive Plan.

Jeff Greene, Chief of Staff, spoke about the lack of development in this area and the need for residential development to stimulate commercial interest in this property that has been sitting vacant for several years.

Councilmember Pico questioned the financial concerns as there are numerous planned developments in the vicinity and stated it is common practice for Council to amend development plans to accommodate the evolving growth, or lack thereof, in developments.

Councilmember Knight stated the Banning Lewis Ranch area is unique because it is so large and if it is only developed as residential property, it will not generate enough revenue to support the infrastructure. The City needs to be certain developments are self-sustaining. Councilmember Knight asked what percentage of the total planned industrial area for the Banning Lewis Ranch property this amendment represents. Ms. Herington will provide that information to Council.

Councilmember Murray spoke about the master plan amendments shifting developments into non-self-sustaining areas. Ms. Herington talked about Code allowing master plan amendments as situations change over time.

John Maynard with NES, Inc., the applicant, representing the owner and contract purchaser, stated the professional opinion of developers is the planned industrial development of this area will never happen. The residential and commercial development proposed through this master plan amendment is more likely to succeed, stimulating growth, development and increased revenue.

Mr. Maynard stated the school district has had the opportunity to comment on this proposal. A school site is required and a mechanism is in place to fund school facilities as needed. Numerous fees have been placed on developments in the Banning Lewis Ranch to fund infrastructure. Developing a residential core is necessary for commercial development to occur. The Comprehensive Plan properly addresses the issue of creating balanced developments.

Councilmember Murray asked if finances are in place to complete Marksheffel Road to this development. Mr. Greene stated the City and the County are working in conjunction to fund and construct these planned roads.

Citizen Jaymen Johnson spoke in opposition of approving this proposal at this time.

Motion by Councilmember King, seconded by Councilmember Bagley, that a major amendment to the Banning Lewis Ranch Master Plan changing the land use of 153 acres from Industrial to Neighborhood Commercial and Residential be approved. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, Gaebler, King, Pico, and Strand

No: 3 - Collins, Knight, and Murray

4B.M. CPC PUZ 16-00010

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 135.63 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A15MJ16, CPC PUZ 16-00011, CPC PUP 16-00013

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Res/Ord Number: 16-70

Please see comments in agenda item 4.B.L.

Councilmember Collins stated she cannot support this proposal and she believes the annexation of this property should be completely overhauled. Properties such as Sam's Club and Rustic Hills are sitting empty while the City encourages new developments.

Motion by Councilmember King, seconded by Councilmember Bagley, that the ordinance changing the zoning from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, Gaebler, King, Pico, and Strand

No: 3 - Collins, Knight, and Murray

4B.N. CPC PUZ 16-00011

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 17.7 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO

(Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 87-000381-A15MJ16, CPC PUZ 16-00010, CPC PUP 16-00013

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Res/Ord Number: 16-71

Please see comments in agenda item 4.B.L.

Motion by Councilmember King, seconded by Councilmember Pico, that the ordinance changing the zoning from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, Gaebler, King, Pico, and Strand

No: 3 - Collins, Knight, and Murray

4B.O. CPC PUP 16-00013

The Enclaves at Mountain Vista Concept Plan illustrating the future development of residential single-family attached and detached, parks, open space and school site with supporting neighborhood commercial located east of Marksheffel Boulevard and south of the Barnes Road extension in Banning Lewis Ranch.

(Quasi-Judicial)

Related Files: CPC MP 87-000381-A15MJ16, CPC PUZ 16-00010, CPC PUZ 16-00011

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Please see comments in agenda item 4.B.L.

Motion by Councilmember King, seconded by Councilmember Pico, to approve the Enclaves at Mountain Vista Concept Plan based upon the findings that the PUD concept plan meets the review criteria for PUD concept plans as set forth in City Code Section 7.3.605. The motion passed by a vote of 6-3-0.

Aye: 6 - Bagley, Bennett, Gaebler, King, Pico, and Strand

No: 3 - Collins, Knight, and Murray

12. Public Hearing

4B.G. CPC MPA 06-00206-A7MJ16

A major amendment to the Woodmen Heights Master Plan changing the land use designation of 13.3 acres from Neighborhood Commercial/Office to Residential (16-24.99 Dwelling Units per Acre).

(Legislative)

Related Files: CPC ZC 16-00028, CPC PUZ 16-00031, CPC CP 16-00033, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Daniel Sexton, Senior Planner, provided a summary of this proposal which was unanimously approved by the Planning Commission.

Kyle Campbell with Classic Consulting Engineers and Surveyors, representing the applicant, spoke about the depth of this developer in this community.

Councilmember Murray requested a tax revenue analysis of the apartment projects being completed in the area. Mr. Sexton stated a financial impact analysis is performed on the original master plan and land use amendments to the plan are limited based on the previously approved master plan. This is considered a major amendment due to the potential traffic impact associated with this proposed change. The developer will be required to pay fees in lieu of dedicating land for schools, per the school district's request.

Councilmember Knight discussed the residential and commercial balance of the development in detail with Mr. Sexton. Councilmember Knight also requested additional information about drainage plans for the development. Mr. Sexton spoke about the efforts of the City to ensure adequate stormwater management. Mr. Campbell explained a large drainage pipe will be extended through the site and a stormwater pond will bring the development into full compliance with the City's stormwater requirements.

Councilmember Strand asked if the planned apartment units would be considered affordable housing. Mr. Campbell stated the apartments

would be considered market targeted.

Councilmember Murray stated he will support this proposal but expressed concern about the number of apartment complexes being built and encouraged everyone to consider the financial effects of these units on the area.

Motion by Councilmember King, seconded by Councilmember Bagley, to approve the major amendment to the Woodmen Heights Master Plan, based upon the finding that the amendment meets the review criteria for master plan amendments as set forth in City Code Section 7.5.408. The motion passed by a vote of 6-3-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

4B.H. CPC ZC 16-00028

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.8 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC PUZ 16-00031, CPC CP 16-00033, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Res/Ord Number: 16-72

Please see comments in agenda item 4.B.G.

Motion by Councilmember King, seconded by Councilmember Bagley, that the ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 be approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

4B.I. CPC PUZ 16-00031

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 13.3 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land

use, 18.1 dwelling units per acre, 45-foot height maximum).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC ZC 16-00028, CPC CP 16-00033, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Res/Ord Number: 16-73

Please see comments in agenda item 4.B.G.

Motion by Councilmember King, seconded by Councilmember Pico, that the ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603 be approved on first reading. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

4B.J. CPC PUD 16-00034

The Copper Range Apartments PUD development pertaining to 13.3 acres for a multi-family residential development with 240 dwelling units contained within 10 multi-family buildings, located near the Black Forest Road and Woodmen Road intersection.

(Quasi-Judicial)

Related Files: MPA 06-00206-A7MJ16, CPC ZC 16-00028, CPC PUZ 16-00031, CPC CP 16-00033

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Please see comments in agenda item 4.B.G.

Motion by Councilmember Strand, seconded by Councilmember Pico, to approve the Copper Range Apartments PUD development plan based upon the findings that the development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) and the development review criteria for PUD development plans as set forth in City Code Section 7.3.606. The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

13. Added Item Agenda

13.A. CPC CP 16-00033

Woodmen Heights Commercial/Office concept plan pertaining to 3.8 acres illustrating two commercial development sites with associated surface parking areas, located at the Black Forest Road and Woodmen Road intersection.

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC ZC 16-00028, CPC PUZ 16-00031, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Please see comments in agenda item 4.B.G.

Motion by Councilmember King, seconded by Councilmember Strand, to approve the Woodmen Heights Commercial/Office Concept Plan based upon the findings that the development plan meets the eight (8) review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E). The motion passed by a vote of 8-1-0.

Aye: 8 - Bagley, Bennett, Gaebler, King, Knight, Murray, Pico, and Strand

No: 1 - Collins

14. Executive Session

There was not an Executive Session.

15. Adjourn

There being no further business to come before City Council, Council adjourned.

Sarah Johnson, City Clerk

City of Colorado Springs

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

Memorandum

File #: 16-475, **Version:** 1

Appointments to Boards and Commissions

Presenter:
Jacquelyn Puett, Assistant to Council

Summary:
Council approval of appointments or reappointments to various boards and commissions.

Previous Council Action:
N/A

Background:
N/A

Financial Implications:
N/A

Board/Commission Recommendation:
N/

Stakeholder Process:
N/A

Alternatives:
N/A

Proposed Motion:
N/A

N/A

R AR A DA

REGULAR MEETING DATE: July 12, 2016

TO: President Merv Bennett and Members of City Council

FROM: Jacquelyn Puett, Assistant to Council

Subject Title: Appointments to Boards and Commissions

Draina e oard

Council President Bennett and El Paso County Commissioner Dennis Hisey conducted interviews on June 30 to fill two vacancies on the Board. They recommend appointing Jim Houk as a developer representative and Jonathan Moore as a citizen-at-large. Other applications will be kept on file for future vacancies.

	Appointment	**piration**
Jim Houk (Developer Representative)	July 12, 2016	July 12, 2019
Jonathan Moore (Citizen-at-Large)	July 12, 2016	July 12, 2019

Fire oard of Appeals

The three-year terms of Michael Ward, Dean Doiron, and Christy Riggs expired on April 28, 2016. All three members requested reappointment for second three-year terms. At City Council's request, an advertisement for the three vacancies was placed on May 20; after a 30-day period, no new applications were received. Staff requests that the following members be reappointed to second three-year terms.

	Appointment	**piration**
Michael Ward	July 12, 2016	April 28, 2019
Dean Doiron	July 12, 2016	April 28, 2019
Christy Riggs	July 12, 2016	April 28, 2019

P lic afet ales a versi ht ommittee

The following PSSTOC members' terms expired on May 14, 2016. Both members requested reappointment to second three-year terms. An advertisement for the vacancies was placed on May 20; after a 30-day period, no new applications were received. Staff requests that the following members be reappointed to second three-year terms.

	Appointment	**piration**
Bernie Herpin	July 12, 2016	May 14, 2019
Kevin Curry	July 12, 2016	May 14, 2019

Parks, Recreation and lt ral ervices Advisor oard

Member Jackie Hiliare's *second* term expires on July 8, 2016, and resignations were received from both Alex Johnson and alternate Robert Lally. In addition, Mina Liebert, Hank Scarangella, and Gary Feffer's *first* terms expire on July 8. All requested reappointment to second three-year terms. On July 5 and July 7, Councilmembers Gaebler and Pico met with Ms. Hiliare to interview candidates for appointment to the Board, following a 30-day advertisement period. The following recommendations are being made.

	Appointment	**piration**
Hank Scarangella (second term)	July 12, 2016	July 8, 2019
Mina Liebert (second term)	July 12, 2016	July 8, 2019
Gary Feffer (second term)	July 12, 2016	July 8, 2019
Gary Bostrom (fulfilling Alex Johnson's term)	July 12, 2016	July 8, 2018
Carol Beckman (first term)	July 12, 2016	July 8, 2019
Charlie Dunn (alternate)	July 12, 2016	Indefinite

City of Colorado Springs

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

Memorandum

File #: 16-429, **Version:** 2

2017 Audit Plan Approval

Presenter:
Denny L. Nester, City Auditor, Office of the City Auditor

Summary:
The 2017 Audit Plan was prepared by the City Auditor and presented to the Audit Committee in May 2016. The Audit Committee provided feedback to the City Auditor and some modifications were made. The Audit Committee is recommending that the 2017 Audit Plan be approved by City Council at their meeting on July 12, 2016.

Previous Council Action:
An Audit Plan is presented to City Council annually for their approval. Council Member input is considered in the Audit Plan preparation each year.

Background:
The basis for the 2017 Audit Plan is a risk assessment performed by the City Auditor as required by professional auditing standards. As part of this risk assessment process, the City Auditor considers input from City Council, City Administration, Colorado Springs Utilities Administration, Colorado Springs Airport Administration, and others. This document will serve as the primary work plan for the Office of the City Auditor. Most of the audits listed will be performed by the staff of the office, but some funds may be set aside to contract outside resources when needed.

Some audits are required by City Code or fulfill a responsibility specified in City Charter. Similarly, Colorado Springs Utilities governance model requires some external reporting that has been delegated to the City Auditor. The elective audits are ordered by their risk assessment score from highest to lowest. While the risk assessment model provided ratings on other potential audits, only the elective audits with the highest risk scores are included in this 2017 Audit Plan.

Financial Implications:
The 2017 budget for the Office of the City Auditor will be developed to provide the resources needed to complete the 2017 Audit Plan with some time set aside for special projects that may arise during 2017.

Board/Commission Recommendation:
The Audit Committee recommends that City Council approve the 2017 Audit Plan as presented.

Stakeholder Process:
As mentioned in the Background section above, input from City Council, City Administration,

Colorado Springs Administration, Airport Administration, and others were considered during the risk assessment process. The Audit Committee is made up of two Council Members and three citizens. The Audit Committee has reviewed the 2017 Audit Plan and is recommending approval by City Council. The 2017 Audit Plan will be posted on the City Auditor website.

Alternatives:

Option 1: Approve the Audit Plan as presented.
Option 2: City Council could direct the City Auditor to prepare an alternative Audit Plan based on specified criteria.
Option 3: City Council could direct the City Auditor to make modifications to the Audit Plan.

Proposed Motion:

Move to approve the 2017 Audit Plan as provided by the City Auditor and recommended by the Audit Committee.

N/A

Office of the City Auditor
2017 Audit Plan

July 12, 2016

Audit Committee for
Colorado Springs City Council
Colorado Springs, CO 80901

Subject: 2017 Audit Plan

Dear Audit Committee:

Attached is the 2017 Audit Plan for the Office of the City Auditor. The basis for this audit plan is a risk assessment performed by me and my office as required by professional auditing standards. As part of this risk assessment process, we considered input from City Council, City Administration, Colorado Springs Utilities Administration, Colorado Springs Airport Administration, and others. This document will serve as the primary work plan for my office. We plan to complete all of the audits listed with the staff of my office.

Some audits are required by City Code or fulfill a responsibility specified in City Charter. Similarly, Colorado Springs Utilities governance model requires some external reporting that has been delegated to my office. The elective audits are ordered by their risk assessment score from highest to lowest. While the risk assessment model provided ratings on other potential audits, only the elective audits with the highest risk scores are included in this 2017 Audit Plan.

Once the 2017 Audit Plan has been reviewed and approved by City Council, a copy will be posted on the Office of the City Auditor webpage.

Respectfully,

Denny L. Nester, MBA, CPA, CIA, CFE, CGFM, CGAP
City Auditor

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Office of the City Auditor
2017 Audit Plan

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BACKGROUND

- AUTHORITY

The City Auditor is an appointee of City Council. The City Auditor has the authority to establish policies and procedures to facilitate the consistent operation of the Office of the City Auditor. In most instances, the Office of the City Auditor will also comply with the policies and procedures the City Mayor's Office has prescribed for the City. The City's policies and procedures can be found on the City's internet web site, under the Human Resources tab. The following policies and procedures have been established and are intended to promote the smooth operation of the Office of the City Auditor.

The City Auditor derives his authority from the Colorado Springs City Code. The primary authority given is in Section 1.2.706, which states,

> "The City Auditor shall examine and inspect all books, records, files, papers, documents and information stored on computer records or in other files or records relating to all financial affairs of every office, department, division, agency, enterprise, political subdivision and organization which receives funds from the City or under the direct or indirect control of the City Council. The Auditor may require any person to appear at any time upon proper notice and to produce any accounts, books, records, files and other papers pertaining to the receipt or expenditure of City funds, whether general or special. If that person fails to produce the papers, then the Auditor may request Council approval to search for and take any book, paper or record in the custody of that person or public official." (Ord. 11-18)

- MISSION STATEMENT

To provide the City Council an independent, objective, and comprehensive auditing program for operations of the City of Colorado Springs and Colorado Springs Utilities; evaluate the adequacy of financial controls, records, and operations, and the effectiveness and efficiency of organizational operations; and provide City Council, management, and employees objective analyses, appraisals, and recommendations for improving systems and activities.

The Office of the City Auditor performs a variety of audits. While each audit involves unique planning, techniques, and execution, we can divide most of the audits into the following types.

- TYPES OF AUDITS

SYSTEM AUDITS

The purpose of these system audits is to evaluate the internal controls that are used to ensure the reliability of financial information. The major systems that will be audited on this rotating basis are cash receipts, billing, cash disbursements, payroll, debt, investments, procurement and purchasing cards.

City Code states, "The City Auditor shall examine and inspect all books, records, files, papers, documents, and information stored on computer records or in other files or records relating to all financial affairs of every office, department, group, enterprise, political subdivision, and organization which receives funds from the City or under the direct or indirect control of the City Council." Considering the magnitude of this requirement, the City Auditor has established a practice of methodically auditing all major systems every three years.

FINANCIAL AUDITS

Our office provides audit assistance to the external auditor for the City of Colorado Springs, Colorado Springs Airport, and Colorado Springs Utilities annual financial audit. This work is defined, supervised and reviewed by the external audit firm. The OCA provides assistance per the external audit contracts, approximately 250 hours each, to assist in reducing the audit fee.

The City Charter states: "3-160.Independent Audit. The Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no direct personal interest in the fiscal affairs of the City government or any of its officers." Acting as City Council's agent, the City Auditor provides oversight of the contract with the independent external audit firm along with providing staff assistance to the firm.

PERFORMANCE AUDITS

In 2005, the City Auditor began focusing on performance audits, which are objective and systematic examinations of a specific area of an organization to provide an assessment of the performance and management of the operation. It usually involves a review of the

- compliance with internal and external rules and regulations,
- accomplishments of goals and objectives,
- reliability of data,
- economy, efficiency, and effectiveness of service delivery, and
- safeguarding of assets.

City Code states the duties of the City Auditor include, "1.2.705: Determine Effectiveness and Efficiency of Programs: The City Auditor shall determine the extent to which legislative policies are being

efficiently and effectively implemented by administrative officials. The City Auditor shall determine whether City programs are achieving desired objectives…."

CONTRACT AUDITS

The primary concern or purpose of a contract compliance audit is that the parties of the contract are abiding by the terms of the contract. One example of a contract audit is the audit of coal purchases. Coal purchase contracts involve millions of dollars and some specify complex adjustments. When we audit these contracts, we verify receipt, proper billing, recalculate adjustments, and verify all adjustments for the year.

Other contracts such as those entered into with Transit or the Humane Society are audited as well. These contracts often address issues of performance and compliance with City requirements. Again, the criteria that we are auditing are the specifications of the contract.

City Codes states that the duties of the City Auditor include, "1.2.709: Make Periodic Reports to Council: The City Auditor shall make periodic reports to Council which shall include the following: …
B. Information of proposals deemed expedient in support of the City's credit, and recommendations for lessening expenditures, for promoting frugality and economy in City affairs and for an improved level of fiscal management…"

RATE REVIEWS

The Office of the City Auditor is required to review and comment on all utility rates or charges. The City Auditor reviews the rates to determine whether the rate model has been accurately and consistently applied in the calculation of appropriate rates. City Council votes on whether or not to implement the rate or rate adjustment.

City Code requires that rate filings be submitted to the City Auditor. City Code states, "12.1.107: REGULATION OF ELECTRIC, STREETLIGHT, NATURAL GAS, WATER AND WASTEWATER RATES, CHARGES, AND REGULATIONS: C. Adopted By Resolution; Hearing: Base rates or regulations or any change shall be adopted by resolution, which shall adopt by reference the appropriate tariff sheet or sheets to be established or revised. 1. Preliminary Information For The City Auditor And City Attorney: When Utilities proposes to change base rates, and the proposed change will result in the determination of a new revenue requirement supported by a cost of service study, Utilities will provide a draft of the proposal and cost of service study to the City Auditor and the City Attorney at least thirty (30) days prior to filing the proposed resolution with City Council. When changes to base rates are proposed, but do not involve a cost of service study, a draft of the proposal will be provided to the City Auditor and the City Attorney seven (7) days prior to the filing of a proposed resolution. Any request for additional information by the City Auditor and any response by Utilities, will be in writing."

CONSTRUCTION AUDITS

The City and its various enterprise operations are involved in active capital expansion programs where several billion dollars will be spent. The City Auditor has established a Construction Audit review section under the Performance Audit group. This group provides a review of the large projects that are

underway. We have identified a list of risks associated with construction projects. Some of the tasks that will be performed include

- reviewing payment requests to assure they are in agreement with contracted terms,
- scrutinizing change orders,
- monitoring project costs versus approved budgets, and
- providing independent observations to management regarding project status.

The Code authority for construction audits would be the same as several of the areas mentioned above to include Contract Audits, Performance Audits, and System Audits. In addition, City Code states, "1.2.703: Ensure Public Accountability: The City Auditor shall ensure that administrative officials are held publicly accountable for their use of public funds and the other resources at their disposal. The City Auditor shall investigate whether or not laws are being administered in the public interest, determine if there have been abuses of discretion, arbitrary actions or errors of judgment, and shall encourage diligence on the part of administrative officials."

INFORMATION SYSTEM AUDITS

The purpose of an Information System/IS (or Information Technology/IT) audit is to review and evaluate the availability, confidentiality, and integrity of the City's (and its entities') information technology infrastructure. The evaluation helps to ensure that the organization is adequately safeguarding assets, maintains data integrity, and is operating effectively and efficiently to achieve the organization's goals. Types of IS/IT audits include

- review of computerized systems and applications to verify that they are appropriate to the entity's needs, are efficient, and are adequately controlled to ensure valid, reliable, timely and secure input, processing, and output at all levels of the system's activity;
- review of information processing facilities to verify that the facility is controlled to ensure timely, accurate, and efficient processing of applications under normal and potentially disruptive conditions;
- review of systems development to verify that the system under development meets the objectives of the organization, includes adequate controls to safeguard information input, processing and output, and ensures the system is developed in accordance with generally accepted standards for systems development;
- review of management and enterprise architecture to verify that IT management has developed an organizational structure and procedures to ensure a controlled and efficient environment for information processing.

City Code states, "The City Auditor shall examine and inspect all books, records, files, papers, documents, and information stored on computer records or in other files or records relating to all financial affairs of every office, department, group, enterprise, political subdivision, and organization which receives funds from the City or under the direct or indirect control of the City Council." The

information systems audits are primarily concerned with computer records and ensuring the reliability of data.

MONITORING PROGRAMS

The Office of the City Auditor monitors various aspects of the City and the entities associated with City Council/Utility Board. We accomplish this function by attending meetings and auditing specified projects. We also utilize technology to assist in the monitoring process.

City Code states, "1.2.703: Ensure Public Accountability: The City Auditor shall ensure that administrative officials are held publicly accountable for their use of public funds and the other resources at their disposal. The City Auditor shall investigate whether or not laws are being administered in the public interest, determine if there have been abuses of discretion, arbitrary actions or errors of judgment, and shall encourage diligence on the part of administrative officials." Monitoring activities allow the City Auditor to help ensure public accountability.

FOLLOW-UP AUDITS

Audit report recommendations and management responses are maintained for purpose of monitoring the management actions to audit results. These follow-up audits are required by professional standards and also are supported by previously quoted sections of City Code that direct the City Auditor to ensure public accountability.

- AUDIT UNIVERSE

The audit universe for the City Auditor is very broad. Per the City Code, the City Auditor shall examine and inspect all books, records, files, papers, documents, and information stored on computer records or in other files or records relating to all financial affairs of every office, department, group, enterprise, political subdivision, and organization which receives funds from the City or under the direct or indirect control of the City Council.

STANDARD AUDITS

There are certain audits that are required by City Code, a city ordinance, an executive limitation, or some other legal requirement. These audits are automatically added to the audit plan at the appropriate time.

RISK ASSESSMENT MODEL

The City Auditor uses a risk assessment model to identify projects for its annual audit plan. The model provides numeric scoring for risk areas and a cumulative score for the project as a whole. The higher values, representing higher risk projects are then reviewed and a balance is reached between staff resources and work load of the various entities.

The City Auditor also considers the strategic goals and objectives and risk concerns of audited entities for audit planning. City Council, Utility Board and executive management recommendations are considered in the risk assessment of potential projects for annual audit planning.

BALANCING AUDIT TIME BETWEEN ORGANIZATIONS

The City Auditor attempts to balance the time staff spends on auditing the various organizations based on a historical average. The targeted audit time for each of the major entities is as follows:

30%	City of Colorado Springs
65%	Colorado Springs Utilities
5%	Colorado Springs Airport

ANNUAL AUDIT PLAN

The Audit Plan is shared with the entities that are impacted. Once the Audit Plan has been developed and approved by the Audit Committee, the Audit Committee forwards the Audit Plan with their recommendation to City Council for final approval. When approved, the Audit Plan is posted on the City Auditor website.

AUDIT ASSIGNMENT

The City Auditor assigns audits to the functional groups within the office. Competency, knowledge and skill are considered in all staff assignments. The City Auditor declines engagements or obtains assistance

if the internal auditors lack knowledge, skill, or other competencies to perform all or part of the assignment.

AUDIT FLEXIBILITY

The City Auditor sets aside approximately 10% of the scheduled staff time annually for projects that may arise during the year and require immediate attention. An example of such a project would be the investigation of reports alleging fraud, waste, or abuse via the Fraud Hotline. Similarly, City Council or management may request an audit or consulting engagement that needs immediate attention.

All the projects listed may not be completed in 2017. Any audits/projects not completed in 2017 will be assessed for inclusion in the 2018 Audit Plan. The Audit Plan may be revised during the year based on various factors such as resource changes or a modified risk assessment.

THE FOLLOWING PAGES INCLUDE A LIST OF AUDITS/PROJECTS THAT HAVE BEEN ASSESSED TO BE THE BEST USE OF THE RESOURCES OF THE OFFICE OF THE CITY AUDITOR IN 2017. THE AUDITS/PROJECTS ARE LISTED IN THREE CATEGORIES:

- STANDARD AUDITS PLANNED FOR 2017
- AUDITS / PROJECTS PLANNED FOR 2017 PRIOIRITIZED BY CITY AUDITOR RISK ASSESSMENT RANKING

2017 AUDIT PLAN

- STANDARD AUDIT PLANS FOR 2017

❖ **City and Colorado Springs Utilities External Auditor Oversight**

In accordance with City Charter, 3-160 Independent Audit: The City Auditor administers the external auditor contracts. The City Auditor monitors issues as they arise between the external auditor and the City, Colorado Springs Utilities, or its audited entities. The external auditor will report to the City Auditor, who will then communicate with City Council, as needed.

❖ **External Financial Audit Staffing/Assistance**

The Office of the City Auditor will provide 250 hours of audit assistance each to the external auditor for the City and Colorado Springs Utilities annual external audit of the financial statements. City Auditor staff performs this work under the direction of the external auditor.

❖ **Executive Limitation 4 & 7 Monitoring**
❖ **Executive Limitation 11 Monitoring**

In accordance with City Code, 1.2.206 Cooperation Among Appointive Officers of the City: The Utilities Board requested the City Auditor perform an annual compliance review of Colorado Springs Utilities Executive Limitations 4, 7 & 11. The purpose of this audit is to verify the report of Colorado Springs Utilities management to City Council on EL-4, Prohibitions 1,4,7 & 8 related to Asset Protection and EL-7 related to Fiscal Condition and Activities. The purpose of the EL-11 audit is to verify the report of Colorado Springs Utilities management to Utility Board on EL-11 related to Energy Risk Management.

❖ **Colorado Springs Utilities; Financial System Reviews**
❖ **City of Colorado Springs; Financial System Reviews**

The purpose of financial system audits is to evaluate the internal controls that are used to ensure the reliability of financial information and assets. We also consider operational best practices, efficiency, and effectiveness in these audits. The operations included as financial systems are cash receipts, billing, cash disbursements, payroll, debt, investments, procurement and purchasing cards.

The Office of City Auditor will perform a risk assessment of financial systems at City and Colorado Springs Utilities in early 2017 to determine which systems will be audited for the year. We will consider and coordinate the internal control work done by the external auditors in our risk assessment. All financial systems will be audited at least once every five years. Higher risk systems will be audited more frequently than five years. For example, system or staffing changes as well as complexity of operations or decentralized activities would indicate higher risk profiles for audit services.

In accordance with City Code, 1.2.704 Perform Postaudit and 1.2.706 Examine Books, Records: "The City Auditor shall perform a current postaudit of the financial operation of the City government and its enterprises. The City Auditor shall submit reports to Council of periodic audits of each enterprise, department, division, office, agency or account.' 'The City Auditor shall examine and inspect all books, records, files, papers, documents and information stored on computer records or in other files or

records relating to all financial affairs of every office, department, division, agency, enterprise, political subdivision and organization which receives funds from the City or under the direct or indirect control of the City Council."

- **Follow-ups**

In accordance with the Institute of Internal Audit Practice Advisory 2500.A1-1: "The chief audit executive must establish a follow up process to monitor and ensure that management actions have been effectively implemented or that senior management has accepted the risk of not taking action." The purpose of this project is to follow up on City, Colorado Springs Utilities and Airport audits issued in 2016 or unresolved issues from prior years.

- **Colorado Springs Utilities Rate Filing Reviews**
- **Colorado Spring Utilities ECA/GCA Rate Verification**

In accordance with City Code, 12.1.107 Regulations of Electric, Streetlight, Natural Gas, Water and Wastewater Rates, Charges and Regulations: "When Utilities proposes to change base rates, and the proposed change will result in the determination of a new revenue requirement supported by a cost of service study, Utilities will provide a draft of the proposal and cost of service study to the City Auditor and the City Attorney at least thirty (30) days prior to filing the proposed resolution with City Council. When changes to base rates are proposed, but do not involve a cost of service study, a draft of the proposal will be provided to the City Auditor and the City Attorney seven (7) days prior to the filing of a proposed resolution. Any request for additional information by the City Auditor and any response by Utilities, will be in writing."

Colorado Springs Utilities periodically files rate adjustments and Electric or Gas Cost Adjustments (ECA/GCA) with the City Council. These rates become the basis for the service billings. The purpose of this audit is to evaluate whether Colorado Springs Utilities prepares rate filings in a consistent and accurate manner. We verify management is using sound methodology that is supported by verifiable data and logical assumptions. We also verify that the rates support management objectives.

- AUDITS / PROJECTS PLANNED FOR 2017 LISTED BY ENTITY AND PRIORITIZED BASED ON THE CITY AUDITOR RISK ASSESSMENT RANKING

City of Colorado Springs

❖ **Information Technology Governance/Outsourcing Monitoring**
The purpose of this audit will be to monitor changes as they occur in the Information Technology Department. Significant operational and strategic changes are planned. We will monitor the changes using the Certified Information Systems Auditors employed by the office. If outsourcing occurs during 2017, we will monitor such activities. We will issue an annual report concerning our involvement.

❖ **Stormwater Costs**
The purpose of this audit will be to assess and validate the cost of activities associated with stormwater management. We will also gather and analyze information concerning the spending in Colorado Springs related to stormwater management. We plan to validate the funds spent to comply with the IGA between Colorado Springs and Pueblo County.

❖ **Capital Improvement Projects**
The purpose of this audit will be to assess the effectiveness, efficiency, and economy of specific capital improvement projects. This audit will build upon the Capital Improvements Program Audit Report, which was issued in April 2015, by examining specific projects. We plan to assess the effectiveness of recent changes made to the project management processes in the City.

❖ **Monitor 2C Spending and Related Issues**
The purpose of this audit will be to ensure the City complies with the specifications related to Ballot Issue 2C. We will verify that General Fund spending maintained the pre-2C level as specified. We will also monitor projects and spending to help promote effective and efficient utilization of funds that resulted from 2C being passed by the citizens of Colorado Springs.

❖ **Changes with Westcott Fire District**
The purpose of this audit will be to verify appropriate changes that should occur due to the City opening Fire Station 22. Property tax billing for the area within the City that was previously served by Westcott Fire District should change as a result of the new fire station.

❖ **Financial Assurance Administration within the Planning Department**
The purpose of this audit will be to verify that financial assurances administered within the Planning Department are being administered in compliance with the established policies and procedures. We try to identify areas for improved efficiency.

❖ **System Development**
The purpose of this audit will be to evaluate the adequacy, effectiveness, and efficiency of the System Development process within the Information Technology Department.

❖ **City Fleet Management and Replacement Audit**

The purpose of this audit is to verify the savings that have resulted from Fleet Maintenance being outsourced. We plan to verify the aggregate cost of Fleet Maintenance outsourcing compared to the original estimated cost of outsourcing. We also plan to examine data related to optimizing the size and cost of fleet to include replacement options.

Colorado Springs Airport

❖ **Concessionaire Audits**

The purpose of this audit is to ensure compliance with contracts terms and related fees due from Concessionaires at the Colorado Springs Airport. This audit will review contracts with the vendor and all fees collected to ensure they have appropriately remitted to the airport.

❖ **Disaster Recovery/Business Continuity**

The purpose of this audit will be to evaluate the adequacy of the critical data and system backup/recovery processes in place as well as provide recommendations for implementing improved backup/recovery processes based on industry standards.

Colorado Springs Utilities

❖ **Review and Monitor the Drake Scrubber Project**

The purpose of this audit will be to monitor the Drake Scrubber Project, a major emissions control construction project. This audit will include monitoring controls for procurement, construction, costs and management reporting.

❖ **Review and Monitor the Nixon Scrubber Project**

The purpose of this audit will be to monitor the Nixon Scrubber Project, a major emissions control construction project. This audit will include monitoring controls for procurement, construction, costs and management reporting.

❖ **Stormwater Costs**

The purpose of this audit will be to assess and validate the cost of activities associated with stormwater management. We will also gather and analyze information concerning the spending in Colorado Springs related to stormwater management. We will examine whether there are projects that may have been budgeted as wastewater projects, but also address stormwater issues.

❖ **Capital Improvement Projects**

The purpose of this audit will be to assess the effectiveness, efficiency, and economy of specific capital improvement projects. This audit will follow up on prior Capital Improvements Program Audit Reports, such as the one issued in May 2015. We plan to assess the effectiveness of changes made to the project management processes at Utilities.

❖ **Financial Impacts of the Average & Excess 3CP Model**

The purpose of this audit will be to assess the impact of the change to the Average & Excess 3CP Model, which is incorporated into the rate making process at Colorado Springs Utilities. The audit will include a review of the model and how the change has impacted various customer rates.

❖ **Colorado Springs Utilities Fleet Management and Fleet Optimization**

The purpose of this audit is to verify the savings that have resulted from Fleet Maintenance being outsourced. We plan to verify the aggregate cost of Fleet Maintenance outsourcing compared to the original estimated cost of outsourcing. We also plan to examine data related to optimizing the size and cost of fleet to include replacement options.

❖ **Drake 5 Shutdown**

The purpose of this audit will be to assess the progress made by Colorado Springs Utilities as it decommissions Drake 5. At the time of this audit, we will evaluate the plan for decommissioning along with the status of various aspects of the plan.

❖ **2C Impacts on Subsurface Infrastructure**

The purpose of this audit is to quantify the impact to Colorado Springs Utilities of work related to road improvements performed as a result of Ballot Issue 2C. These impacts may include increased water main breaks, the cost of various methods of addressing values in roadways, etc.

❖ **ECA/GCA Account and Transaction Audit**

The purpose of this audit is to evaluate the accuracy and appropriateness of the accounts that are included as fuel cost when calculating the Electric and Gas Cost Adjustments by Colorado Springs Utilities.

❖ **Is the Warehouse Surcharge working as intended?**

The purpose of this audit will be to assess the Warehouse Surcharge utilized by Colorado Springs Utilities. We will examine how the 19% fee is calculated and the impacts on buyers. We will try to determine whether employees are purchasing goods from suppliers, instead of using stock on hand. Does Colorado Springs Utilities want employees using stock on hand or buying from suppliers?

❖ **Real Estate Record Retention**

The purpose of this audit will be to evaluate how real estate records for Colorado Springs Utilities are being handled and retained by the City's Real Estate Office. We will examine the internal controls related to record availability and completeness.

❖ **Non Potable Water**

The purpose of this audit will be to gather information from similar utilities concerning the charges and cost associated with supplying non potable water to select customers. We will benchmark Colorado Springs Utilities with similar non potable water utilities.

- **Stack Vision System Controls**

The purpose of this audit will be to evaluate the adequacy, effectiveness, and efficiency of the Stack Vision system application controls.

- **Business Continuity and Disaster Recovery**

The purpose of this audit will be to evaluate the adequacy, efficiency, and effectiveness of the controls to recover the critical technology resources of the enterprise in the event of a disaster as well as ensure limited disruption of services provided to the public.

- **Regulatory Compliance**

The purpose of this audit will be to identify the information technology regulations that Colorado Springs Utilities needs to comply with and verify that they are in compliance.

- **Cyber Security**

The purpose of this audit will be to evaluate the adequacy, efficiency, and effectiveness of critical cyber security processes.

- **Information Technology Capacity Planning**

The purpose of this audit will be evaluate the adequacy, effectiveness, and efficiency of the controls in place ensuring that information systems are built/purchased in an appropriate capacity for the needs of the business.

- **Network/Network Devices**

The purpose of this audit will be evaluate the adequacy, efficiency, and effectiveness of the information technology general controls applied to the data communications network components supporting the critical functions of Colorado Springs Utilities.

2017 Audit Plan Presentation

- The Process
  - Risk Assessment
    - Interviews with Management
    - Interviews with Council/Board
    - Input from Stakeholders
    - Potential Projects are identified
    - Potential Projects are ranked
    - Draft Audit Plan is developed considering the resources currently available and the entities covered by the audit plan, i.e., City, CSU, Airport…Financial, Performance, IT

2017 Audit Plan Presentation

- Draft Audit Plan is presented to the Audit Committee for their input
- The Audit Committee is made up of two member of City Council –Bennett & Pico, and three citizen member—Bridget Toelle, Marvin Fiala, and Dave Wood
- The Audit Committee considers related issues
  - Whether the proposed audits are an appropriate use of City/Utilities' resources
    - What audits would need to be cut if resources *were cut?*
- The Audit Committee finalizes the draft audit plan and recommends approval by City Council

2017 Audit Plan Presentation

- Today, I am here to answer any questions you may have about the proposed 2017 Audit Plan that was included with the agenda and ask City Council to schedule a time to approve the 2017 Audit Plan. I would like to include it on the agenda for your meeting on July 12.
- Once approved, the 2017 Audit Plan will be the basis for proposed budget for my office that will come to you later this year.

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

Memorandum

File #: 16-466, **Version:** 1

An Ordinance of the City of Colorado Springs, Colorado Approving and Authorizing the Execution and Delivery of the First Amendment to Standby Bond Purchase Agreement by and Among the City of Colorado Springs, Colorado and Wells Fargo Bank, National Association, as Tender Agent and Paying Agent and Bank of America, N.A., as Credit Facility Bank and the First Amendment to Fee Agreement Between the City of Colorado Springs, Colorado and Bank of America, N.A.; and Providing Other Matters Relating Thereto

Presenter:
Bill Cherrier, Chief Planning and Finance Officer
Jerry Forte, P.E., Chief Executive Officer, Colorado Springs Utilities

Summary:
The attached Ordinance addresses renewal of a Standby Bond Purchase Agreement ("SBPA") for the Variable Rate Demand Utilities System Subordinate Lien Refunding Revenue Bonds, Series 2004A ("the 2004A Bonds").

The current SBPA for the 2004A Bonds is provided by Bank of America, N.A. with a stated expiration date of August 01, 2016. The City has elected to renew with Bank of America, N.A. for a term of three years. The decision to renew with our current counterparty was determined through a competitive RFP process conducted by Utilities earlier in 2016.

Previous Council Action:
City Council approved the following Ordinance authorizing the 2004A variable rate bond issue and the corresponding Standby Bond Purchase Agreement. Subsequent Amending Ordinances approved by City Council for the bond issue are also listed.

Authorizing Ordinance	Amending Ordinances		
04-164	04-183	09-103	13-51
(07/27/2004)	(08/24/2004)	(08/25/2009)	(08/27/2013)

Background:
The Bond Ordinances for the City's variable rate bond issues require that the City "maintain a Liquidity Facility in full force and effect at all times when the bonds are bearing interest at a Variable Rate other than Auction Mode Rate, except as otherwise provided in Section 1212 of the Bond Ordinance". A Standby Bond Purchase Agreement is one of the acceptable financial instruments to provide liquidity for the City's variable rate bond issues. Liquidity Facilities generally have terms of one to five years. Due to volatility in financial markets over the past several years, the City has

elected to release a competitive RFP for expiring facilities in order to improve pricing and contractual terms as opportunities are presented. On occasion these opportunities have required that the City replace the incumbent liquidity facility provider. This renewal, if approved by City Council, will allow the City to maintain diversity in the liquidity provider portfolio. Annual cost will increase marginally.

Financial Implications:
The City's resulting overall cost for liquidity will be marginally higher with this renewal. Counterparty diversity in the liquidity provider portfolio will be maintained at a level acceptable to the City.

Board/Commission Recommendation:
N/A

Stakeholder Process:
N/A

Alternatives:
The City could choose not to replace the 2004A Standby Bond Purchase Agreement when the agreement expires in 2016, which would be a violation of the Bond Ordinance. This alternative would not be advantageous to the City.

Proposed Motion:
Move approval of proposed Ordinance.

Colorado Springs Utilities requests approval to renew the Standby Bond Purchase Agreement for the 2004A Bonds with Bank of America, N.A. With this renewal Utilities will maintain counterparty diversity in the liquidity provider portfolio and annual costs increase marginally.

RD A

A RD A F F RAD
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A D A D D P R A
A R A D A F
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FAR A , A A A A , A D R
A A D PA A A D A F A R A,
A , A R D FA A A D F R
A D F A R
F RAD PR , RAD A D A
F A R A, A A D PR D R A R
R A R

WHEREAS, the City of Colorado Springs, Colorado (the “City”) is a municipal corporation and a home rule city duly organized and existing under the laws of the State of Colorado and in particular under the provisions of Article XX of the Constitution of the State of Colorado and the Charter of the City (the “Charter”); and

WHEREAS, the City now owns and operates a municipal water system, electric light and power system, gas system, wastewater system and certain other systems heretofore designated by the City Council (the “Council”) of the City, constituting the Utilities created by the Charter; and

WHEREAS, the City has previously entered into a Standby Bond Purchase Agreement dated August 1, 2014 (the “Agreement”) among the City, Wells Fargo Bank, N.A., as tender agent and paying agent (the “Tender Agent”) and Bank of America, N.A. (the “Bank”) and a Fee Agreement dated August 1, 2014 (the “Fee Agreement”) between the City and the Bank with respect to the City of Colorado Springs, Colorado, Variable Rate Demand Utilities System Subordinate Lien Refunding Revenue Bonds, Series 2004A (the “Bonds”); and

WHEREAS, the Bonds are subject to purchase from time to time at the option of the owners thereof and are required to be purchased in certain events and, to further assure the availability of funds for the payment of the purchase price therefor, the City has provided for the remarketing of such Bonds, only to the extent such

remarketing may not be successful, for the purchase of such Bonds by the Bank pursuant to the Agreement; and

WHEREAS, the Agreement expires on August 1, 2016, unless extended; and

WHEREAS, the City wishes to amend the Agreement and the Fee Agreement to provide, among other things, for the extension of the Agreement to August 1, 2019 by entering into the First Amendment to Standby Bond Purchase Agreement (the "SBPA Amendment") among the City, the Tender Agent and the Bank and the First Amendment to Fee Agreement (the "Fee Agreement Amendment" and together with the SBPA Amendment, collectively referred to herein as the "Amendments") between the City and the Bank; and

WHEREAS, the Council has determined that the public interest and necessity require the City to enter into the Amendments; and

WHEREAS, there has been presented to the Council proposed forms of the Amendments.

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

Section 1. Ratification and Approval of Prior Actions. The Council hereby ratifies, approves and confirms all action heretofore taken (not inconsistent with the provisions of this ordinance) with respect to the Agreement, the Fee Agreement and the Amendments.

Section 2. Approval of Amendments. The forms, terms and provisions of the Amendments are hereby approved and the City shall enter into the Amendments in the forms presented to the Council at this meeting, with only such changes therein, if any, as are not inconsistent herewith; and the Chief Executive Officer of the Utilities, the Chief Planning and Finance Officer and the General Manager of Financial Services of the Utilities are each hereby authorized and directed to execute and deliver the Amendments.

Section 3. Other Actions. The officers of the City and the officers of the Utilities of the City shall take all action necessary or reasonably required to effectuate the provisions of the Amendments.

Section 4. Repealer. All bylaws, orders, resolutions and ordinances of the City, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of the City, or part thereof, heretofore repealed.

Section 5. Severability. If any section, subsection, paragraph, clause or other provision of this ordinance for any reason is invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance.

Section 6. Effective Date and Publication. This ordinance upon passage shall be entered upon the journal of the Council's proceedings, shall be kept in the book marked "Ordinance Record" and authenticated as required by the Charter, shall be published twice in a legal newspaper of general circulation in the City in compliance with the requirements of the Charter, with the first publication to be at least ten (10) days before final passage by Council of this ordinance, and the second publication to be any time after its final adoption. The Council hereby determines that it is appropriate that publication of this ordinance by title with a summary written by the City Clerk, together with a statement that this ordinance is available for public inspection and acquisition in the office of the City Clerk, shall be sufficient publication pursuant to Section 3-80 of the Charter and this ordinance shall be so published. This ordinance shall be in full force and effective five (5) days after its final publication.

INTRODUCED, READ, PASSED ON FIRST READING, APPROVED AND ORDERED PUBLISHED BY TITLE AND SUMMARY THIS 12TH DAY OF JULY, 2016.

Finall Passed July 26, 2016.

_____
Merv Bennett, Council President

_____
John W. Suthers, Mayor

ATTEST:

_____
Sarah B. Johnson, City Clerk

(Attach Affidavit of Publication, by Title and Summary, of Ordinance No. 16-__
upon First Reading)

(Attach Affidavit of Publication, by Title and Summary, of Ordinance No. 16-__
after Second Reading)

City of Colorado Springs

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

Memorandum

File #: CPC A 16-00020, **Version:** 3

Ordinance No. 16-68 Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC ZC 16-00021

Presenter:
Meggan Herington, AICP, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Summary:
Owner: 6473 Vincent Drive, LLC
Location: Southeast corner of Vincent Drive and Dublin Boulevard

This is a request for adoption of an annexation ordinance and establishment of the A (Agricultural) holding zone for the 1.26 acre property known as Mohl Hollow. The annexation area is located at the Southeast corner of Vincent Drive and Dublin Boulevard. See the attached map titled Enclave Map for specific location.

Previous Council Action:
N/A

Background:
Per the Colorado Municipal Annexation Act of 1965, the City can unilaterally annex properties that are within a City enclave. This means that the City can request annexation via adoption of an annexation ordinance by Council.

An enclave that has been in existence for three or more years may be annexed by ordinance, provided that the contiguity is not based on being adjacent to a public right-of-way unless the property on the other side of the right-of-way is also within the municipal boundaries. This can be done with or without owner permission. Also, if the enclave population exceeds 100 persons and contains more than 50 acres, there must be an annexation transition committee. (See attached enclave map)

In this instance, the 1.26 acres is the only piece of property that forms this enclave and has existed for more than three years. In addition, this property was greatly impacted by the Dublin and Vincent road project. That project widened and reconfigured Dublin Road adjacent to the property. The owner

worked with the City to dedicate needed right of way. As part of that project, all utility and roadway infrastructure was upgraded to serve future development of the property.

The City's policy has been to require property owners to petition the City for annexation so that the standard annexation agreement would be signed by the applicant as part of the annexation request. This ensures that any infrastructure deficiencies required to serve the development of the property are funded by the property owner, not the City. Because no further infrastructure is needed to serve the subject property, the City, with the owner's consent, desires to annex the property unilaterally and without an annexation agreement.

With the owner's consent and in agreement with City departments, the Land Use Review Division is initiating annexation of this remnant piece and recommending the A zone be established. This A (Agricultural) zone is only a holding zone until the owner is ready to develop the property. At the time of development, the owner will need to petition the City for a zoning that is appropriate for development at this location. At that time, a full public process is recommended to discuss potential land uses. No potential land uses are established with the recommended zoning.

Financial Implications:
A Fiscal Impact Analysis is not required because this is a City initiated annexation and there is no established land use being recommended.

Board/Commission Recommendation:
The City Planning Commission unanimously approved the request at their hearing on May 19, 2016.

Stakeholder Process:
The site was posted and noticed for the City Planning Commission hearing and the Council meeting date for adoption of the annexation ordinance. A full public process will be required in the future when any specific land use plan is submitted to the City.

Alternatives:
1. Follow the recommendation of the City Planning Commission and approve the annexation and zoning;
2. Deny the annexation; or
3. Approve the annexation and modify or deny the zoning.

Proposed Motion:
CPC A 16-00020 - ANNEXATION ORDINANCE
Approve the Mohl Hollow annexation ordinance, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 and the Colorado Municipal Annexation Act of 1965.

An Ordinance Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 Acres.

ORDINANCE NO. 16-_____

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS MOHL HOLLOW CONSISTING OF 1.26 ACRES.

WHEREAS, pursuant to Article II, Section 30 of the Colorado Constitution and Section 31-12-101, *et seq.*, C.R.S., known as the Municipal Annexation Act of 1965, as amended (the "Annexation Act"), that certain territory known as Mohl Hollow, more specifically described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property") is entirely surrounded by and entirely contained within the boundaries of the City of Colorado Springs and has been so for a period of not less than three years; and

WHEREAS, the City Council of the City of Colorado Springs, after proper notice as required by Section 31-12-108 C.R.S., considered the annexation of the Property on June 28, 2016 in accord with Section 31-12-106; and

WHEREAS, in accord with the Annexation Act, the City Council has determined that said area should be annexed forthwith as part of the City of Colorado Springs.

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

Section 1. The Property, known as Mohl Hollow and more specifically described on the attached Exhibit "A", is hereby annexed to the City of Colorado Springs.

Section 2. When this annexation is complete, the Property shall become a part of the City of Colorado Springs for all intents and purposes on the effective date of this ordinance, provided that the conditions of Section 31-12-113(2) C.R.S. are satisfied, with the exception of general taxation, in which respect said annexation shall not be effective until on or after January 1 next ensuing.

Section 3. This ordinance shall be in full force and effect from and after

its passage and publication as provided by the City Charter.

Introduced, read, passed on first reading and ordered published this __ day of _____ 2016.

Finally passed: _____ _____

Council President

Mayor's Action:

☐ Approved on _____

☐ Disapproved on _____, based on the following objections:

_____

_____

_____

_____

_____

Mayor

Council Action After Disapproval:

☐ Council did not act to override the Mayor's veto.

☐ Finally adopted on a vote of _____, on _____.

☐ Council action on _____ failed to override the Mayor's veto.

_____

Council President

ATTEST:

_____

Sarah B. Johnson, City Clerk

CAO: _____

COS: _____

OLIVER E. WATTS PE-LS
OLIVER E. WATTS, CONSULTING ENGINEER, INC.
CIVIL ENGINEERING AND SURVEYING
614 ELKTON DRIVE
COLORADO SPRINGS, COLORADO 80907
(719) 593-0173
FAX (719) 265-9660
CELL (719) 964-0733
olliewatts@aol.com
Celebrating over 36 years in business

LEGAL DESCRIPTION
DATE: February 9, 2016
JOB NO.: 15-4806
CLIENT: Richard Mohl
PURPOSE: Vincent Drive Parcel Annexation

That portion of the Northwest Quarter of the Northwest Quarter of Section 17, Township 13 South, Range 66 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at the intersection of the South line of Dublin Boulevard with the West line of the abandoned A.T. &S.F. Railroad; Thence S33°31'45"W along said West line, 599.34'; Thence S84°24'17"W, 63.86'; Thence S26°24'28"W along the east line of that parcel described at Reception No. 212713226 of the records of said County, 28.18'; Thence N62°05'28"W, 32.22'; Thence along the East line of Vincent Drive for the following two (2) courses; (1) Thence N29°43'53"E, 409.54'; (2) Thence on a curve to the right having a central angle of 51°20'37", a radius of 326.00', and a length of 292.13', and containing 1.26 Ac.

P A A DA

AFF A R

F

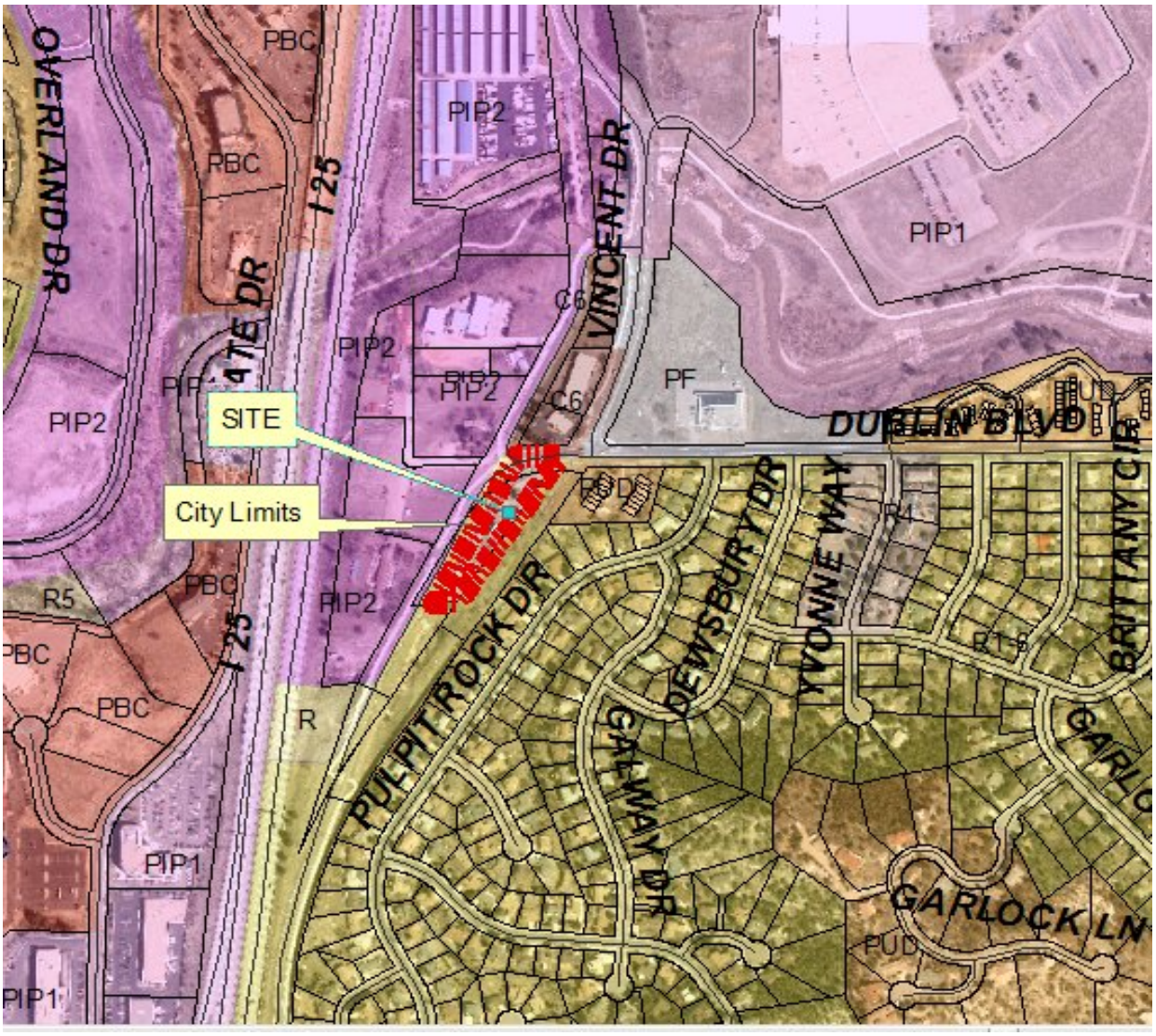
P A A

P A

PR A A

APP A F RAD PR

R DR ,



PR AR

1. Project Description: This project includes concurrent applications for annexation and establishment of the A (Agricultural) holding zone for 1.26 acres. The property is currently an enclave; completely surrounded by City municipal boundaries and is a remnant parcel from the Dublin Boulevard expansion project. The property is located at the southeast corner of Vincent Drive and Dublin Boulevard. **F R**

2. Applicant's Project Statement: **F R**

3. Planning and Development Department's Recommendation: Staff recommends approval of the applications.

A R D

1. Site Address: The site is not addressed.
2. Existing Zoning/Land Use: The property is currently in unincorporated El Paso County. A rural residential land use (A-5) is assigned to the property.
3. Surrounding Zoning/Land Use: North: C-6/Commercial
   South: R-1 6000/Residential
   East: R-1 6000/Residential
   West: PIP-2/Sunrise Kennel
4. Comprehensive Plan/Designated 2020 Land Use: There are no 2020 Land Use designations because it is not yet within the City.
5. Annexation: The property is not yet annexed.
6. Master Plan/Designated Master Plan Land Use: There is no existing or planned master plan for this property.
7. Subdivision: The property is not platted.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is vacant with no significant natural features.

A D R PR A D

A A F R R R A A R PR P A A R P A F R A

1. Review Criteria / Design & Development Issues:
   Annexation
   Per Colorado State Statute, the City can unilaterally annex properties that are within a City enclave. This means that the City, as the applicant, can request annexation via adoption of an annexation ordinance by Council. This can be done with or without owner permission. However, in most instances, the City requires the owner to petition for annexation so that the standard annexation agreement is signed as part of the annexation request. This ensures that any infrastructure deficiencies required to serve the development of the property are funded by the property owner, not the City.

   An enclave that has been in existence for three or more years may be annexed by ordinance, provided that the contiguity is not based on being adjacent to a public right-of-way unless the property on the other side of the right-of-way is also within the municipal boundaries. Also, if the enclave population exceeds 100 persons and contains more than 50 acres, there must be an annexation transition committee.

   In this instance, the 1.26 acres is the only piece of property that forms this enclave and has existed for more than three years **F R** In addition, this property was greatly

impacted by the Dublin and Vincent road project. This specific project widened and reconfigured Dublin Road adjacent to said property. The owner worked with the City to dedicate needed ROW. As part of the project, all utility and roadway infrastructure was upgraded to serve future development of the property.

With the owner's consent and in agreement with City departments, the Land Use Review Division is initiating annexation of this remnant piece and recommending the A zone be established. This A (Agricultural) zone is only a holding zone until the owner is ready to develop the property. At the time of development, the owner will need to petition the City for a zoning that is appropriate for development at this location. At that time, a full public process is recommended to discuss potential land uses. No potential land uses are established with this zoning

Because this is a city initiated annexation, there is no annexation petition or annexation agreement required. A Fiscal Impact Analysis is also not required because there is no established land use being recommended. Staff is comfortable recommending approval of this annexation without the annexation agreement or other associated documents because there are no outstanding infrastructure needs required to serve future development to this property.

It is important to note that the property owner has prepared the annexation plat and is paying all costs associated with the paperwork required to approve and record the annexation. No additional cost has been incurred by the City.

2. Conformance with the City Comprehensive Plan:
Comprehensive Plan 2020 Land Use Map: Since the property is not located within the City, it is not indicated with a land use on the 2020 Land Use Map; however, property will be included on the map as a continuation of the "Community Activity Center" that is shown on adjacent city properties at this corner.

Polic Anne ation ill e a enefit to the it of olorado prin s
Evaluate proposed annexations to determine if the request is a benefit to the City.

Polic Promote a Foc sed, onsolidated and se 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.

trate a Locate the Places that People Use for Their Daily Needs and Activities Close to Each Other

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

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

ective Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses.

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

Polic Promote a Mixed Land Use Pattern
Promote development that is characterized by a mix of mutually supportive and integrated residential and non-residential land uses and a network of interconnected streets with good pedestrian and bicycle access and connections to transit.

ective A Fit e Development into the haracter of the rro ndin 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.

Polic A e Development ill e ompati le ith the rro ndin Area
New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

Infill Relationship
The City has recently adopted an Infill supplement to the Comprehensive Plan. This infill supplement is meant to augment the Comprehensive Plan and focus on redevelopment of the City's core areas. This particular project does fall within the infill and redevelopment area. With that, the plan states that density and mixed use are important as well as creating incentives for infill

By annexing this last remnant in this particular area, we are insuring that the property has the tools to develop, thus increasing density and adding services to the area.

It is the finding of the Land Use Review Division that the Mohl Hollow Annexation and zoning will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives and the recently adopted infill chapter.

3. Conformance with the Area's Master Plan:
   There is no master plan for this area.

AFF R DA

P A A A

Recommend approval to City Council the Mohl Hollow Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

P A F A

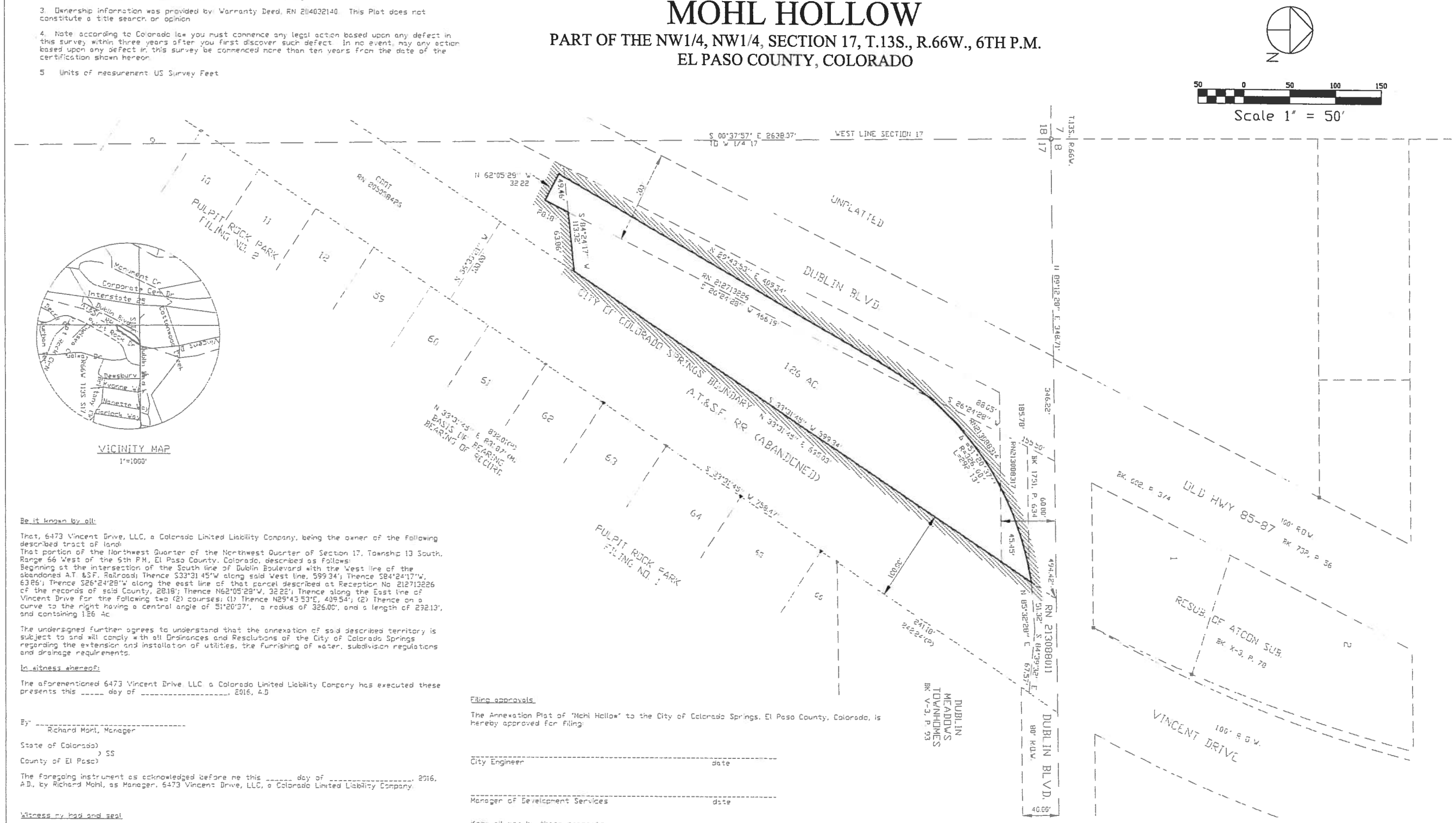
Recommend approval to City Council the establishment of the A (Agricultural) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.

ANNEXATION PLAT
MOHL HOLLOW

PART OF THE NW1/4, NW1/4, SECTION 17, T.13S., R.66W., 6TH P.M.
EL PASO COUNTY, COLORADO

Notes:

1. The percentage of property contiguous to the city limits of Colorado Springs is 100 %.
2. As shown hereon, at least one-sixth (1/6th) of the boundary of the property is contiguous with the boundary of the City limits of the City of Colorado Springs.
3. Ownership information was provided by: Warranty Deed, RN 214032140. This Plat does not constitute a title search or opinion.
4. Note: according to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
5. Units of measurement: US Survey Feet



Be it known by all:

That, 6473 Vincent Drive, LLC, a Colorado Limited Liability Company, being the owner of the following described tract of land:
That portion of the Northwest Quarter of the Northwest Quarter of Section 17, Township 13 South, Range 66 West of the 6th P.M., El Paso County, Colorado, described as follows:
Beginning at the intersection of the South line of Dublin Boulevard with the West line of the abandoned A.T.&S.F. Railroad; Thence S33°31'45"W along said West line, 599.34'; Thence S84°24'17"W, 63.86'; Thence S26°24'28"W along the east line of that parcel described at Reception No. 212713226 of the records of said County, 28.18'; Thence N62°05'28"W, 32.22'; Thence along the East line of Vincent Drive for the following two (2) courses: (1) Thence N29°43'53"E, 409.54'; (2) Thence on a curve to the right having a central angle of 51°20'37", a radius of 326.00', and a length of 292.13', and containing 1.26 Ac.

The undersigned further agrees to understand that the annexation of said described territory is subject to and will comply with all Ordinances and Resolutions of the City of Colorado Springs regarding the extension and installation of utilities, the furnishing of water, subdivision regulations and drainage requirements.

In witness whereof:

The aforementioned 6473 Vincent Drive, LLC, a Colorado Limited Liability Company has executed these presents this _____ day of _____, 2016, A.D.

By: _____
Richard Mohl, Manager

State of Colorado)
) SS
County of El Paso)

The foregoing instrument as acknowledged before me this _____ day of _____, 2016, A.D., by Richard Mohl, as Manager, 6473 Vincent Drive, LLC, a Colorado Limited Liability Company.

Witness my hand and seal

_____
Oliver E. Watts, Notary Public
My commission expires April 8, 2019

Filing approvals

The Annexation Plat of "Mohl Hollow" to the City of Colorado Springs, El Paso County, Colorado, is hereby approved for filing:

_____
City Engineer date

_____
Manager of Development Services date

Know all men by these presents:

Pursuant to an Ordinance made and adopted by the City of Colorado Springs, El Paso County, Colorado, on the _____ day of _____, 2016, A.D.

Attest _____ by _____
City Clerk President of City Council

Surveyor's certification:

The undersigned registered land surveyor in the state of Colorado hereby certifies that the accompanying plat was surveyed and drawn under his supervision and accurately shows the described tract of land, and subdivision thereof, and that the requirements of title 38 of the Colorado Revised Status, 1973, as amended, have been met to the best of his knowledge and belief.

_____
OLIVER E. WATTS COLO PE-LS 9853 date
For and on behalf of OLIVER E. WATTS, CONSULTING ENGINEER, INC.

State of Colorado)
)SS
County of El Paso)

I hereby certify that this instrument was filed for recorded in my office at _____ o'clock __.m. this _____ day of _____, 2016, and is duly recorded at Reception no._____ of the Records of El Paso County, Colorado

Chuck Broerman
Clerk and Recorder

By: _____
Deputy

Fee _____

Prepared by the office of:
Oliver E. Watts Consulting Engineer, Inc
614 Elkton Drive Colorado Springs, CO 80907
719-593-0173
olliewatts@aol.com
Celebrating over 37 years in business

6-22-16
OLIVER E. WATTS CONSULTING ENGINEER COLORADO SPRINGS 2-9-16 OEW 15-4806-04

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FAX (719) 265-9660
CELL (719) 964-0733
olliewatts@aol.com
Celebrating over 36 years in business

February 16, 2016

City Planning Department, Land Use Review
30 S. Nevada
Suite 105
Colorado Springs, CO 80903

ATTN: *Meggan Herington*

SUBJECT: Mohl Hollow Annexation

Mohl Hollow is a 1.29 acre, County zoned parcel of land located at the southeast corner of Dublin and Vincent. The site is unplatted; the Assessor's Parcel No. is 6317200007. The site is surrounded on three sides by the City.

We would ask the City to annex this parcel and zone it A. All utilities to service the site are in; within the public rights-of-way of Dublin and Vincent, as well as waste water on the east side of the vacated rail road. Dublin and Vincent are paved and have curb and gutter.

The City will benefit by the annexation and zone change of Mohl Hollow. It will add acreage for development on the City's northwest side.

Please contact our office with any question or comments you have concerning this project.

BY: _____
Erik S. Watts, Authorized Representative

FIGURE 2

OLIVER E. WATTS PE-LS
OLIVER E. WATTS, CONSULTING ENGINEER, INC.
CIVIL ENGINEERING AND SURVEYING
614 ELKTON DRIVE
COLORADO SPRINGS, COLORADO 80907
(719) 593-0173
FAX (719) 265-9660
CELL (719) 964-0733
olliewatts@aol.com
Celebrating over 36 years in business

LEGAL DESCRIPTION
DATE: February 9, 2016
JOB NO.: 15-4806
CLIENT: Richard Mohl
PURPOSE: Vincent Drive Parcel Annexation

That portion of the Northwest Quarter of the Northwest Quarter of Section 17, Township 13 South, Range 66 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at the intersection of the South line of Dublin Boulevard with the West line of the abandoned A.T. &S.F. Railroad; Thence S33°31'45"W along said West line, 599.34'; Thence S84°24'17"W, 63.86'; Thence S26°24'28"W along the east line of that parcel described at Reception No. 212713226 of the records of said County, 28.18'; Thence N62°05'28"W, 32.22'; Thence along the East line of Vincent Drive for the following two (2) courses; (1) Thence N29°43'53"E, 409.54'; (2) Thence on a curve to the right having a central angle of 51°20'37", a radius of 326.00', and a length of 292.13', and containing 1.26 Ac.

FIGURE 2

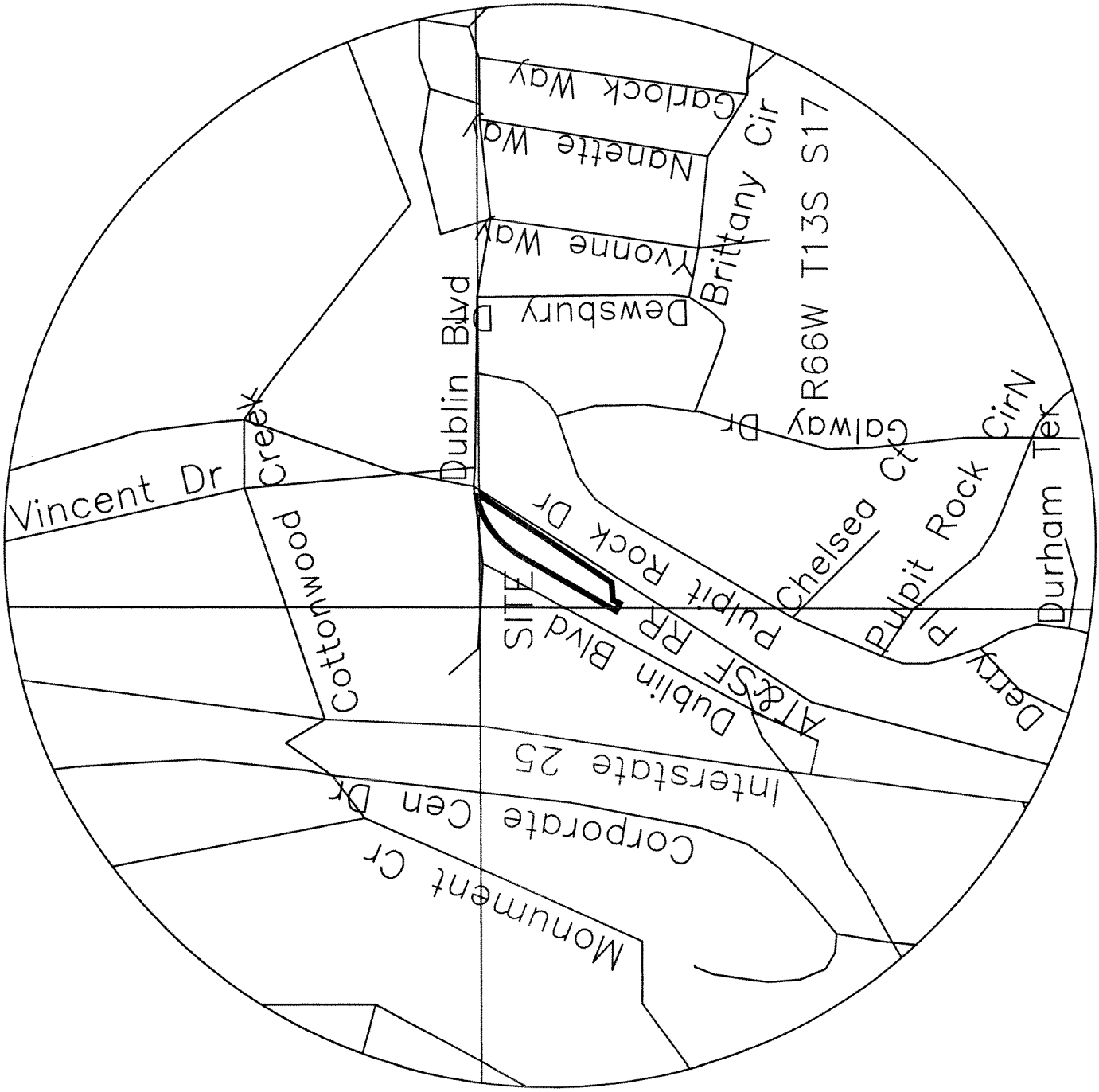

Vincent Dr
Cottonwood Creek
Dublin Blvd
Dewsbury
Yvonne Way
Nanette Way
Carlock Way
Brittany Cir
R66W T13S S17
Galway Dr
Chelsea Ct
Pulpit Rock Cir N
Durham Ter
Pulpit Rock Dr
Pulpit Rock
Derry
SITE
Dublin Blvd
AT&SF RR
Interstate 25
Corporate Cen Dr
Monument Cr

FIGURE 2

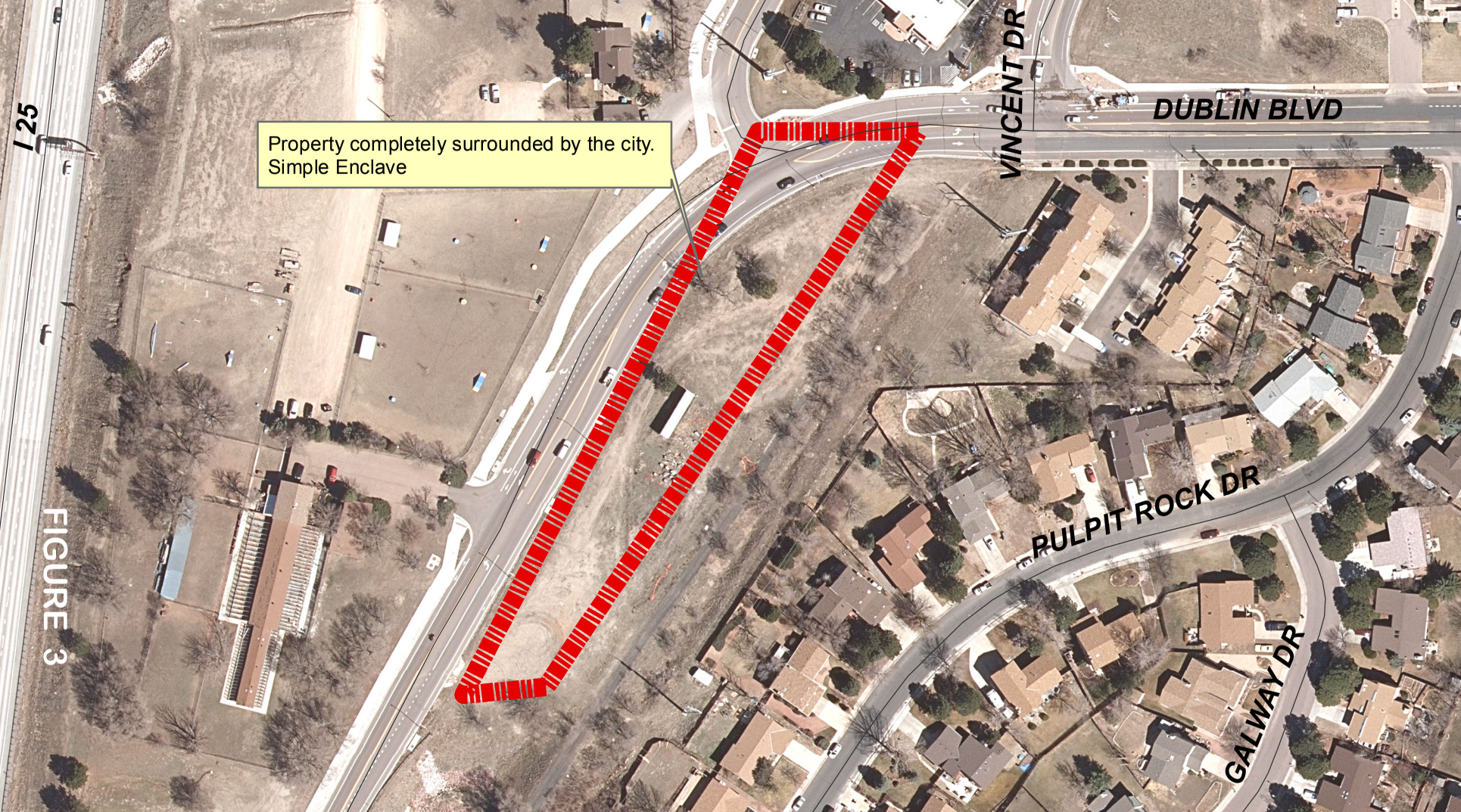

Property completely surrounded by the city.
Simple Enclave
I 25
VINCENT DR
DUBLIN BLVD
PULPIT ROCK DR
GALWAY DR

FIGURE 3

D P APP A R R RA

D F RA A

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

A. The area proposed to be annexed is a logical extension of the City's boundary;

B. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;

C. There is a projected available water surplus at the time of request;

D. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;

E. The annexation can be effected at the time the utilities are extended or at some time in the future;

F. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;

G. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;

H. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.

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

City of Colorado Springs

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

Meeting Minutes - Final
Planning Commission

Thursday, May 19, 2016 | **8:30 AM** | **Council Chambers**

7.C.1 CPC A 16-00020

Mohl Hollow Annexation of 1.26 acres located at the southeast corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC ZC 16-00021

Presenter:
Meggan Herington, Planning Manager, Planning and Community Development

Attachments: Mohl Annexation Staff Report
FIGURE 1-Annexation Plat
FIGURE 2-Project Statement
FIGURE 3-Enclave Map
7.6.203-Annexation Conditions

STAFF PRESENTATION:
Meggan Herington, Planning Manager gave a PowerPoint presentation.

The city can unilaterally annex an enclave per state statue and owner has agreed to the annexation. There is no petition to annex or an annexation agreement required. There are no infrastructure needs for this property. The zoning property A (Agricultural). The owners will need to petition the City for future zoning to develop and will also need a concept plan.

Regarding the process - there is no petition, no annexation agreement, it does require recommendation by the Planning Commission, it does require adoption of an ordinance by City Council, A (Agricultural) zoning is recommended with this annexation and the owner till determine the best us of the land at a later date

Questions:
None

Citizens in Support:
None

Citizens in Opposition:
None

Questions of Staff:
None

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:
No discussion

Motion by Smith, seconded by Markewich, that the Planning Case be accepted
Proposed Motion:
CPC A 16-00020 - ANNEXATION
Recommend approval to City Council the Mohl Hollow Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

7.C.2 CPC ZC 16-00021

Establish the A (Agricultural) zone district for the 1.26-acre Mohl Hollow Annexation located at the southeast corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC A 16-00020

Presenter:
Meggan Herington, Planning Manager, Planning and Community Development

Attachments: 7.5.603.B Establishment or change of zone district boundaries

See companion item 7.C.1 - CPC A 16-00021 for minutes on this item

Motion by Smith, seconded by Markewich, that the Planning Case be accepted
Proposed Motion:
CPC ZC 16-00021 - ESTABLISHMENT OF THE A ZONE
Recommend approval to City Council the establishment of the A (Agricultural) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.B.. The motion passed by a vote of

Aye 8 - McDonald, Chairperson Phillips, Henninger, Markewich, Walkowski, Graham, Gibson and Smith

Absent 1 - Shonkwiler

Memorandum

File #: CPC ZC 16-00021, **Version:** 3

Ordinance No. 16-69 Amending the Zoning Map of the City of Colorado Springs Relating to 1.26 Acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard Establishing the A Zone District.

(Legislative)

Related File: CPC A 16-00020

Presenter:
Meggan Herington, AICP, Planning Manager
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

Summary:
Owner: 6473 Vincent Drive, LLC
Location: Southeast corner of Vincent Drive and Dublin Boulevard

This is a request for adoption of an annexation ordinance and establishment of the A (Agricultural) holding zone for the 1.26 acre property known as Mohl Hollow. The annexation area is located at the southeast corner of Vincent Drive and Dublin Boulevard. See the attached map titled Enclave Map for specific location.

Previous Council Action:
N/A

Background:
Per the Colorado Municipal Annexation Act of 1965, the City can unilaterally annex properties that are within a City enclave. This means that the City can request annexation via adoption of an annexation ordinance by Council.

An enclave that has been in existence for three or more years may be annexed by ordinance, provided that the contiguity is not based on being adjacent to a public right-of-way unless the property on the other side of the right-of-way is also within the municipal boundaries. This can be done with or without owner permission. Also, if the enclave population exceeds 100 persons and contains more than 50 acres, there must be an annexation transition committee. (See attached enclave map)

In this instance, the 1.26 acres is the only piece of property that forms this enclave and has existed for more than three years. In addition, this property was greatly impacted by the Dublin and Vincent

road project. That project widened and reconfigured Dublin Road adjacent to the property. The owner worked with the City to dedicate needed right of way. As part of that project, all utility and roadway infrastructure was upgraded to serve future development of the property.

The City's policy has been to require property owners to petition the City for annexation so that the standard annexation agreement would be signed by the applicant as part of the annexation request. This ensures that any infrastructure deficiencies required to serve the development of the property are funded by the property owner, not the City. Because no further infrastructure is needed to serve the subject property, the City, with the owner's consent, desires to annex the property unilaterally and without an annexation agreement.

With the owner's consent and in agreement with City departments, the Land Use Review Division is initiating annexation of this remnant piece and recommending the A zone be established. This A (Agricultural) zone is only a holding zone until the owner is ready to develop the property. At the time of development, the owner will need to petition the City for a zoning that is appropriate for development at this location. At that time, a full public process is recommended to discuss potential land uses. No potential land uses are established with the recommended zoning.

Financial Implications:
A Fiscal Impact Analysis is not required because this is a City initiated annexation and there is no established land use being recommended.

Board/Commission Recommendation:
The City Planning Commission unanimously approved the request at their hearing on May 19, 2016.

Stakeholder Process:
The site was posted and noticed for the City Planning Commission hearing and the Council meeting date for adoption of the annexation ordinance. A full public process will be required in the future when any specific land use plan is submitted to the City.

Alternatives:
1. Follow the recommendation of the City Planning Commission and approve the annexation and zoning;
2. Deny the annexation; or
3. Approve the annexation and modify or deny the zoning.

Proposed Motion:
CPC ZC 16-00021 - ESTABLISHMENT OF THE A ZONE
Adopt an ordinance establishing of the A (Agricultural) zone district, based upon the findings that the zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.

An Ordinance Amending the Zoning Map of the City of Colorado Springs Relating to 1.26 Acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard Establishing the A Zone District.

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 1.26 ACRES LOCATED AT THE SOUTHEAST CORNER OF VINCENT DRIVE AND DUBLIN BOULEVARD ESTABLISHING THE A (AGRICULTURAL) ZONE DISTRICT.

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by the establishment of the A (Agricultural) zone district consisting of 1.26 acres located at the southeast corner of Vincent Drive and Dublin Boulevard for the property described in Exhibit A, attached hereto and made a part hereof by reference, pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2016.

Finally passed: _____ _____
Council President

Mayor's Action:

☐ Approved on _____

☐ Disapproved on _____, based on the following objections:

_____

_____

_____

_____

_____
John W. Suthers, Mayor

Council Action After Disapproval:

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

_____
Council President

ATTEST:

_____
Sarah B. Johnson, City Clerk

CAO: _____
COS: _____

OLIVER E. WATTS PE-LS
OLIVER E. WATTS, CONSULTING ENGINEER, INC.
CIVIL ENGINEERING AND SURVEYING
614 ELKTON DRIVE
COLORADO SPRINGS, COLORADO 80907
(719) 593-0173
FAX (719) 265-9660
CELL (719) 964-0733
olliewatts@aol.com
Celebrating over 36 years in business

LEGAL DESCRIPTION
DATE: February 9, 2016
JOB NO.: 15-4806
CLIENT: Richard Mohl
PURPOSE: Vincent Drive Parcel Annexation

That portion of the Northwest Quarter of the Northwest Quarter of Section 17, Township 13 South, Range 66 West of the 6th P.M., El Paso County, Colorado, described as follows: Beginning at the intersection of the South line of Dublin Boulevard with the West line of the abandoned A.T. &S.F. Railroad; Thence S33°31'45"W along said West line, 599.34'; Thence S84°24'17"W, 63.86'; Thence S26°24'28"W along the east line of that parcel described at Reception No. 212713226 of the records of said County, 28.18'; Thence N62°05'28"W, 32.22'; Thence along the East line of Vincent Drive for the following two (2) courses; (1) Thence N29°43'53"E, 409.54'; (2) Thence on a curve to the right having a central angle of 51°20'37", a radius of 326.00', and a length of 292.13', and containing 1.26 Ac.

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)

Memorandum

File #: CPC PUZ 16-00010, **Version:** 3

Ordinance No. 16-70 amending the zoning map of the City of Colorado Springs pertaining to 135.63 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays).

(Quasi-Judicial)

Related Files: CPC MP 87-00381-A15MJ16, CPC PUZ 16-00011, CPC PUP 16-00013

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Summary:
Applicant: NES, Inc.
Owner: Rivers Development, LLC
Location: East of Marksheffel Boulevard and South of the Barnes Road extension in the Banning Lewis Ranch

This project includes concurrent applications for a major amendment to the Banning Lewis Ranch Master Plan, PUD zone change, PBC zone change and concept plan for a 153.33-acre property known as Enclaves at Mountain Vista. The project facilitates a land use change from industrial to commercial and residential and illustrates the future development of a mixed residential use with associated neighborhood commercial.

Previous Council Action:
On June 28, 2016, the City Council pulled the applications associated with this project from the Consent Calendar and held a public hearing. At the conclusion of the public hearing the City Council voted to approve the project's applications, with seven votes in favor (Council President Bennett, Council President Pro-tem Gaebler, Councilor Knight, Councilor Bagley, Councilor King, Councilor Pico, Councilor Murray, and Councilor Strand) and one opposed (Council Collins), and set the second hearing date for July 12, 2016.

City Council last acted on this property with the annexation, master plan and zoning for Banning Lewis Ranch in the mid 1980's.

Background:
The property is part of the Banning Lewis Ranch Master Plan. The amendment will remove the industrial uses and replace with a 135.63 acre residential development and 17.7 acres of

commercial.

The property was originally zoned PIP-2 with the Banning Lewis Ranch Annexation in 1988. This PUD rezone will change the zone of 135.63 acres from PIP-2/SS/AO (Planned Industrial Park with Stream Side and Airport Overlays) to PUD/SS/AO (Planned Unit Development). The PUD zone district will allow residential type uses at a density of 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet. The airport overlay will apply to the entire property with the streamside overlay being present along the eastern boundary.

The 17.7 acres adjacent to Marksheffel Boulevard will be rezoned from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay). The streamside overlay drops off of this piece of property because this area is not adjacent to the stream. The airport overlay will be applied.

The neighborhood commercial site is illustrated with a full access point from Marksheffel Boulevard and a to-be constructed collector roadway. This future collector will also access the phases of single-family attached and detached product. Barnes Road will be extended east of Marksheffel Boulevard as a secondary major access to the new development.
Incorporating attached and detached single-family into the neighborhood ensures a multitude of housing options. Those housing options are supported by parks, open space areas and a future school site. All parks and schools are shown conceptually with the final areas and building locations determined when the facilities are required for the growing community.

This item supports the City's strategic plan to enhance connectivity between trails and open space by encouraging a well-designed residential community with local amenities that enrich the trails and open spaces. A well-designed residential community can provide connections and corridors leveraging windows of opportunity for trail and open space experiences. This development also supports employment opportunities of Colorado Springs residents, and maintains further prospect for strengthening the Colorado Springs economy.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on May 19, 2016 the Planning Commission voted unanimously to approve the applications as part of the consent calendar.

Stakeholder Process:
The public process included posting the site and sending postcards to 7 property owners within 500 feet. A majority of surrounding properties are currently vacant. There is one residential area to the west of Marksheffel Boulevard within unincorporated El Paso County which is more than 1000 feet away from this site. Staff did not receive any comments from neighboring property owners.

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 Parks, Police, E-911, Airport, and the Falcon School District.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

CPC PUZ 16-00010 - CHANGE OF ZONING TO PUD

Adopt an ordinance changing the zoning from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603 and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 135.63 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential - 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays).

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 135.63 ACRES LOCATED EAST OF MARKSHEFFEL BOULEVARD AND SOUTH OF THE BARNES ROAD EXTENSION FROM PIP-2/SS/AO (PLANNED INDUSTRIAL PARK WITH STREAMSIDE AND AIRPORT OVERLAYS) TO PUD/SS/AO (PLANNED UNIT DEVELOPMENT: RESIDENTIAL – 3.5 – 7.99 DWELLING UNITS PER ACRE WITH A MAXIMUM BUILDING HEIGHT OF 36 FEET WITH STREAMSIDE AND AIRPORT OVERLAYS)

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 135.63 acres located east of Marksheffel Boulevard and south of the Barnes Road extension as described in Exhibit A and depicted in Exhibit B, both of which are attached hereto and made a part hereof by reference, from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: Residential – 3.5 – 7.99 dwelling units per acre with a maximum building height of 36 feet with Streamside and Airport Overlays), pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

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

Finally passed: _____

_____
Council President

ATTEST:

_____
Sarah B. Johnson, City Clerk

RESIDENCIAL LEGAL DESCRIPTION:

A parcel of land being a portion of Sections 21 and 28, T.13S., R.65W., of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado and more particularly described as follows:

Basis of Bearing:
The South line of the Southwest Quarter of Section 21, T.13S., R.65W., of the 6th P.M., Being monument a on the west by a 2.5" aluminum cap "Stamped PLS 22095" and on the east by a 2.5" aluminum cap "Stamped PLS 22095" and considered to bear N89°48'29"E.

Commencing at the Southwest Quarter corner of said section 21;

Thence S00°14'48"E along the west line of the Northwest Quarter of said section 28, a distance of 104.20 feet and S89°18'49"E, a distance of 747.19 feet to a point on the east line of a 50.00 foot Colorado Interstate Gas right of way easement as recorded at the El Paso County Clerk and Recorders Office in Book 1981 at Page 9 and Amended in Book 2115 at Pages 142 and 144, being the **Point of Beginning**:

Thence S89°18'49"E, a distance of 602.43 feet;

Thence N00°02'33"W, a distance of 1320.13 feet to a point on the south line of an ingress and egress easement as recorded at the El Paso County Clerk and Recorders Office in Book 5563 at Page 571;

Thence along said south line the following three (3) courses;

1. Thence along said south line S89°18'51"E, a distance of 152.88 feet to a point of curvature;
2. Thence along said curve to the right, having a radius of 2970.00 feet, a central angle of 24°43'46", a distance of 1281.88 feet, a chord bearing of S76°56'58"E and a chord distance of 1271.95 feet;
3. Thence S64°35'05"E, a distance of 1060.08 feet to a point on the west line of a 75.00 foot easement as recorded at the El Paso County Clerk and Recorders Office at Receptions Number 206178643;

Thence along said west line the following three (3) courses;

1. Thence S04°47'26"W, a distance of 290.13 feet;
2. Thence S07°52'47"W, a distance of 1361.20 feet;
3. Thence S01°11'12"E, a distance of 131.04 feet to a point on the south line of the north half of the northeast quarter of said section 28;

Thence S89°48'20"W along said south line, a distance of 879.06 feet to the southwest corner of the north half of the northeast quarter of said section 28;

Thence S89°48'15"W along the south line of the north half of the northwest quarter of said section 28, a distance of 1912.73 feet to a point on the east line of said Colorado Interstate Gas right of way easement;

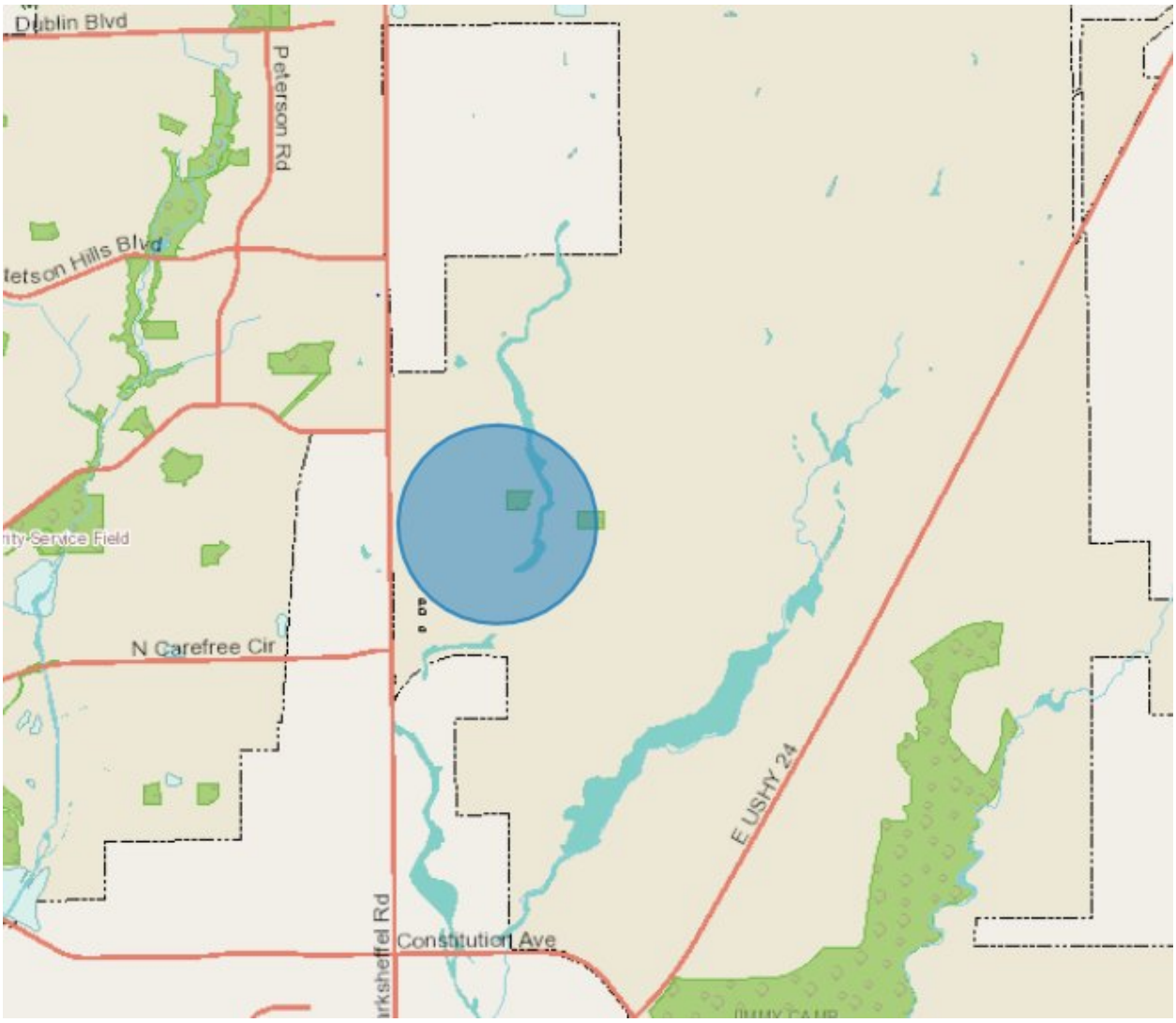
Thence N00° 01'38"E along said Colorado Interstate Gas right of way easement, a distance of 1209.10 feet to the **Point of Beginning.**

Parcel Contains 5,908,141.13 Square Feet or 135.633 Acres more or less.

Prepared for and on behalf of Galloway & Company

By Lyle G. Bissegger, PLS# 38038

Vicinity Map



P D A R R R A

A A D D P F A P D

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)

F D

A. Amendments To This Zoning Code: Amendments to the text of this Zoning Code may be approved by the City Council.

B. Establishment Or Change Of Zone District Boundaries: 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 chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76)

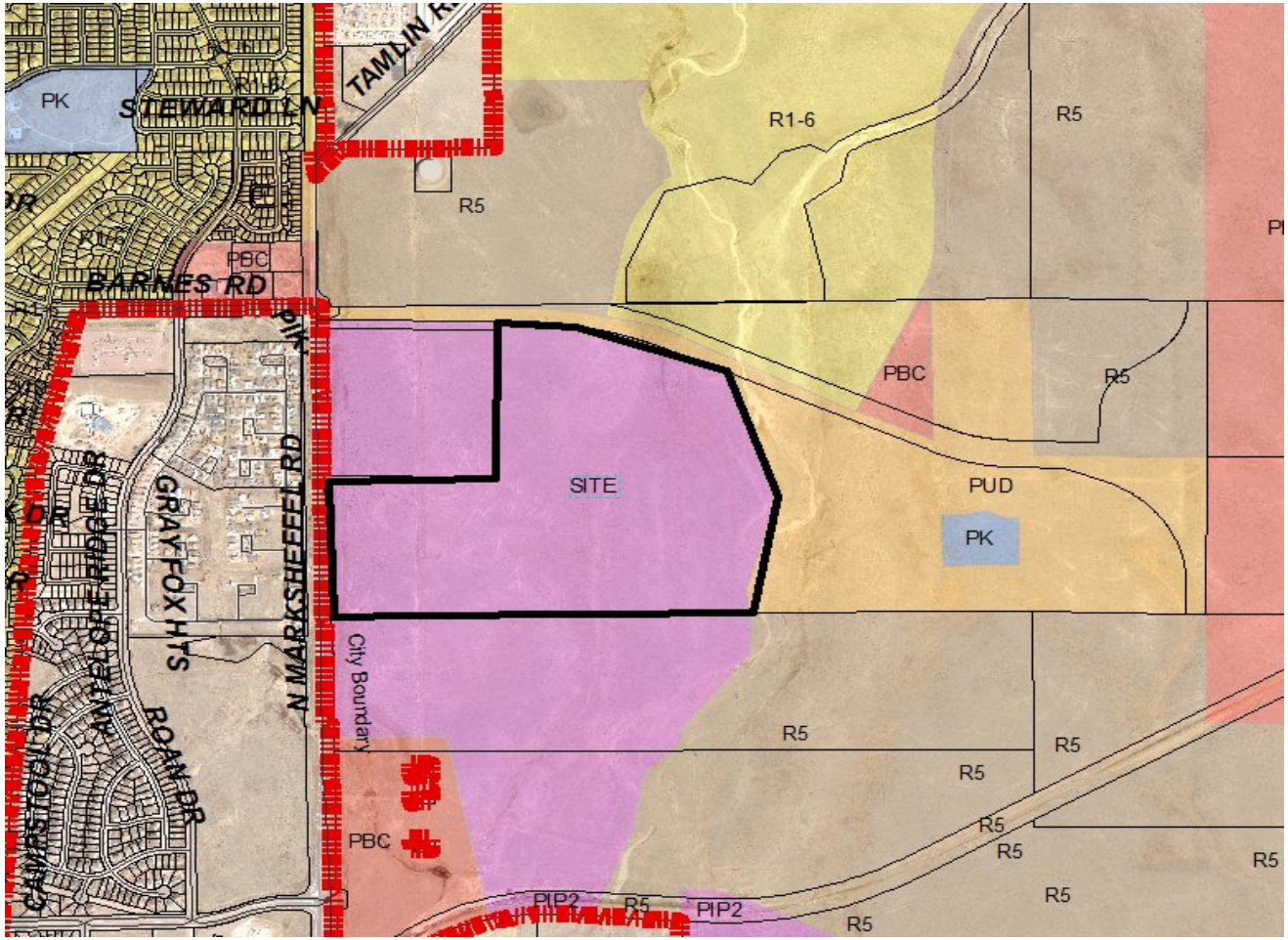
Enclaves at Mountain Vistas

CPC MP 87-00381-A15MJ16 – LEGISLATIVE
CPC PUZ 16-00010 – QUASI-JUDICIAL
CPC PUZ 16-00011 – QUASI-JUDICIAL
CPC PUP 16-00013 – QUASI-JUDICIAL

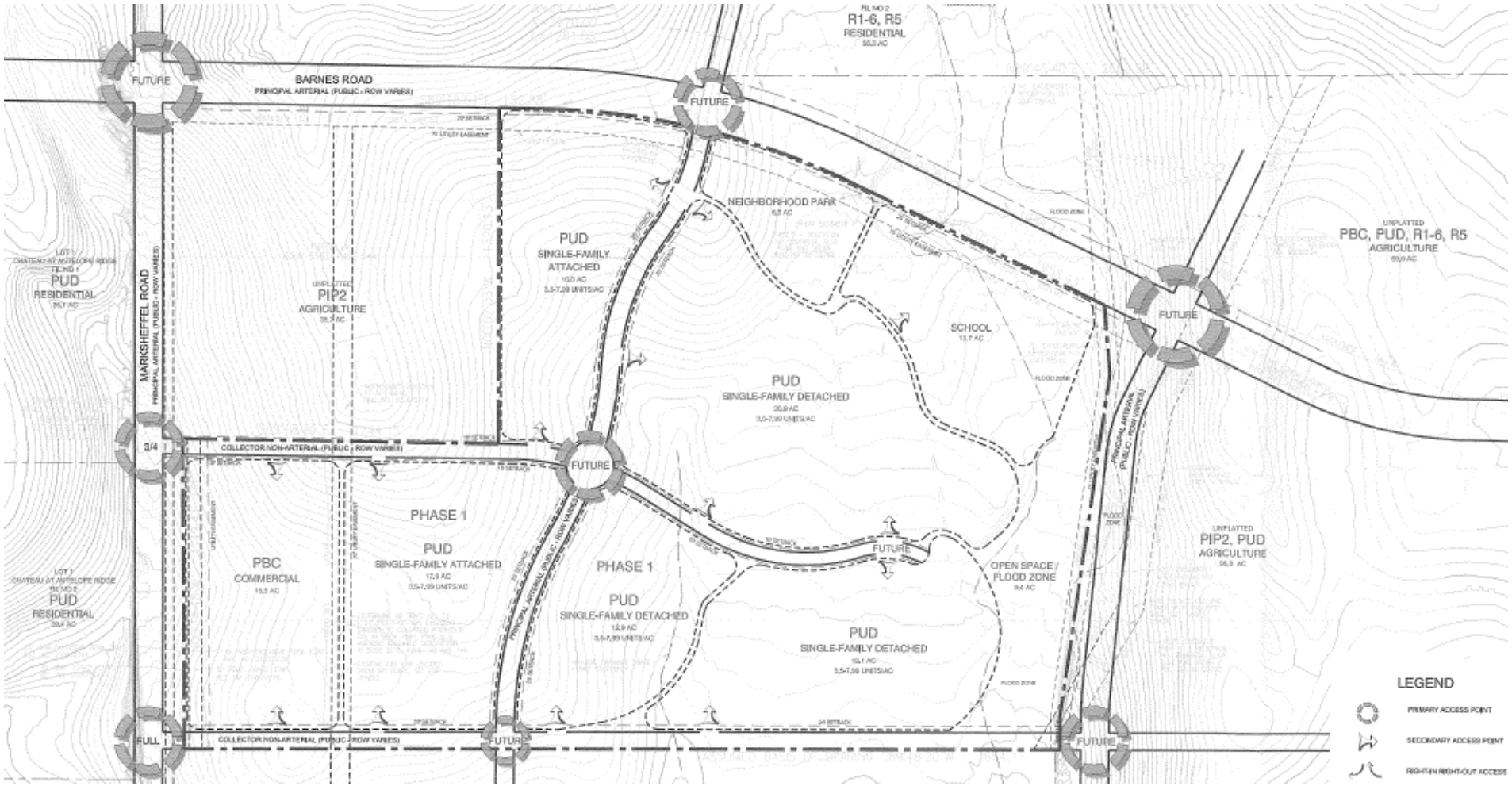
Meggan Herington, AICP
Planning Manager

Vicinity Map

- 153.33 acres
- Industrial to residential
- Rezone 135.63 to PUD
- Rezone 17.7 to PBC



Concept Plan



BLR Master Plan Map

- Development occurring largely north to south
  - Mainly residential development
  - Villages 1 and 2
  - Villages 3 in the planning phases

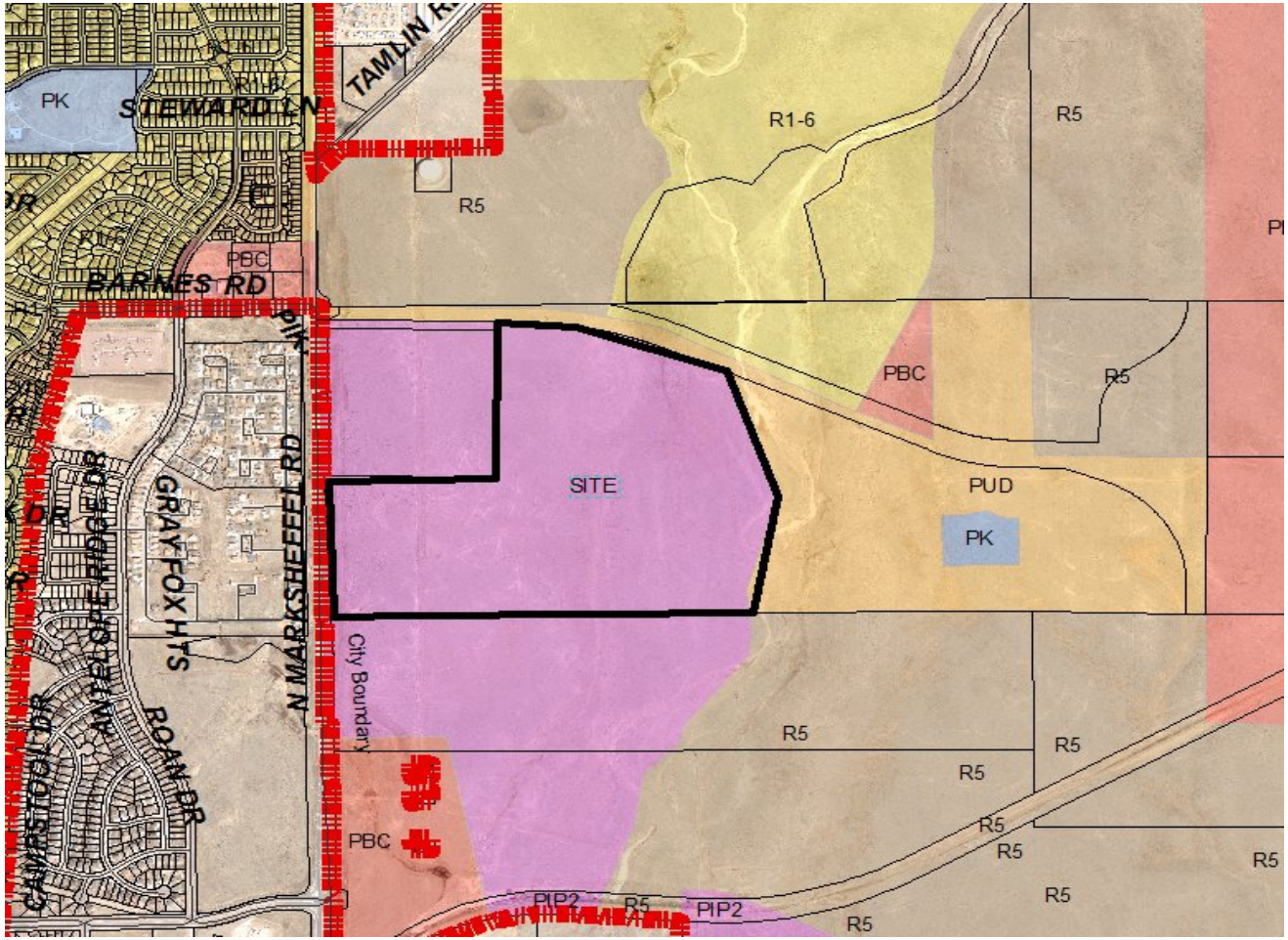
- There are approximately 600 vacant acres of industrial to the south (PIP-2)
  - Additional PIP-1 acreage in BLR

Recommendation

- Staff recommends approval of the applications finding they are in conformance with the Comprehensive Plan and City Code
  - With the condition that the applicant update the master plan document and associated land use table

- City Planning Commission recommended approval unanimously on the consent calendar at their May meeting

Questions?


PK
STEWARD LN
TAMLIN RD
R1-6
R5
PBC
BARNES RD
N MARKSHEFFEL RD
GRAY FOX HTS
SITE
PUD
PK
City Boundary
ROAN DR
CAMPSTOOL DR
PIP2

Memorandum

File #: CPC PUZ 16-00011, **Version:** 2

Ordinance No. 16-71 amending the zoning map of the City of Colorado Springs pertaining to 17.7 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MP 87-000381-A15MJ16, CPC PUZ 16-00010, CPC PUP 16-00013

Presenter:
Meggan Herington, Planning Manager for LUR/DRE, Planning and Community Development

Summary:
Applicant: NES, Inc.
Owner: Rivers Development, LLC
Location: East of Marksheffel Boulevard and South of the Barnes Road extension in the Banning Lewis Ranch

This project includes concurrent applications for a major amendment to the Banning Lewis Ranch Master Plan, PUD zone change, PBC zone change and concept plan for a 153.33-acre property known as Enclaves at Mountain Vista. The project facilitates a land use change from industrial to commercial and residential and illustrates the future development of a mixed residential use with associated neighborhood commercial.

Previous Council Action:
On June 28, 2016, the City Council pulled the applications associated with this project from the Consent Calendar and held a public hearing. At the conclusion of the public hearing the City Council voted to approve the project's applications, with seven votes in favor (Council President Bennett, Council President Pro-tem Gaebler, Councilor Knight, Councilor Bagley, Councilor King, Councilor Pico, Councilor Murray, and Councilor Strand) and one opposed (Council Collins), and set the second hearing date for July 12, 2016.

City Council last acted on this property with the annexation, master plan and zoning for Banning Lewis Ranch in the mid 1980's.

Background:
The property is part of the Banning Lewis Ranch Master Plan. The amendment will remove the industrial uses and replace with a 135.63 acre residential development and 17.7 acres of commercial.

The property was originally zoned PIP-2 with the Banning Lewis Ranch Annexation in 1988. This PUD rezone will change the zone of 135.63 acres from PIP-2/SS/AO (Planned Industrial Park with Stream Side and Airport Overlays) to PUD/SS/AO (Planned Unit Development). The PUD zone district will allow residential type uses at a density of 3.5 - 7.99 dwelling units per acre with a maximum building height of 36 feet. The airport overlay will apply to the entire property with the streamside overlay being present along the eastern boundary.

The 17.7 acres adjacent to Marksheffel Boulevard will be rezoned from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay). The streamside overlay drops off of this piece of property because this area is not adjacent to the stream. The airport overlay will be applied.

The neighborhood commercial site is illustrated with a full access point from Marksheffel Boulevard and a to-be constructed collector roadway. This future collector will also access the phases of single-family attached and detached product. Barnes Road will be extended east of Marksheffel Boulevard as a secondary major access to the new development.

Incorporating attached and detached single-family into the neighborhood ensures a multitude of housing options. Those housing options are supported by parks, open space areas and a future school site. All parks and schools are shown conceptually with the final areas and building locations determined when the facilities are required for the growing community.

This item supports the City's strategic plan to enhance connectivity between trails and open space by encouraging a well-designed residential community with local amenities that enrich the trails and open spaces. A well-designed residential community can provide connections and corridors leveraging windows of opportunity for trail and open space experiences. This development also supports employment opportunities of Colorado Springs residents, and maintains further prospect for strengthening the Colorado Springs economy.

Financial Implications:

N/A

Board/Commission Recommendation:

At their meeting on May 19, 2016 the Planning Commission voted unanimously to approve the applications as part of the consent calendar.

Stakeholder Process:

The public process included posting the site and sending postcards to 7 property owners within 500 feet. A majority of surrounding properties are currently vacant. There is one residential area to the west of Marksheffel Boulevard within unincorporated El Paso County which is more than 1000 feet away from this site. Staff did not receive any comments from neighboring property owners.

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 Parks, Police, E-911, Airport, and the Falcon School District.

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Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

CPC PUZ 16-00011 - CHANGE OF ZONING TO PBC
Adopt an ordinance changing the zoning from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 17.7 acres located east of Marksheffel Boulevard and south of the Barnes Road extension from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay).

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 17.7 ACRES LOCATED EAST OF MARKSHEFFEL BOULEVARD AND SOUTH OF BARNES ROAD EXTENSION FROM PIP-2/SS/AO (PLANNED INDUSTRIAL PARK WITH STREAMSIDE AND AIRPORT OVERLAYS) TO PBC/AO (PLANNED BUSINESS CENTER WITH AIRPORT OVERLAY)

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 17.7 acres located east of Marksheffel Boulevard and south of Barnes Road extension as described in Exhibit A and depicted in Exhibit B, which are attached hereto and made a part hereof by reference, from PIP-2/SS/AO (Planned Industrial Park with Streamside and Airport Overlays) to PBC/AO (Planned Business Center with Airport Overlay), pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

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

Finally passed: _____ _____

Council President

ATTEST:

_____

Sarah B. Johnson, City Clerk

COMMERCIAL LEGAL DESCRIPTION:

A parcel of land being a portion of Section 28, T.13S., R.65W., of the 6th P.M., City of Colorado Springs, County of El Paso, State of Colorado and more particularly described as follows:

Basis of Bearing:
The South line of the Southwest Quarter of Section 21, T.13S., R.65W., of the 6th P.M., Being monument a on the west by a 2.5" aluminum cap "Stamped PLS 22095" and on the east by a 2.5" aluminum cap "Stamped PLS 22095" and considered to bear N89°48'29"E.

Commencing at the Southwest Quarter corner of said section 21;

Thence S00°14'48"E along the west line of the Northwest Quarter of said section 28, a distance of 104.20 feet and S89°18'49"E, a distance of 105.47 feet to the **Point of Beginning**:

Thence S89°18'49"E, a distance of 641.72 feet to a point on the east line of a 50.00 foot Colorado Interstate Gas right of way easement as recorded at the El Paso County Clerk and Recorders Office in Book 1981 at Page 9 and Amended in Book 2115 at Pages 142 and 144;

Thence S00°01'38"W along said west line, a distance of 1209.10 feet to a point on the south line of the north half of the northwest quarter of said section 28;

Thence S89°48'15"W along the south line of the north half of the northwest quarter of said section 28, a distance of 628.70 feet;

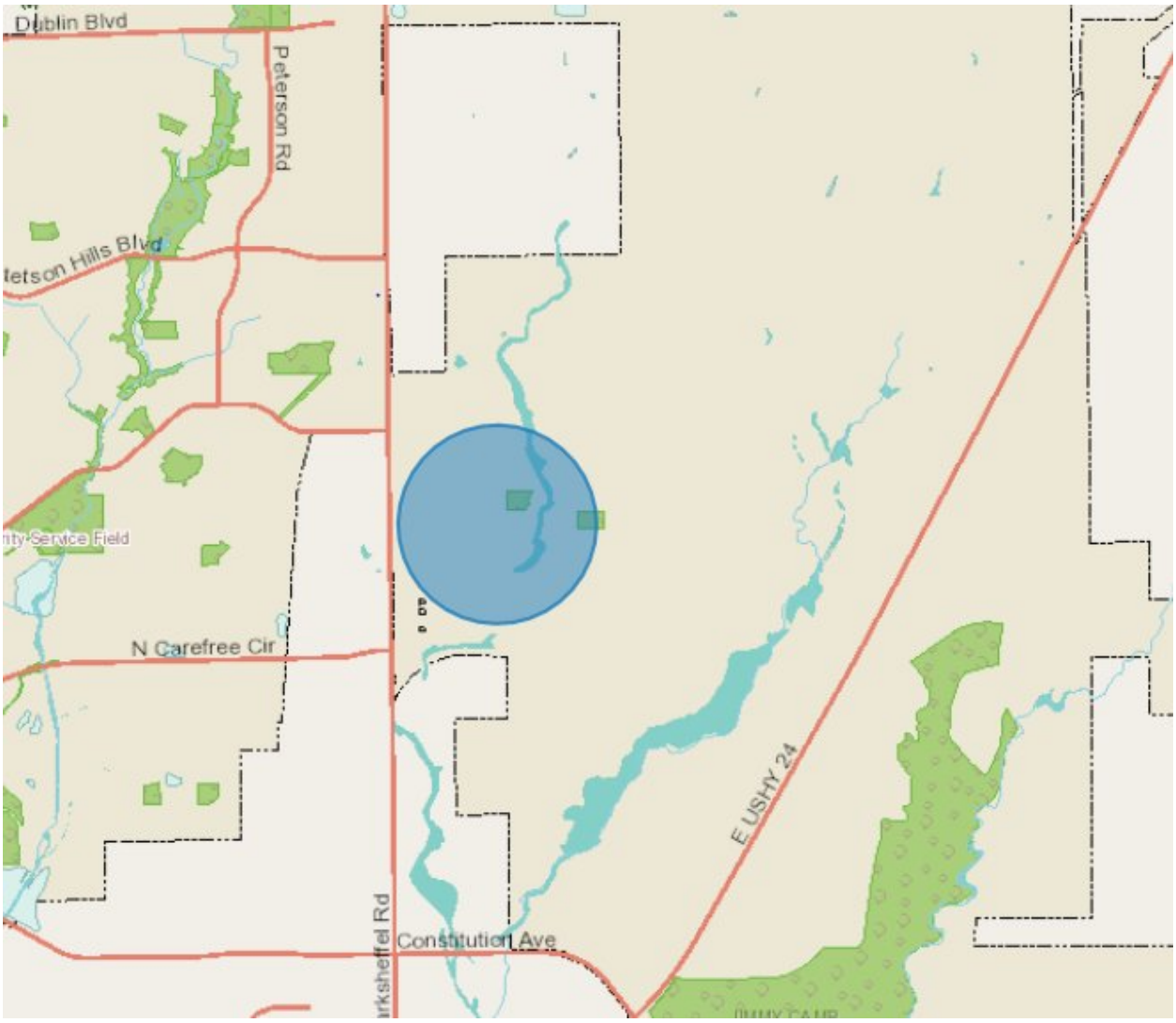
Thence N00° 35'00"W parallel to the west line of the northwest quarter of said section 28, a distance of 1219.00 feet to the **Point of Beginning.**

Parcel Contains 771,114.30 Square Feet or 17.702 Acres more or less.

Prepared for and on behalf of Galloway & Company

By Lyle G. Bissegger, PLS# 38038

Vicinity Map



F D

A. Amendments To This Zoning Code: Amendments to the text of this Zoning Code may be approved by the City Council.

B. Establishment Or Change Of Zone District Boundaries: 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 chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76)

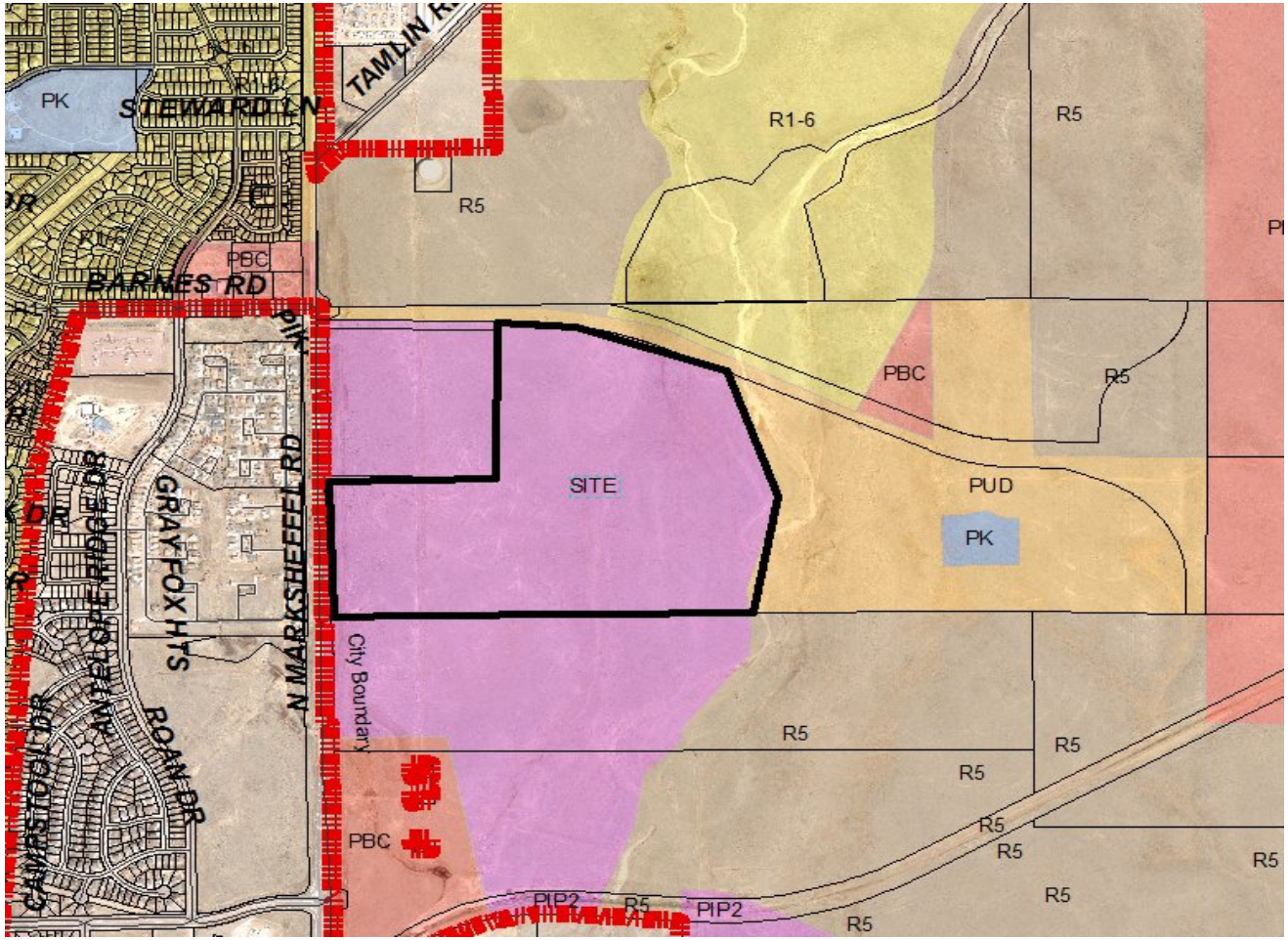
Enclaves at Mountain Vistas

CPC MP 87-00381-A15MJ16 – LEGISLATIVE
CPC PUZ 16-00010 – QUASI-JUDICIAL
CPC PUZ 16-00011 – QUASI-JUDICIAL
CPC PUP 16-00013 – QUASI-JUDICIAL

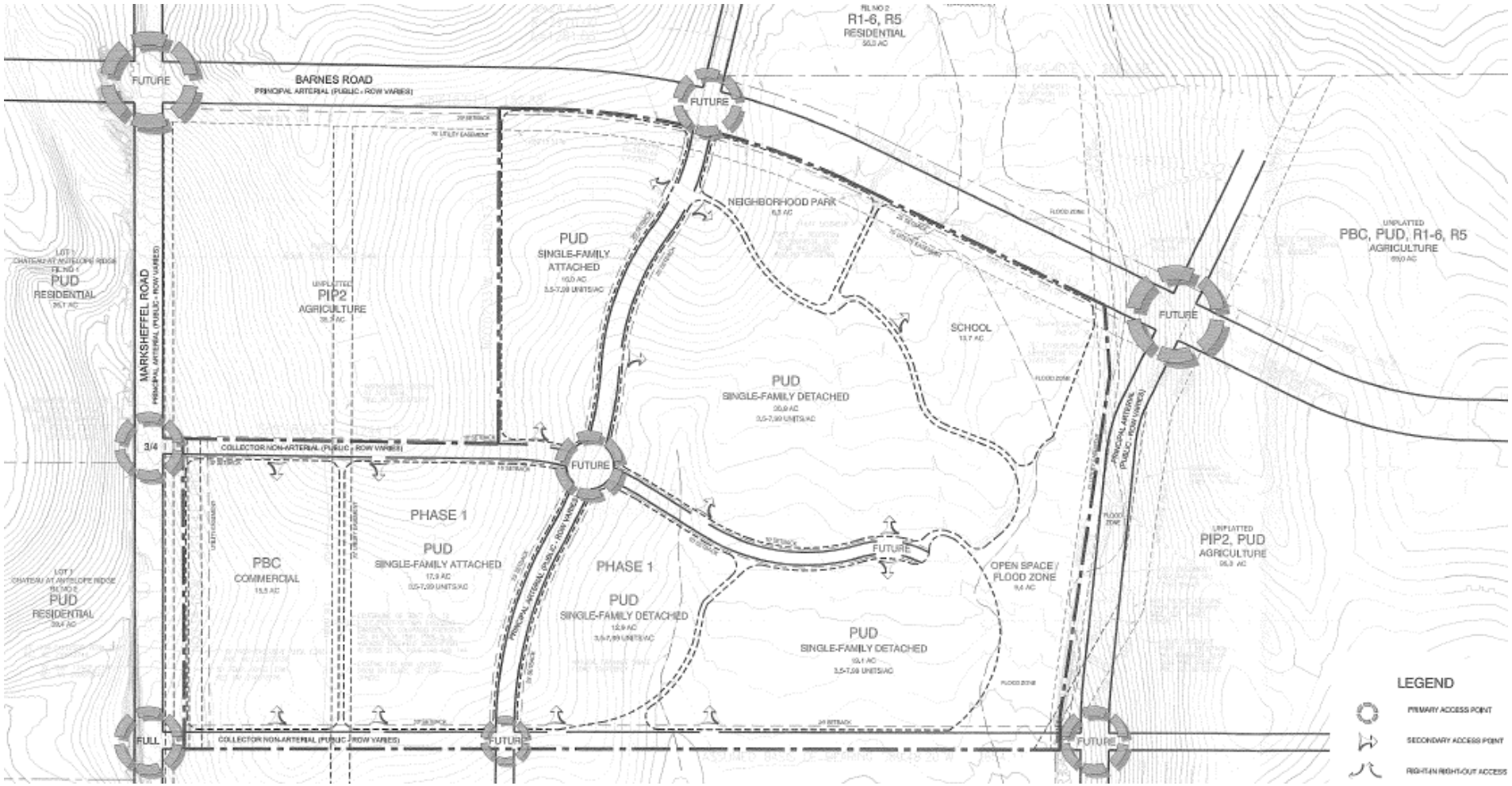
Meggan Herington, AICP
Planning Manager

Vicinity Map

- 153.33 acres
- Industrial to residential
- Rezone 135.63 to PUD
- Rezone 17.7 to PBC



Concept Plan



BLR Master Plan Map

- Development occurring largely north to south
  - Mainly residential development
  - Villages 1 and 2
  - Villages 3 in the planning phases

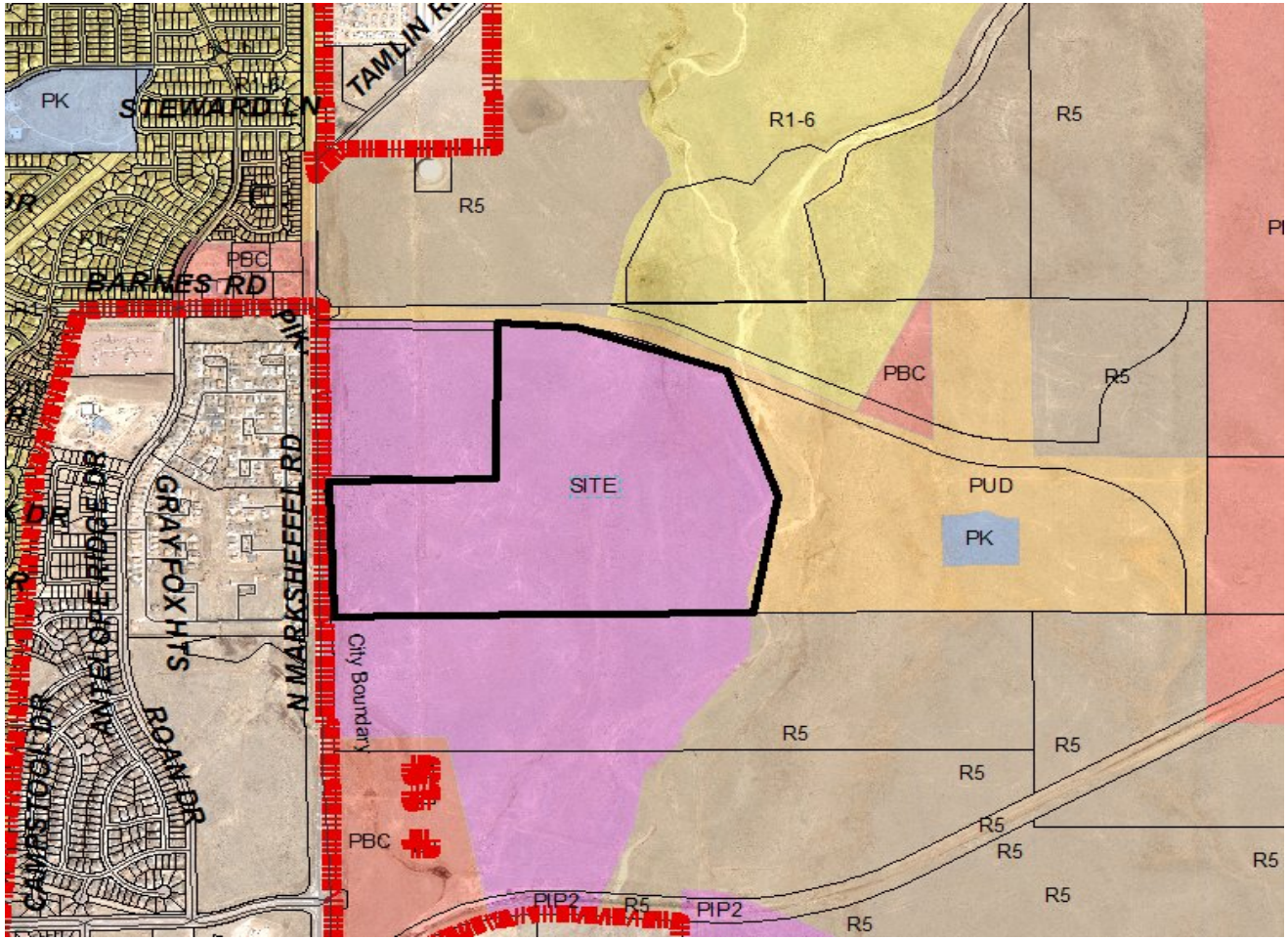
- There are approximately 600 vacant acres of industrial to the south (PIP-2)
  - Additional PIP-1 acreage in BLR

Recommendation

- Staff recommends approval of the applications finding they are in conformance with the Comprehensive Plan and City Code
  - With the condition that the applicant update the master plan document and associated land use table

- City Planning Commission recommended approval unanimously on the consent calendar at their May meeting

Questions?


PK
STEWARD LN
TAMLIN RD
R1-6
R5
PBC
BARNES RD
N MARKSHEFFEL RD
GRAY FOX HTS
SITE
PUD
PK
City Boundary
ROAN DR
CAMPSTOOL DR
PIP2

Memorandum

File #: CPC ZC 16-00028, **Version:** 6

Ordinance No. 16-72 amending the zoning map of the City of Colorado Springs pertaining to 3.8 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC PUZ 16-00031, CPC CP 16-00033, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Summary:
Applicant: Classic Consulting Engineers and Surveyors
Owner: Gelles Family Trust
Location: Northeast of the Black Forest Road and Woodmen Road intersection

The project includes concurrent applications for a major master plan amendment to the Woodmen Heights Master Plan, a PBC (Planned Business Center) zone change and concept plan for a 3.8-acre commercial site (herein referred as “Woodmen Heights Commercial/Office”), and a PUD (Planned Unit Development) zone change and PUD development plan for a 13.3-acre site to contain a multi-family complex (herein referred as “Copper Range Apartments”). The proposed Copper Range Apartments project will provide 240 dwelling units within the development, completing a very visible segment of the Woodmen Heights Master Planned area.

Previous Council Action:
On June 28, 2016, City Council approved this item on first reading

Background:
The subject property is part of the Woodmen Heights Master plan. The proposed amendment to the master plan will change the land use designation of 13.3 acres from Neighborhood Commercial/Office to Residential (16-24.99 Dwelling Units per Acre).

The property is currently zoned A/AO (Agricultural with an Airport Overlay), which was the original zone assigned with the Woodmen Heights Annexation No. 4 in 2004. The PBC rezoning will change the zone of 3.8 acres adjacent to Black Forest Road from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

The remaining 13.3 acres located between Vollmer Road and Woodmen Road and adjacent to the

regional detention facility will be rezoned from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum). The PUD zone district sets the specific density, dimensional, and use controls for the future development of the Copper Range Apartments project.

The proposed Woodmen Heights Commercial/Office project illustrates two commercial development pads with associated surface parking areas. The pedestrian and vehicular access to these commercial pads will be provided via the proposed Copper Peak Point (private right-of-way), which will be developed as part of and provide access to the proposed Copper Range Apartments project.

The proposed Copper Range Apartments development provides a multi-family residential complex with 240 dwelling units contained within 10 multi-family buildings and a robust site amenity package. The project is to be developed in a single phase, with a gross density of 18.1 dwelling units per acre. The applicant strategically placed each building within the site to minimize visual impacts on the long views that the adjoining residential neighborhoods value. The landscaped open space and outdoor accommodations being proposed will be connected by a network of sidewalks and trails that residents can use to access the site's many amenities and surrounding neighborhood. The design approach for the proposed pedestrian circulation network makes the site more walkability as well as enhances the linkages to the adjoining detention facility and neighborhood. Together, the applicant's proposed active and passive site amenities will allow for the cultivation of community within the development and immediate neighborhood.

This item supports the City's strategic plan to building community and collaborative relationships by providing a well-designed residential community with on-site amenities and connectivity to the surrounding neighborhood through trails and open space. This item also promotes a development pattern that is characterized by a mix of mutually supportive residential and commercial land uses across multiple parcels to support the future creation of employment opportunities and maintain prospects for strengthening the Colorado Springs economy.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on May 19, 2016 the Planning Commission voted unanimously to approve the applications as part of the consent calendar.

Stakeholder Process:
The public notification process consisted of providing notice to property owners within 500 feet of the site, which included the mailing of postcards to 53 property owners, on three occasions; prior to a neighborhood meeting, during the internal review stage, and prior to the Planning Commission meeting. The site was also posted on those three occasions. A neighborhood meeting was held on December 16, 2015, but no citizens attended.

In response to the public solicitation for comments during the internal review stage, a number of immediate neighbors, as well as a neighbor outside the public notification area, voiced concerns regarding traffic congestion in the immediate area, the potential for hazardous vehicular turning movements from the proposed private streets, drainage, home values, and district tax revenue. The neighbor's comments relating to traffic revolve around the proposed Copper Peak View (private right-

of-way) full-movement access off of Black Forest Road and congestion at the Black Forest Road and Vollmer Road intersection, which are stated to be increasing an already bad traffic situation to a point that would be detrimental to the neighborhood. The neighbors also wanted to make sure the developer was considering all users of the roadway (e.g. pedestrian, bicycles, etc.) in the development design. The drainage concerns appear to focus on a drainage issue that arose in 2013.

Staff also sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. All comments received from the review agencies have been addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 49, Police and E-911, El Paso County Development Services, Woodmen Heights Metro District and the Colorado Springs Airport.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

Adopt an ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 3.8 acres located to the northeast of Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

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ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 3.8 ACRES LOCATED TO THE NORTHEAST OF THE BLACK FOREST ROAD AND WOODMEN ROAD INTERSECTION FROM A/AO (AGRICULUTURAL WITH AIRPORT OVERLAY) TO PBC/AO (PLANNED BUSINESS CENTER WITH AIRPORT OVERLAY)

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 3.8 acres located northeast of the Black Forest Road and Woodmen Road intersection as described in Exhibit A and depicted in Exhibit B, which are attached hereto and made a part hereof by reference, from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay), pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

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

Finally passed: _____ _____

Council President

ATTEST:

_____

Sarah B. Johnson, City Clerk

CLASSIC SM
CONSULTING
ENGINEERS & SURVEYORS
619 N. Cascade Avenue, Suite 200 (719)785-0790
Colorado Springs, Colorado 80903 (719)785-0799(Fax)

JOB NO. 2417.60-03
MARCH 2, 2016

LEGAL DESCRIPTION: ZONE WEST PBC

THE WEST 260.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, LYING SOUTHERLY OF VOLLMER ROAD AS PLATTED IN FOREST MEADOWS FILING NO. 3 RECORDED UNDER RECEPTION NO. 207712636 RECORDS OF EL PASO COUNTY, COLORADO, NORTH OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 202224860, EXCEPTING THE WEST 60.00 FEET THEREOF.

CONTAINING A CALCULATED AREA OF 3.808 ACRES.

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

COLORADO LICENSED
DOUGLAS P. REINELT
30118
PROFESSIONAL LAND SURVEYOR

3-02-16

DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS

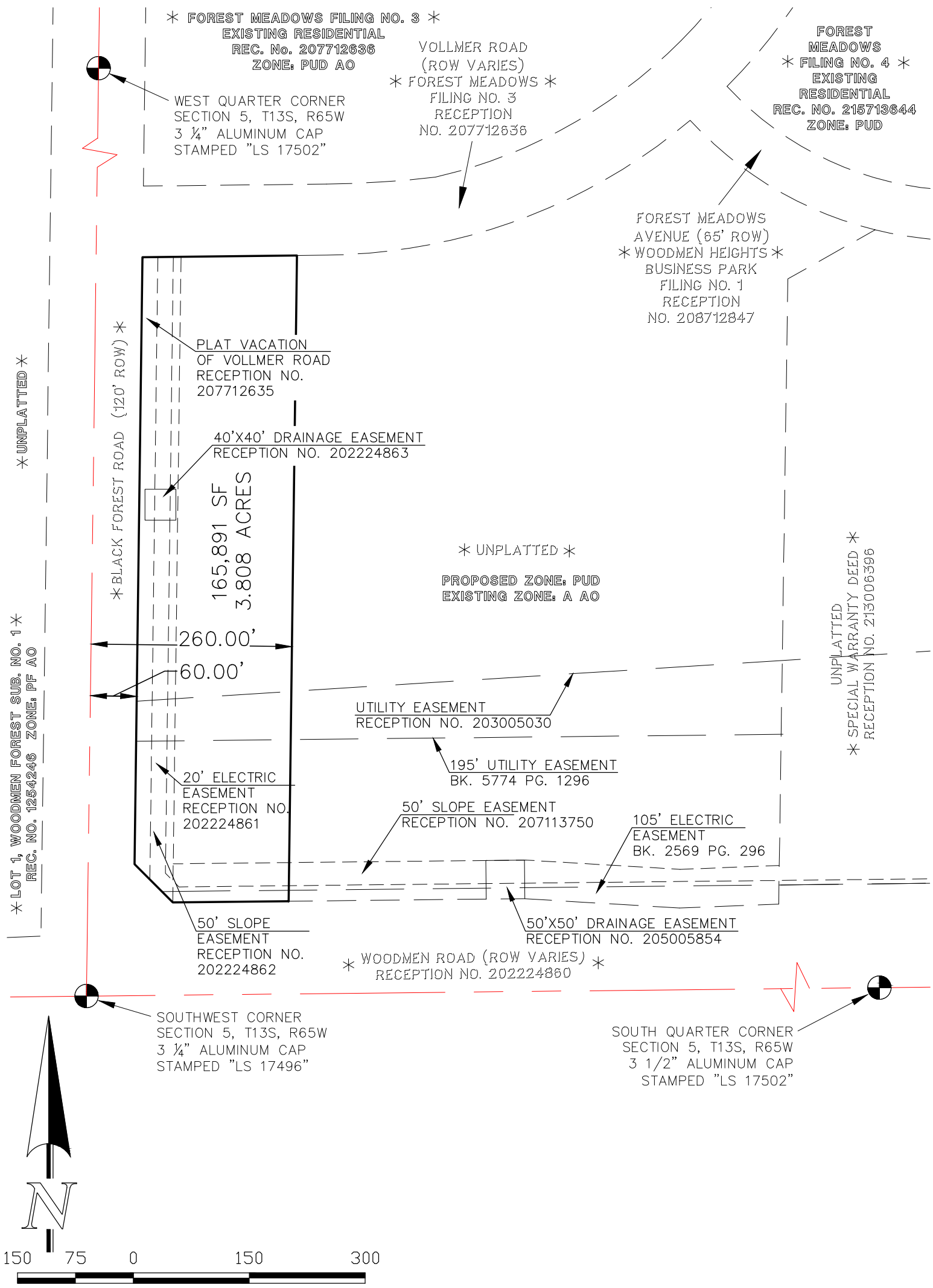
MARCH 02, 2016
DATE

CLASSIC CONSULTING ENGINEERS & SURVEYORS

619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903

(719)785-0790
(719)785-0799 (Fax)

COPPER RANGE
APARTMENTS
PBC ZONE LEGAL EXHIBIT
JOB NO. 2417.60-03
SHEET 1 OF 1
4/14/16



SCALE: 1" = 150'

CPC ZC 16-00028

F D

A. Amendments To This Zoning Code: Amendments to the text of this Zoning Code may be approved by the City Council.

B. Establishment Or Change Of Zone District Boundaries: 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 chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76)

opper Ran e Apartment
oodmen ei hts
ommercial ffice

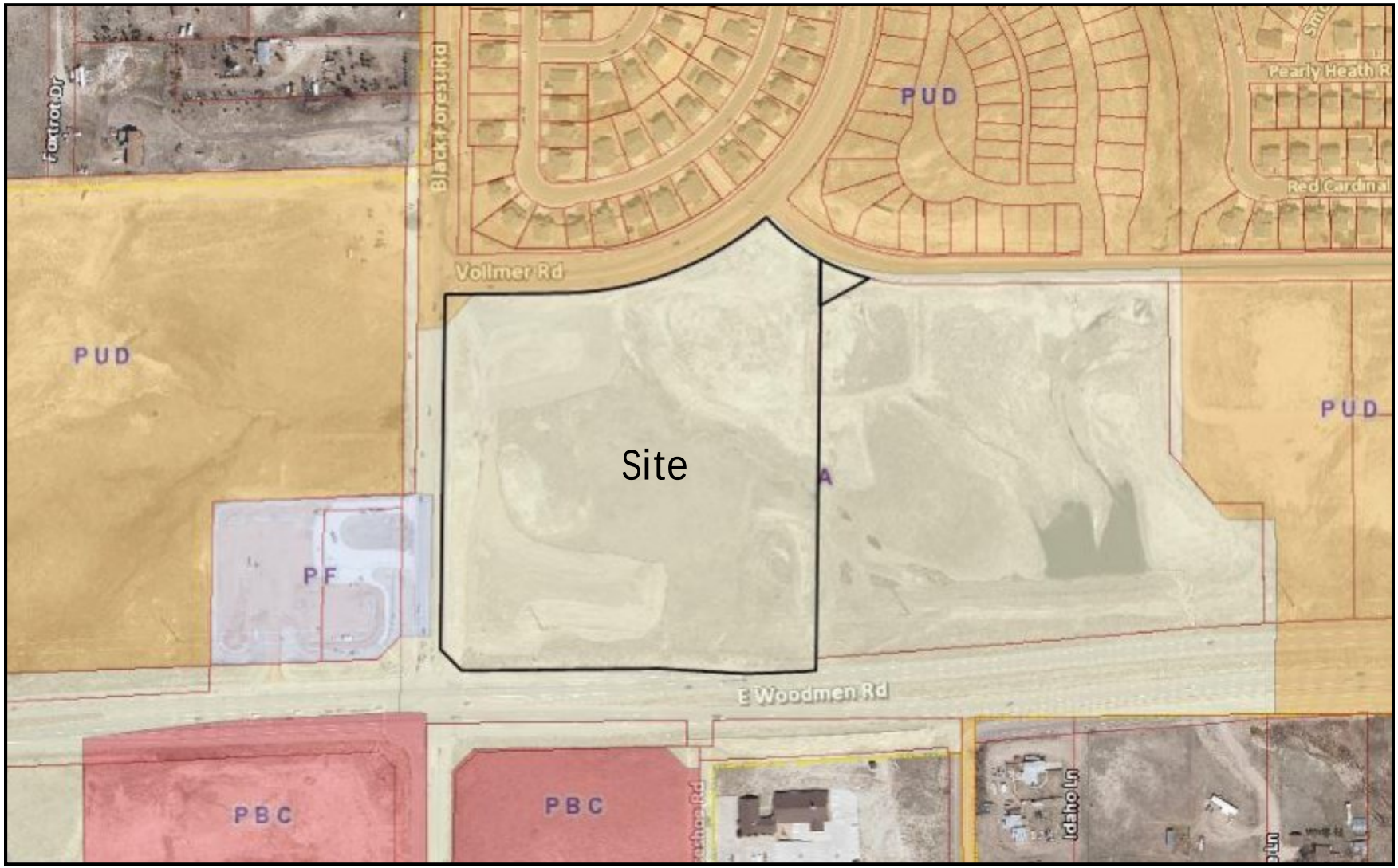
CPC MPA 06-00206-A7MJ16,
CPC ZC 16-00028, CPC PUZ 16-00031,
CPC CP 00-00033, and CPC PUD 16-00034

June 28, 2016

Daniel Sexton, Senior Planner

COLORADO SPRINGS
OLYMPIC CITY USA

Vicinity Map



General Information

Site Details:

- Zoned A/AO (Agricultural with an Airport Overlay)
- 17 acres / 740,520 square feet
- Currently vacant and is primarily natural grass and stockpiles of partially processed aggregate from surrounding development activities

Public Notification and Involvement:

- A neighborhood meeting was held on December 16, 2015, but no citizens attended
- Public notice was mailed to 53 property owners, on three occasions; prior to a neighborhood meeting, during the internal review stage, and prior to the Planning Commission meeting.
- The site was also posted on those three occasions.

Applications

CPC MPA 06-00206-A7MJ16 – Major Master Plan Amendment

Woodmen Heights Master Plan Major Amendment changing the land use designation from Neighborhood Commercial/Office to Residential (16-24.99 Dwelling Units per Acre).

CPC ZC 16-00028 – Change of Zoning to PBC

Woodmen Heights zone change of 3.8 acres from A/AO to PBC/AO.

CPC PUZ 16-00031 – Change of Zoning to PUD

Copper Range Apartments PUD zone change of 13.3 acres from A/AO to PUD/AO.

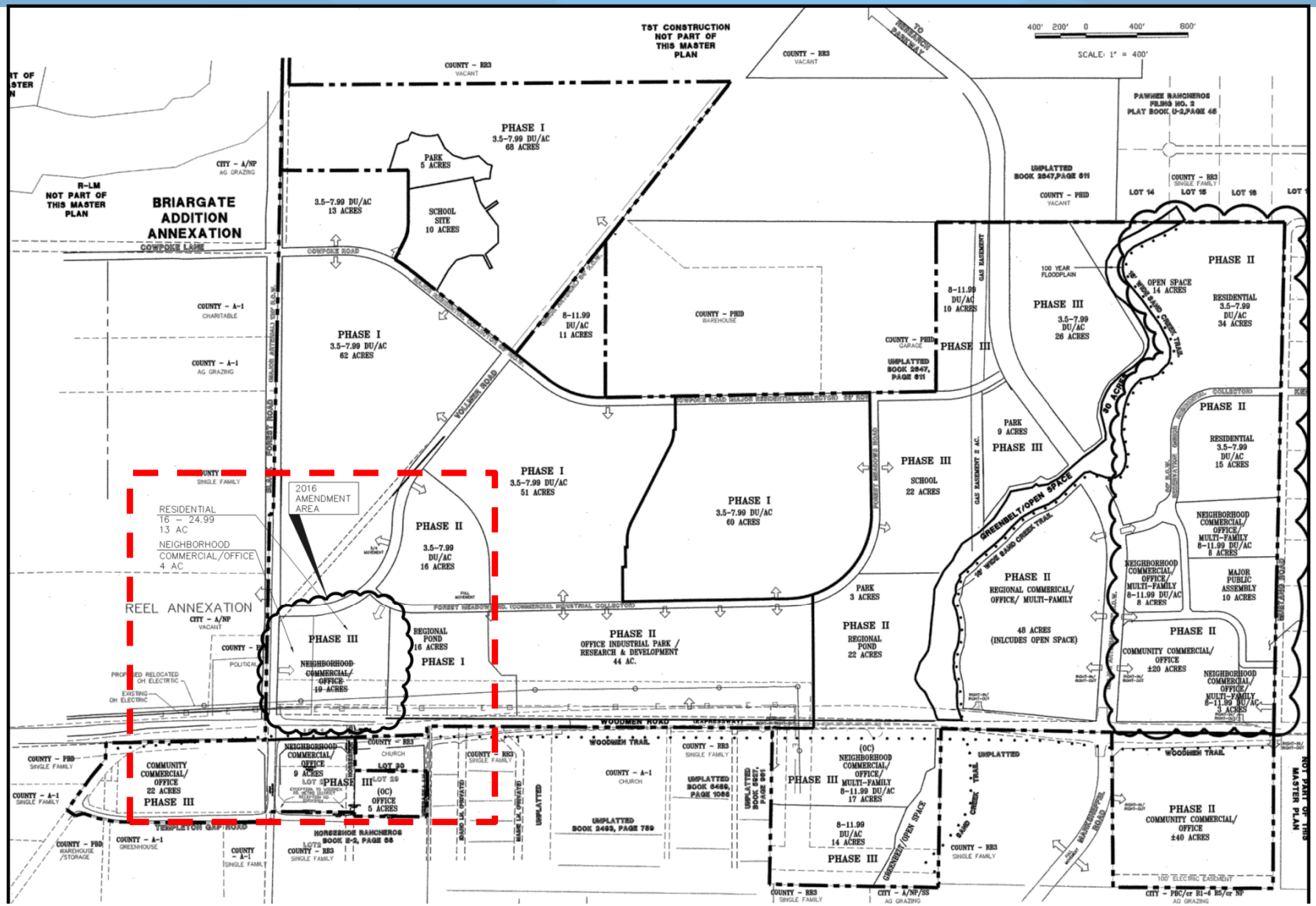
CPC CP 00-00033 – Concept Plan

Woodmen Heights Commercial/Office Concept Plan for 3.8 acres illustrating two commercial development sites with associated surface parking areas.

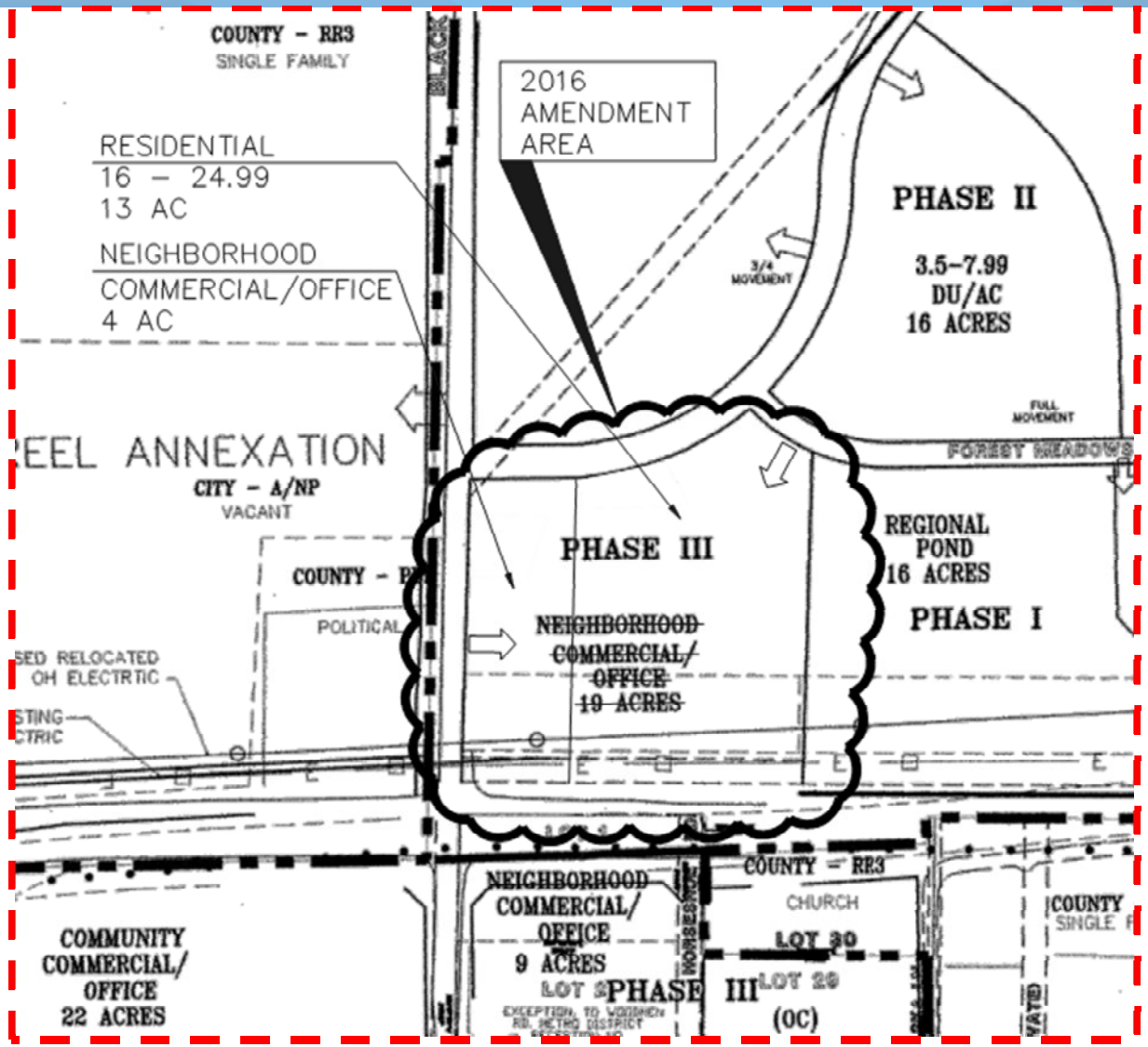
CPC PUD 16-00034 – PUD Development Plan

Copper Range Apartments PUD Development Plan for a multi-family residential development with 240 dwelling units contained within 10 multi-family buildings.

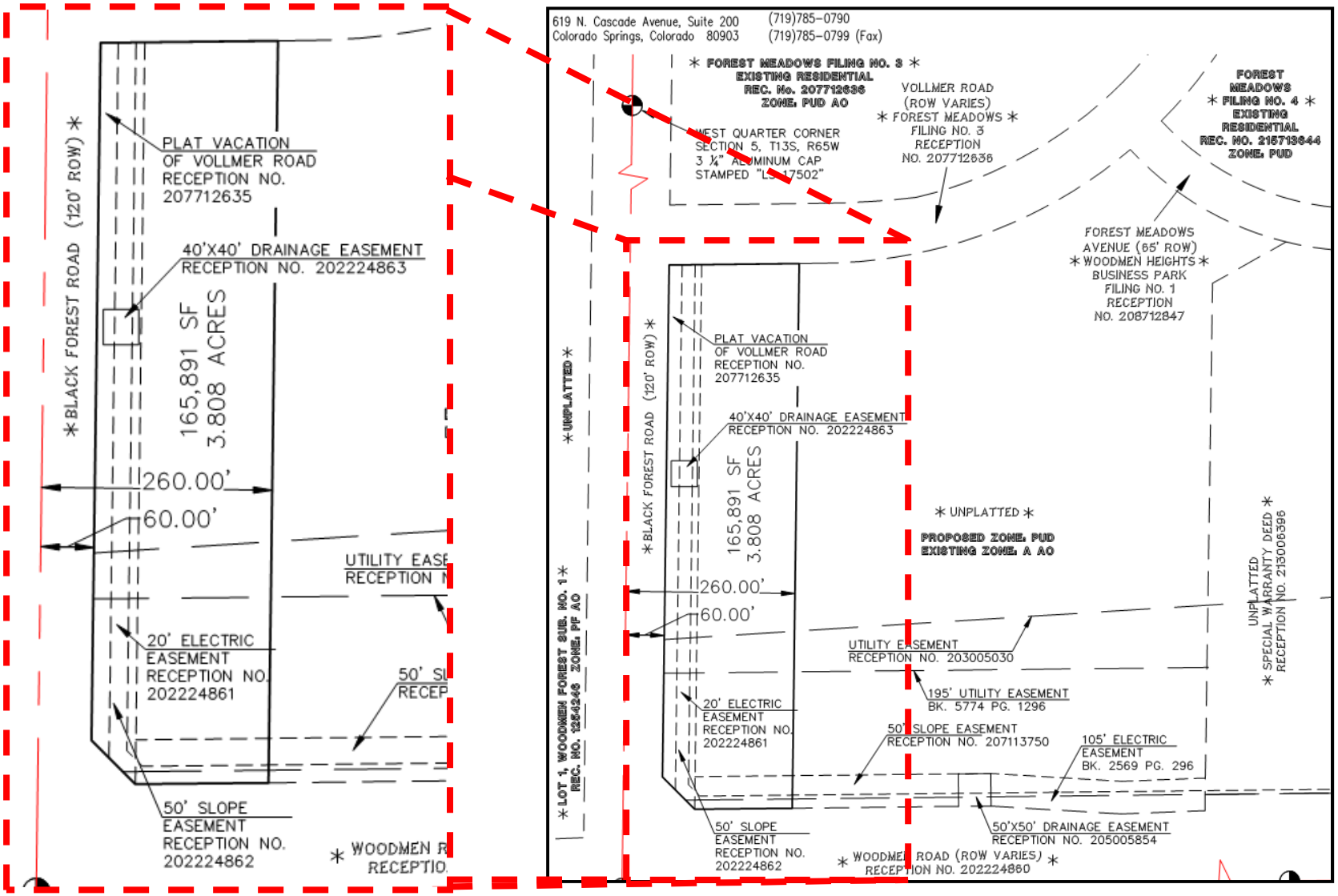
Master Plan Amendment



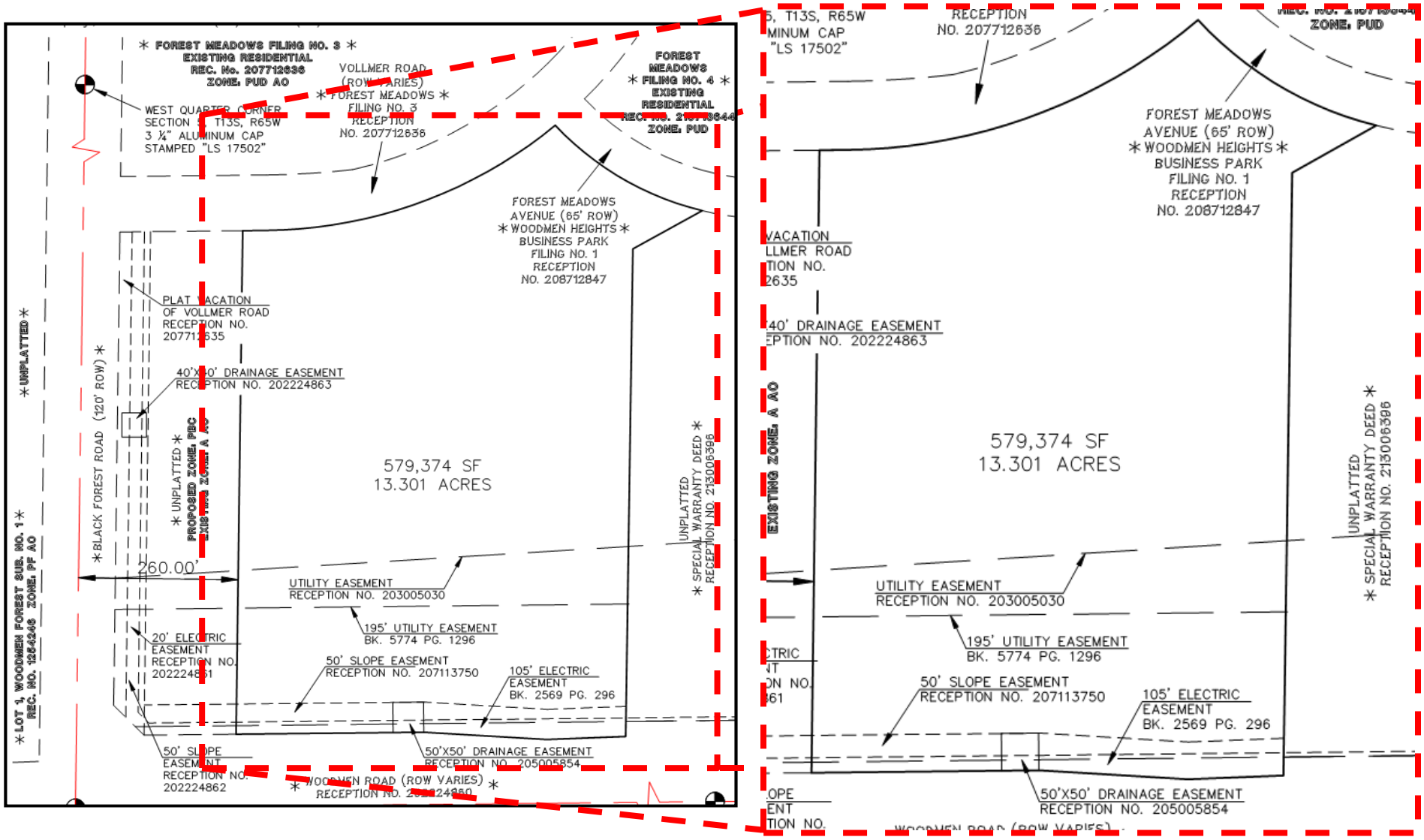
Master Plan Amendment



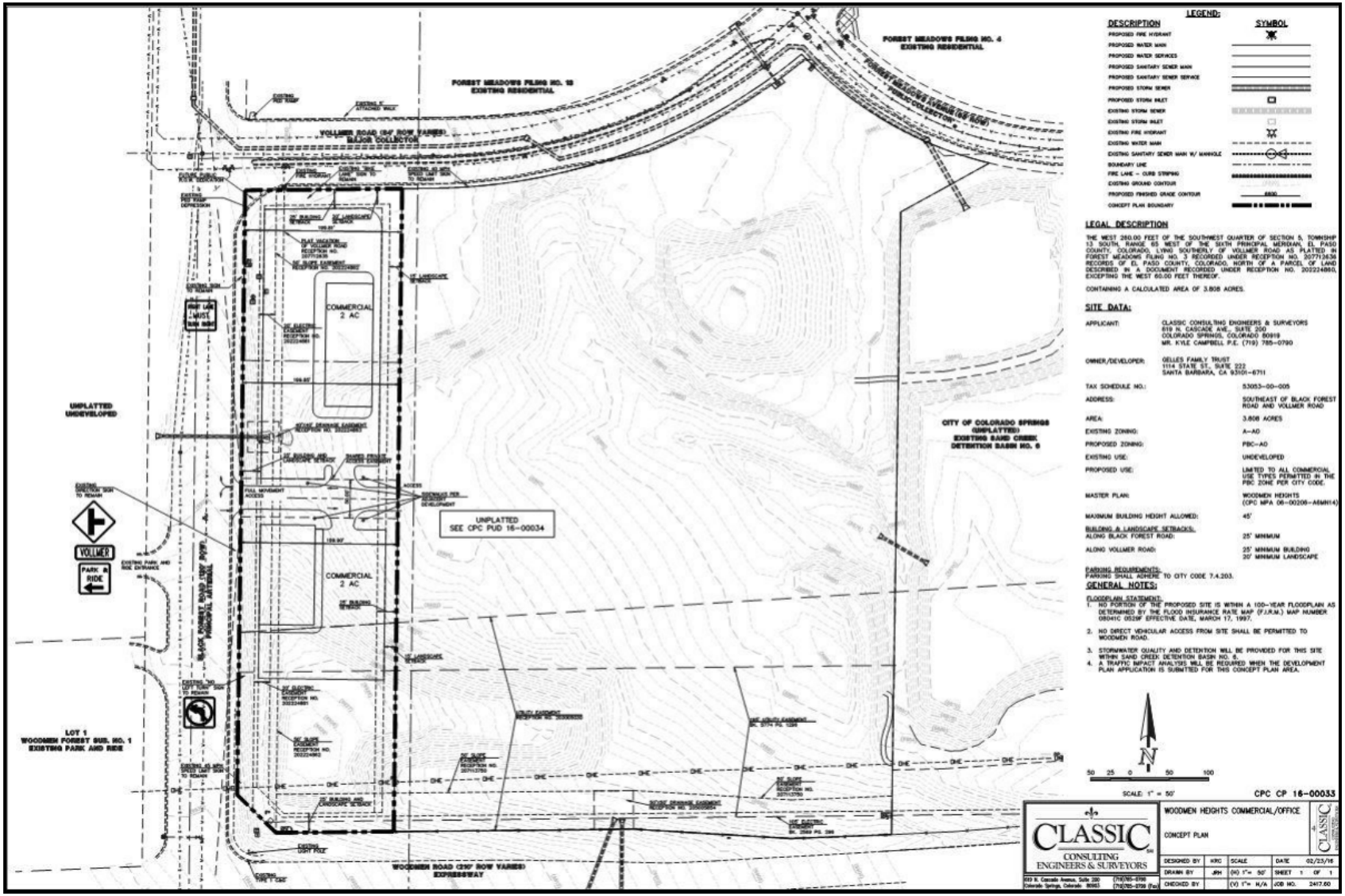
Zone Change: A/AO to PBC/AO



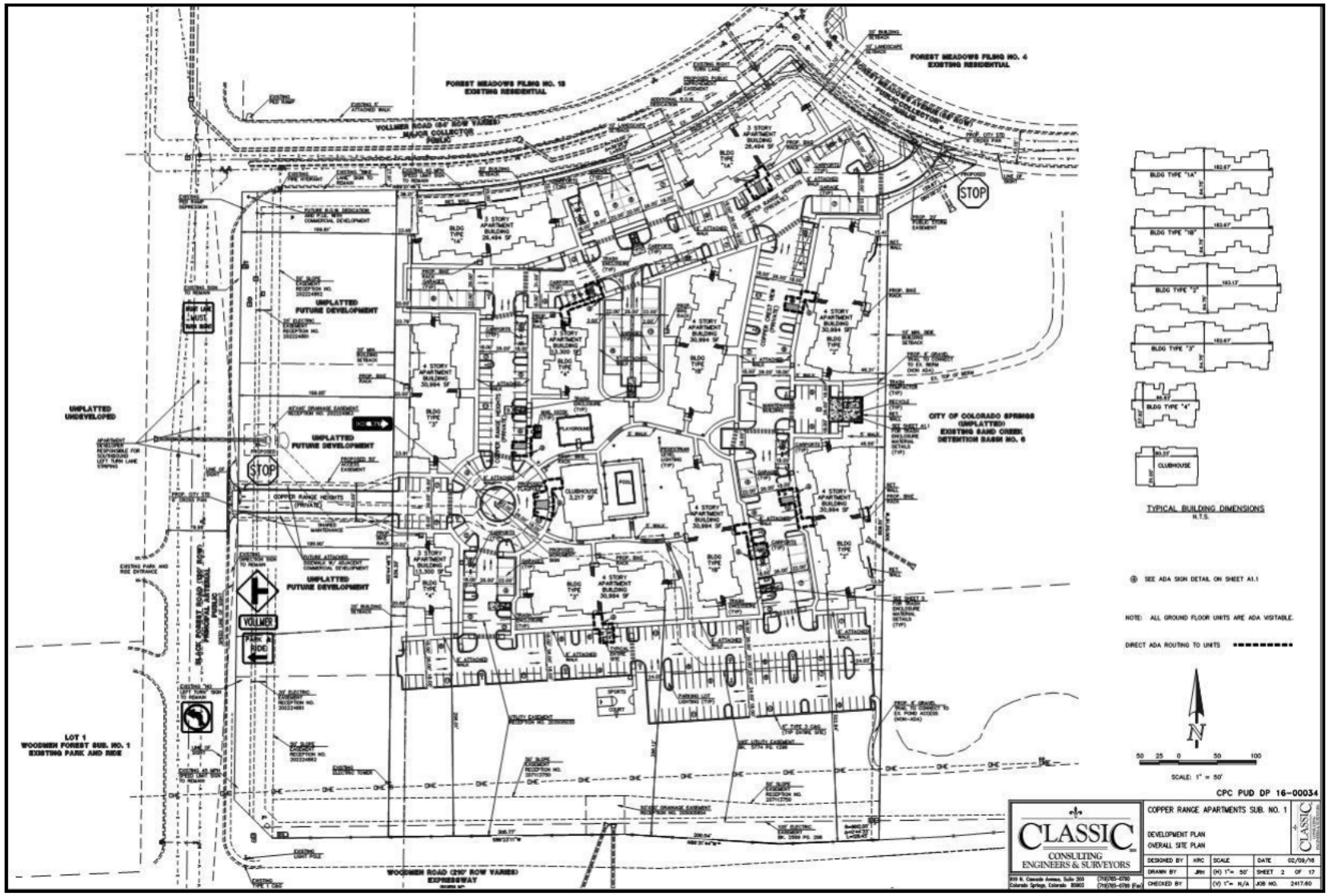
Zone Change: A/AO to PUD/AO



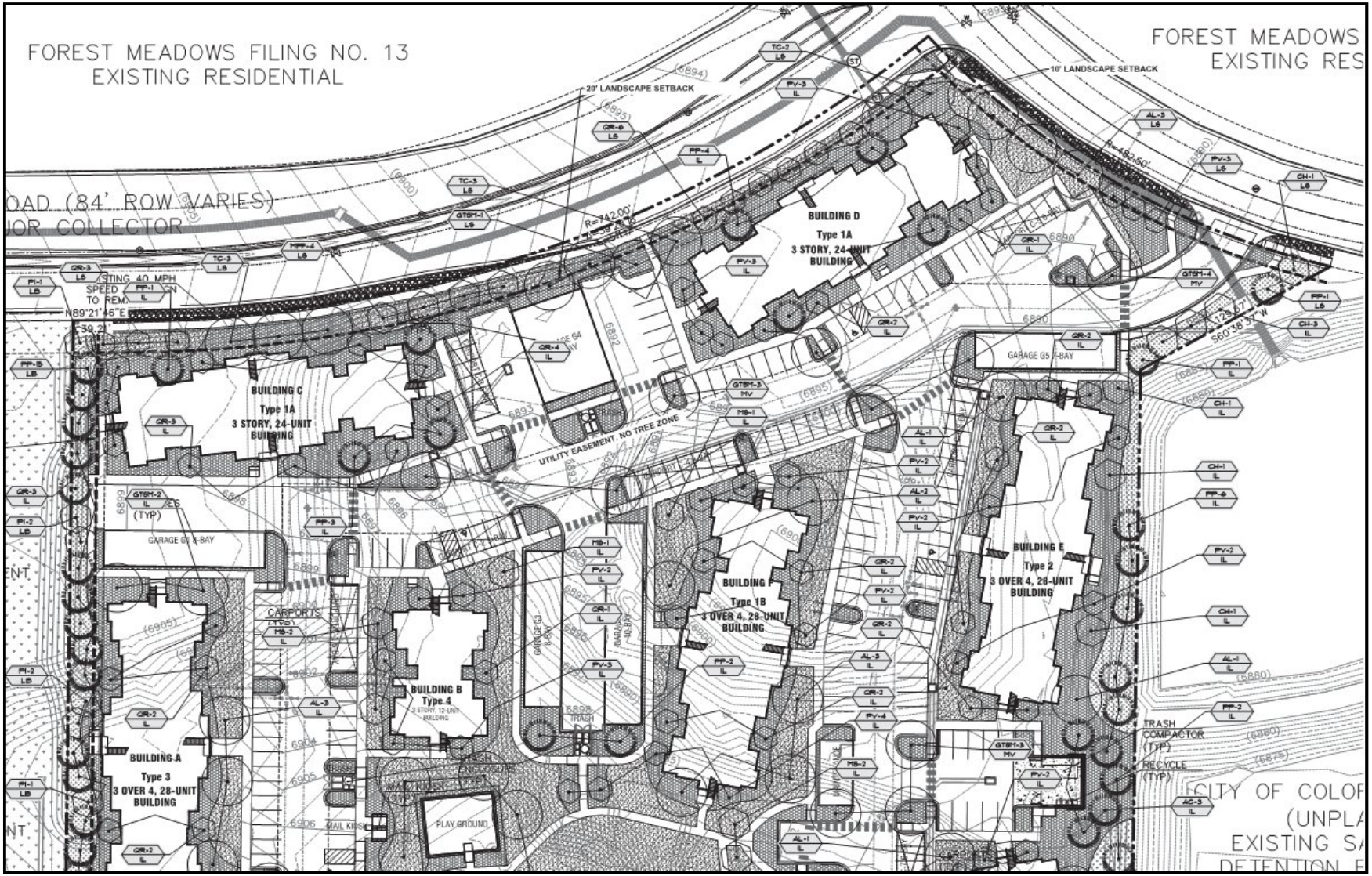
Concept Plan



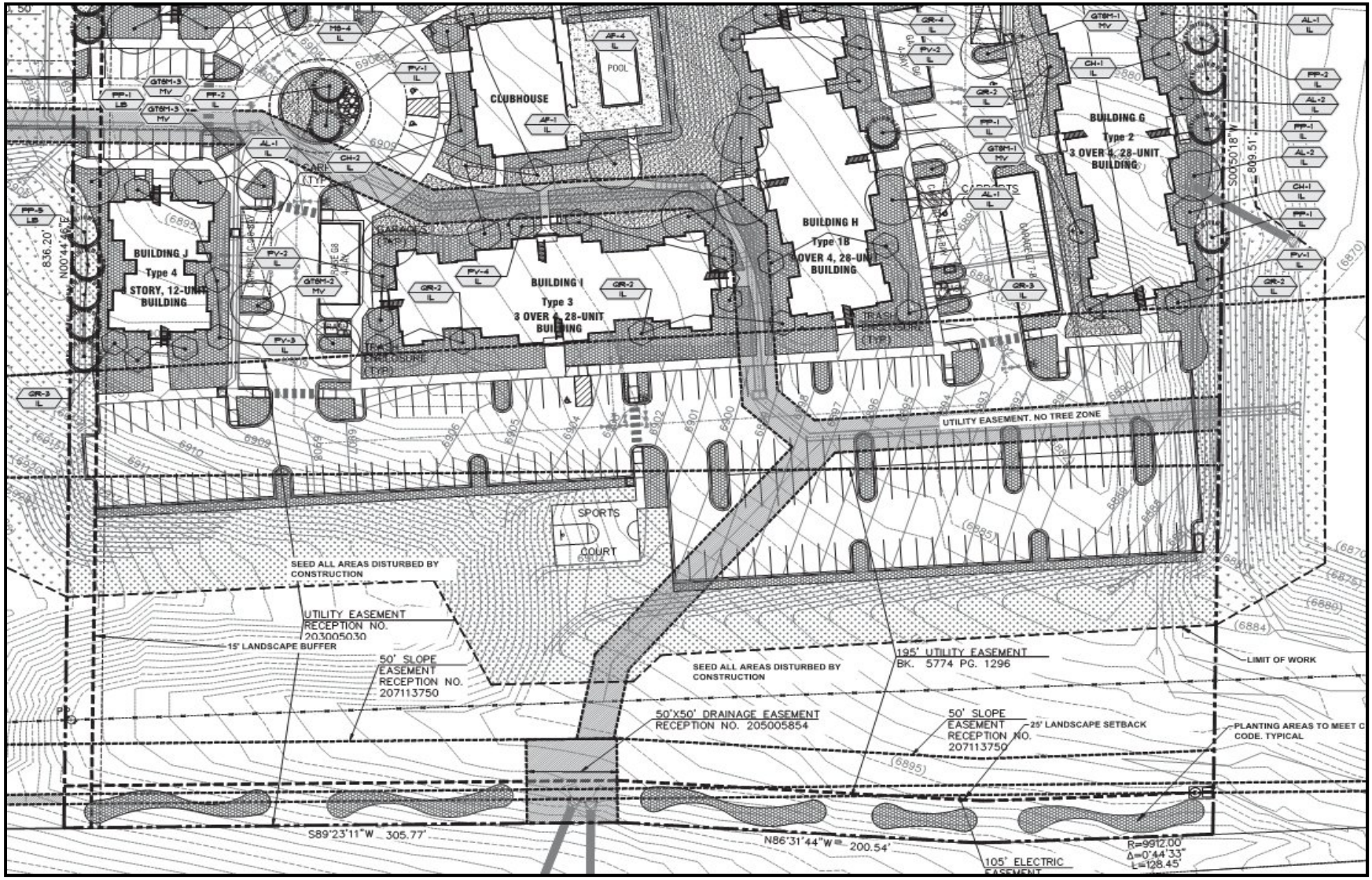
PUD Development Plan: Proposed Site Plan



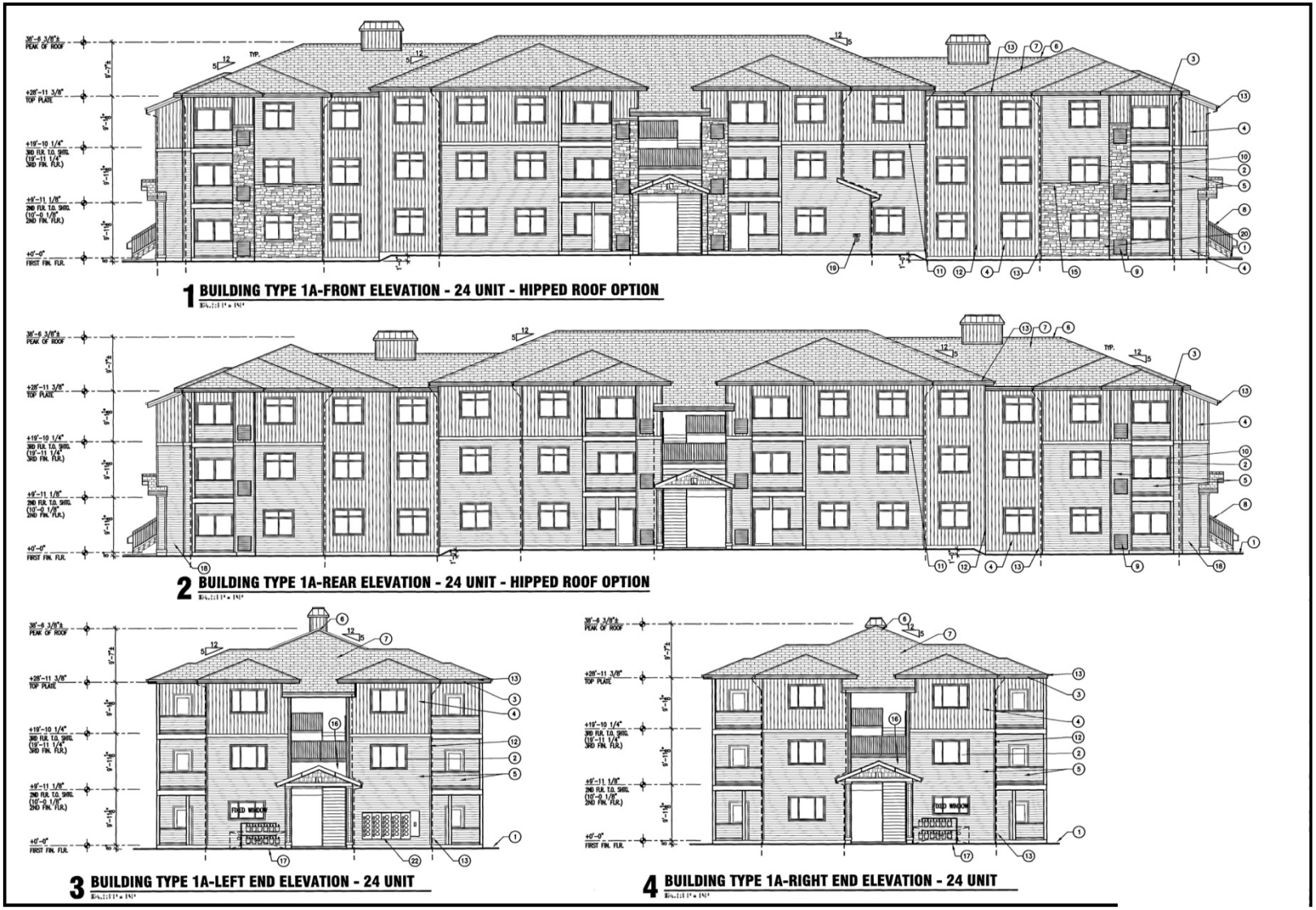
PUD Development Plan: Proposed Landscape Plan



PUD Development Plan: Proposed Landscape Plan Cont.



PUD Development Plan: Proposed Building Elevations



Planning Commission Recommendation

- The Planning Commission voted unanimously to approve the applications as part of the consent calendar at their meeting on May 19, 2016.

Recommended Action

CPC MPA 06-00206-A7MJ16 – Major Master Plan Amendment

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

CPC ZC 16-00028 – Change of Zoning to PBC

Adopt an ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603.

CPC PUZ 16-00031 – Change of Zoning to PUD

Adopt an ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603.

Recommended Action Cont.

CPC CP 00-00033 – Concept Plan

Approve the Woodmen Heights Commercial/Office Concept Plan based upon the findings that the development plan meets the eight (8) review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E).

CPC PUD 16-00034 – PUD Development Plan

Approve the Copper Range Apartments PUD development plan based upon the findings that the development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) and the development review criteria for PUD development plans as set forth in City Code Section 7.3.606.

Memorandum

File #: CPC PUZ 16-00031, **Version:** 3

Ordinance No. 16-73 amending the zoning map of the City of Colorado Springs pertaining to 13.3 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum).

(Quasi-Judicial)

Related Files: CPC MPA 06-00206-A7MJ16, CPC ZC 16-00028, CPC CP 16-00033, CPC PUD 16-00034

Presenter:
Daniel Sexton, Senior Planner, Planning and Community Development

Summary:
Applicant: Classic Consulting Engineers and Surveyors
Owner: Gelles Family Trust
Location: Northeast of the Black Forest Road and Woodmen Road intersection

The project includes concurrent applications for a major master plan amendment to the Woodmen Heights Master Plan, a PBC (Planned Business Center) zone change and concept plan for a 3.8-acre commercial site (herein referred as “Woodmen Heights Commercial/Office”), and a PUD (Planned Unit Development) zone change and PUD development plan for a 13.3-acre site to contain a multi-family complex (herein referred as “Copper Range Apartments”). The proposed Copper Range Apartments project will provide 240 dwelling units within the development, completing a very visible segment of the Woodmen Heights Master Planned area.

Previous Council Action:
On June 28, 2016, City Council approved this item on first reading. Council wanted clarification on whether the development will be assessed taxes at the commercial or residential rate, and does the City evaluate the potential impact of development on adjacent property values.

It was determined the development will receive a commercial land use designation for taxation purposes, but will be assessed at the residential rate. At this time, the Planning & Community Development Department does not evaluate the potential impacts of development on adjacent property values.

Background:
The subject property is part of the Woodmen Heights Master plan. The proposed amendment to the master plan will change the land use designation of 13.3 acres from Neighborhood

Commercial/Office to Residential (16-24.99 Dwelling Units per Acre).

The property is currently zoned A/AO (Agricultural with an Airport Overlay), which was the original zone assigned with the Woodmen Heights Annexation No. 4 in 2004. The PBC rezoning will change the zone of 3.8 acres adjacent to Black Forest Road from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay).

The remaining 13.3 acres located between Vollmer Road and Woodmen Road and adjacent to the regional detention facility will be rezoned from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum). The PUD zone district sets the specific density, dimensional, and use controls for the future development of the Copper Range Apartments project.

The proposed Woodmen Heights Commercial/Office project illustrates two commercial development pads with associated surface parking areas. The pedestrian and vehicular access to these commercial pads will be provided via the proposed Copper Peak Point (private right-of-way), which will be developed as part of and provide access to the proposed Copper Range Apartments project.

The proposed Copper Range Apartments development provides a multi-family residential complex with 240 dwelling units contained within 10 multi-family buildings and a robust site amenity package. The project is to be developed in a single phase, with a gross density of 18.1 dwelling units per acre. The applicant strategically placed each building within the site to minimize visual impacts on the long views that the adjoining residential neighborhoods value. The landscaped open space and outdoor accommodations being proposed will be connected by a network of sidewalks and trails that residents can use to access the site's many amenities and surrounding neighborhood. The design approach for the proposed pedestrian circulation network makes the site more walkability as well as enhances the linkages to the adjoining detention facility and neighborhood. Together, the applicant's proposed active and passive site amenities will allow for the cultivation of community within the development and immediate neighborhood.

This item supports the City's strategic plan to building community and collaborative relationships by providing a well-designed residential community with on-site amenities and connectivity to the surrounding neighborhood through trails and open space. This item also promotes a development pattern that is characterized by a mix of mutually supportive residential and commercial land uses across multiple parcels to support the future creation of employment opportunities and maintain prospects for strengthening the Colorado Springs economy.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on May 19, 2016 the Planning Commission voted unanimously to approve the applications as part of the consent calendar.

Stakeholder Process:
The public notification process consisted of providing notice to property owners within 500 feet of the site, which included the mailing of postcards to 53 property owners, on three occasions; prior to a neighborhood meeting, during the internal review stage, and prior to the Planning Commission

meeting. The site was also posted on those three occasions. A neighborhood meeting was held on December 16, 2015, but no citizens attended.

In response to the public solicitation for comments during the internal review stage, a number of immediate neighbors, as well as a neighbor outside the public notification area, voiced concerns regarding traffic congestion in the immediate area, the potential for hazardous vehicular turning movements from the proposed private streets, drainage, home values, and district tax revenue. The neighbor's comments relating to traffic revolve around the proposed Copper Peak View (private right-of-way) full-movement access off of Black Forest Road and congestion at the Black Forest Road and Vollmer Road intersection, which are stated to be increasing an already bad traffic situation to a point that would be detrimental to the neighborhood. The neighbors also wanted to make sure the developer was considering all users of the roadway (e.g. pedestrian, bicycles, etc.) in the development design. The drainage concerns appear to focus on a drainage issue that arose in 2013.

Staff also sent copies of the plan set and supporting documentation to the standard internal and external review agencies for comments. All comments received from the review agencies have been addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 49, Police and E-911, El Paso County Development Services, Woodmen Heights Metro District and the Colorado Springs Airport.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

Adopt an ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603.

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 13.3 acres located to the northeast of the Black Forest Road and Woodmen Road intersection from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum).

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ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 13.3 ACRES LOCATED TO THE NORTHEAST OF THE BLACK FOREST ROAD AND WOODMEN ROAD INTERSECTION FROM A/AO (AGRICULTURAL WITH AIRPORT OVERLAY) TO PUD/AO (PLANNED UNIT DEVELOPMENT WITH AIRPORT OVERLAY: MULTI-FAMILY RESIDENTIAL LAND USE, 18.1 DWELLING UNITS PER ACRE, 45-FOOT HEIGHT MAXIMUM).

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 13.3 acres located to the northeast of the Black Forest Road and Woodmen Road intersection as described in Exhibit A and depicted in Exhibit B, both of which are attached hereto and made a part hereof by reference, from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum), pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

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

Finally passed: _____

_____
Council President

ATTEST:

_____
Sarah B. Johnson, City Clerk

CLASSIC SM
CONSULTING
ENGINEERS & SURVEYORS
619 N. Cascade Avenue, Suite 200 (719)785-0790
Colorado Springs, Colorado 80903 (719)785-0799(Fax)

JOB NO. 2417.60-02
MARCH 2, 2016

LEGAL DESCRIPTION: ZONE EAST - PUD

THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, LYING SOUTHERLY OF VOLLMER ROAD AS PLATTED IN FOREST MEADOWS FILING NO. 3 RECORDED UNDER RECEPTION NO. 207712636 RECORDS OF EL PASO COUNTY, COLORADO AND FOREST MEADOWS AVENUE AS PLATTED IN WOODMEN HEIGHTS BUSINESS PARK FILING NO. 1 RECORDED UNDER RECEPTION NO. 208712847, WESTERLY OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 213006396, NORTH OF A PARCEL OF LAND DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 202224860, EXCEPTING THE WEST 260.00 FEET THEREOF.

CONTAINING A CALCULATED AREA OF 13.301 ACRES.

LEGAL DESCRIPTION STATEMENT:

I, DOUGLAS P. REINELT, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

COLORADO LICENSED
DOUGLAS P. REINELT
30118
PROFESSIONAL LAND SURVEYOR
3-02-16

DOUGLAS P. REINELT, PROFESSIONAL LAND SURVEYOR
COLORADO P.L.S. NO. 30118
FOR AND ON BEHALF OF CLASSIC CONSULTING
ENGINEERS AND SURVEYORS

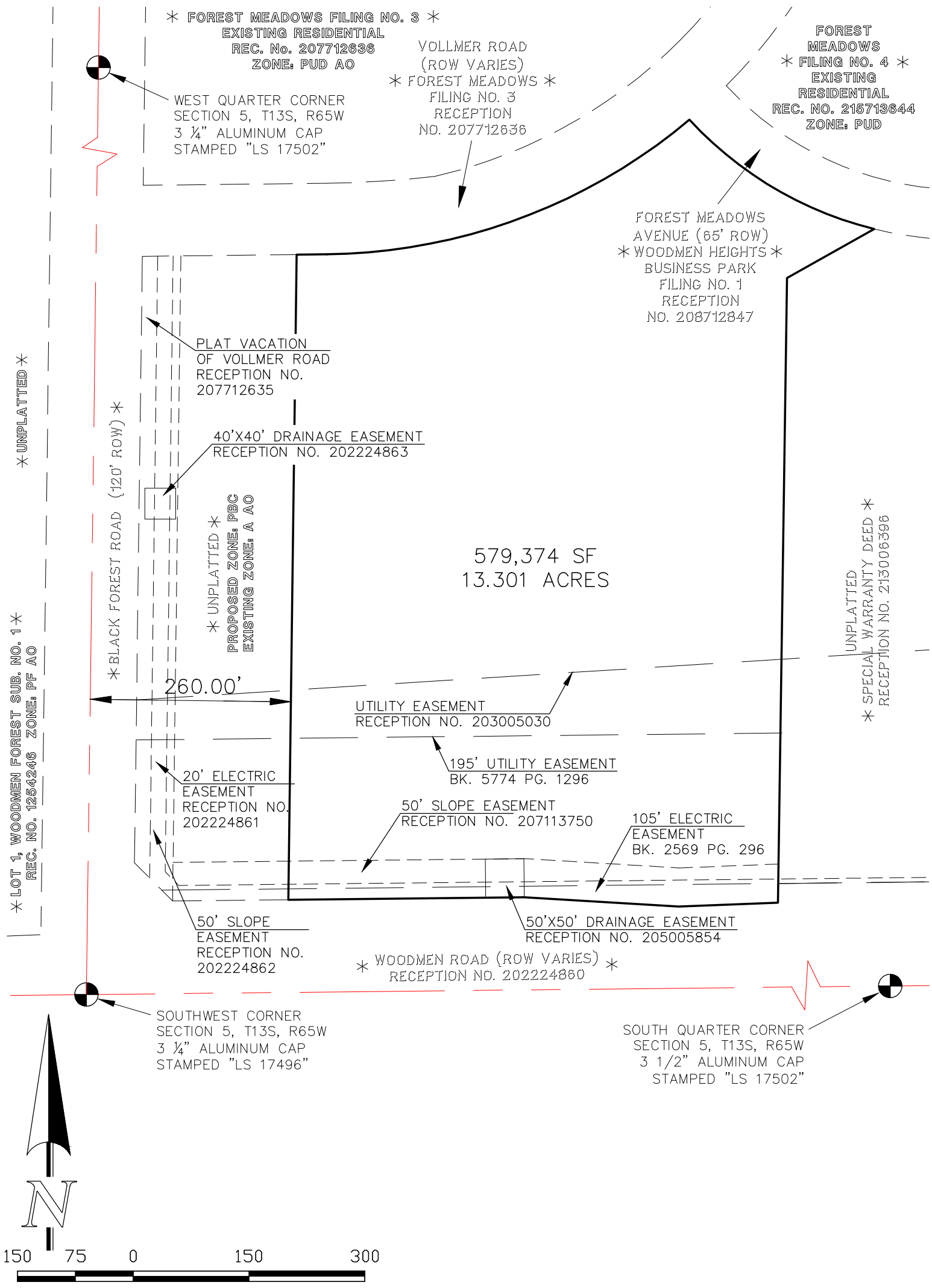
MARCH 02, 2016
DATE

CLASSIC CONSULTING ENGINEERS & SURVEYORS

619 N. Cascade Avenue, Suite 200
Colorado Springs, Colorado 80903

(719)785-0790
(719)785-0799 (Fax)

COPPER RANGE
APARTMENTS
PUD ZONE LEGAL EXHIBIT
JOB NO. 2417.60-02
SHEET 1 OF 1
4/14/16



SCALE: 1" = 150'

CPC PUZ 16-00031

Vicinity Map

P D A R R R A

A A D D P F A P D

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)

F D

A. Amendments To This Zoning Code: Amendments to the text of this Zoning Code may be approved by the City Council.

B. Establishment Or Change Of Zone District Boundaries: 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 chapter. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157; Ord. 12-76)

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oodmen ei hts
ommercial ffice

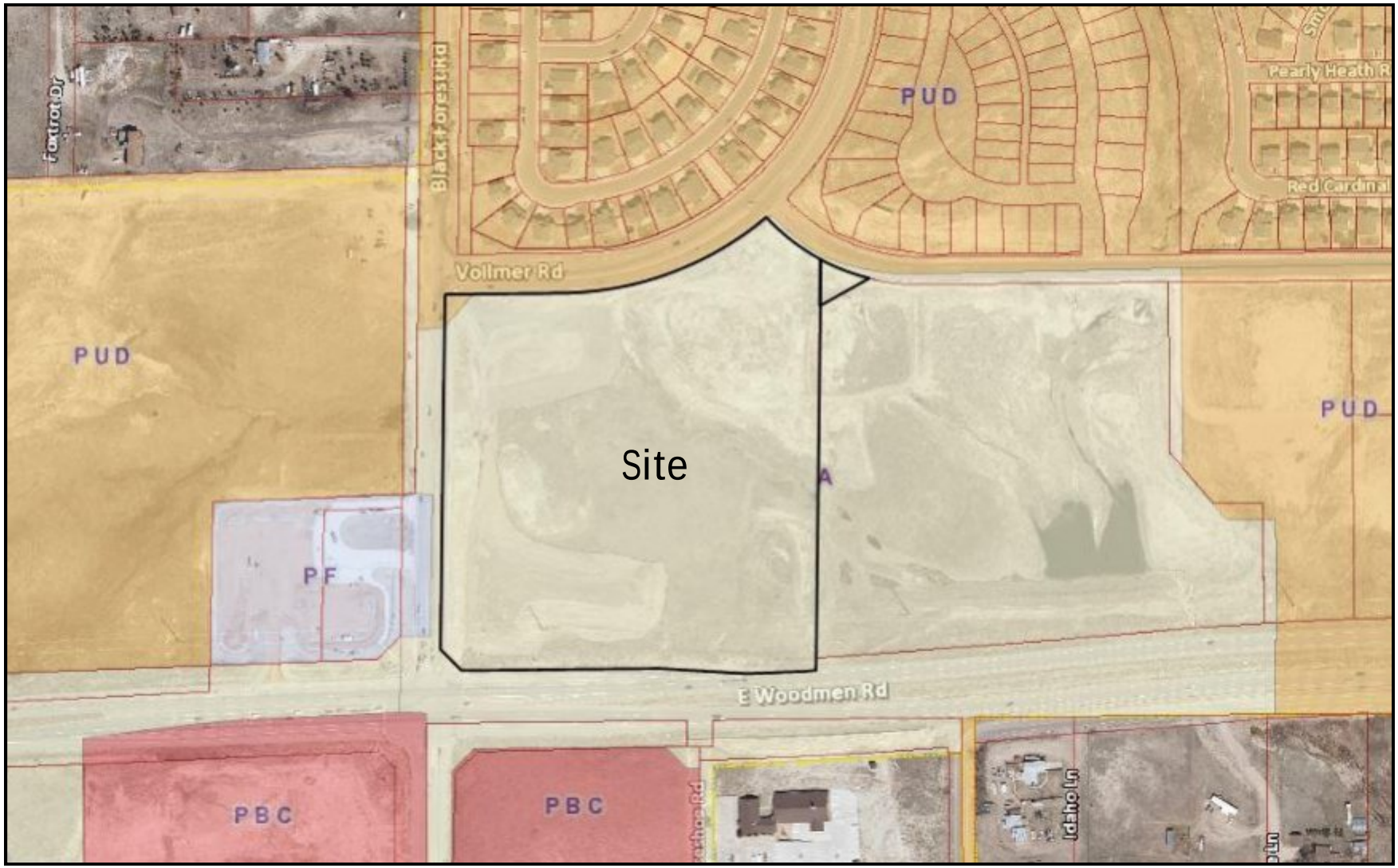
CPC MPA 06-00206-A7MJ16,
CPC ZC 16-00028, CPC PUZ 16-00031,
CPC CP 00-00033, and CPC PUD 16-00034

June 28, 2016

Daniel Sexton, Senior Planner

COLORADO SPRINGS
OLYMPIC CITY USA

Vicinity Map



General Information

Site Details:

- Zoned A/AO (Agricultural with an Airport Overlay)
- 17 acres / 740,520 square feet
- Currently vacant and is primarily natural grass and stockpiles of partially processed aggregate from surrounding development activities

Public Notification and Involvement:

- A neighborhood meeting was held on December 16, 2015, but no citizens attended
- Public notice was mailed to 53 property owners, on three occasions; prior to a neighborhood meeting, during the internal review stage, and prior to the Planning Commission meeting.
- The site was also posted on those three occasions.

Applications

CPC MPA 06-00206-A7MJ16 – Major Master Plan Amendment

Woodmen Heights Master Plan Major Amendment changing the land use designation from Neighborhood Commercial/Office to Residential (16-24.99 Dwelling Units per Acre).

CPC ZC 16-00028 – Change of Zoning to PBC

Woodmen Heights zone change of 3.8 acres from A/AO to PBC/AO.

CPC PUZ 16-00031 – Change of Zoning to PUD

Copper Range Apartments PUD zone change of 13.3 acres from A/AO to PUD/AO.

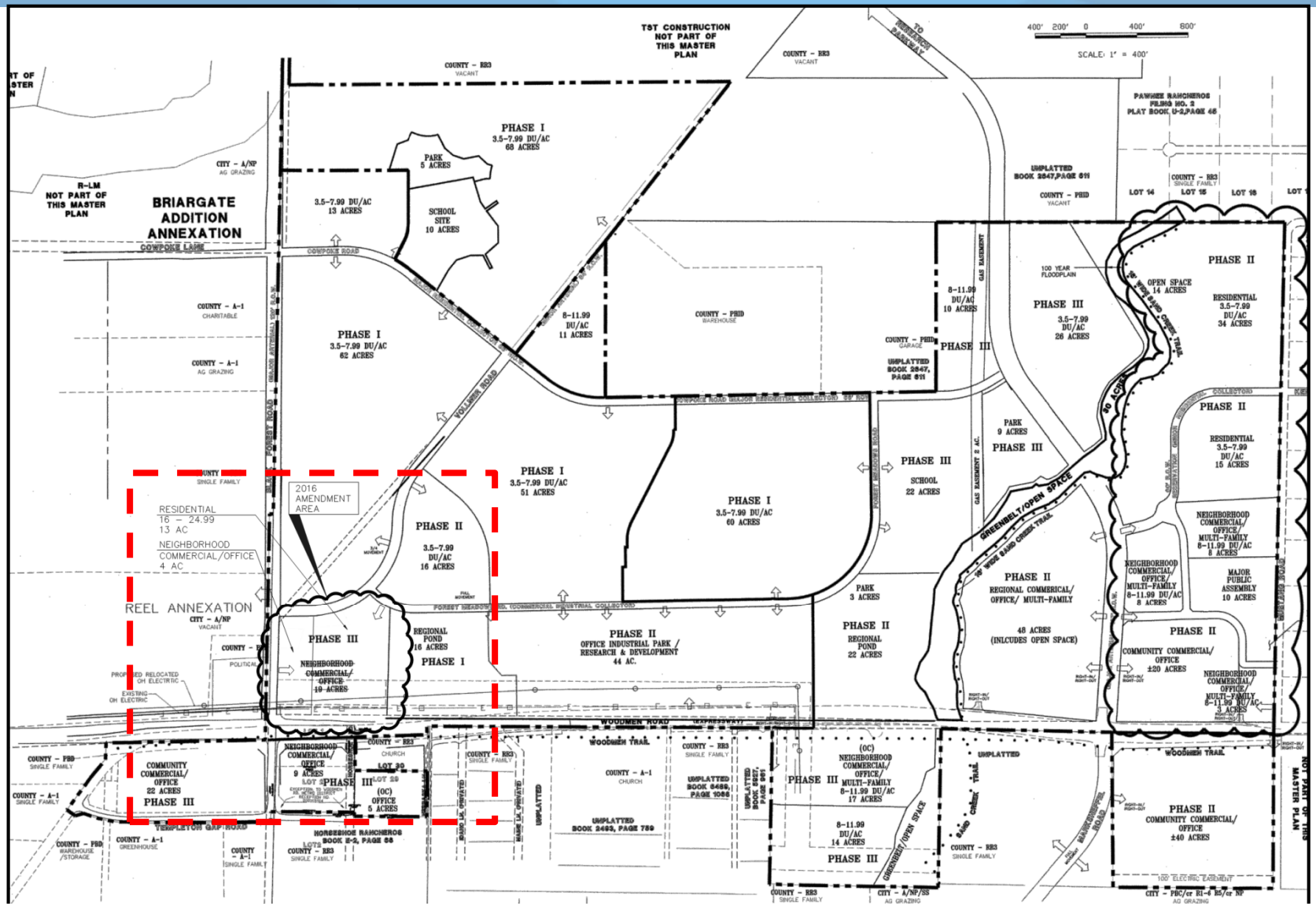
CPC CP 00-00033 – Concept Plan

Woodmen Heights Commercial/Office Concept Plan for 3.8 acres illustrating two commercial development sites with associated surface parking areas.

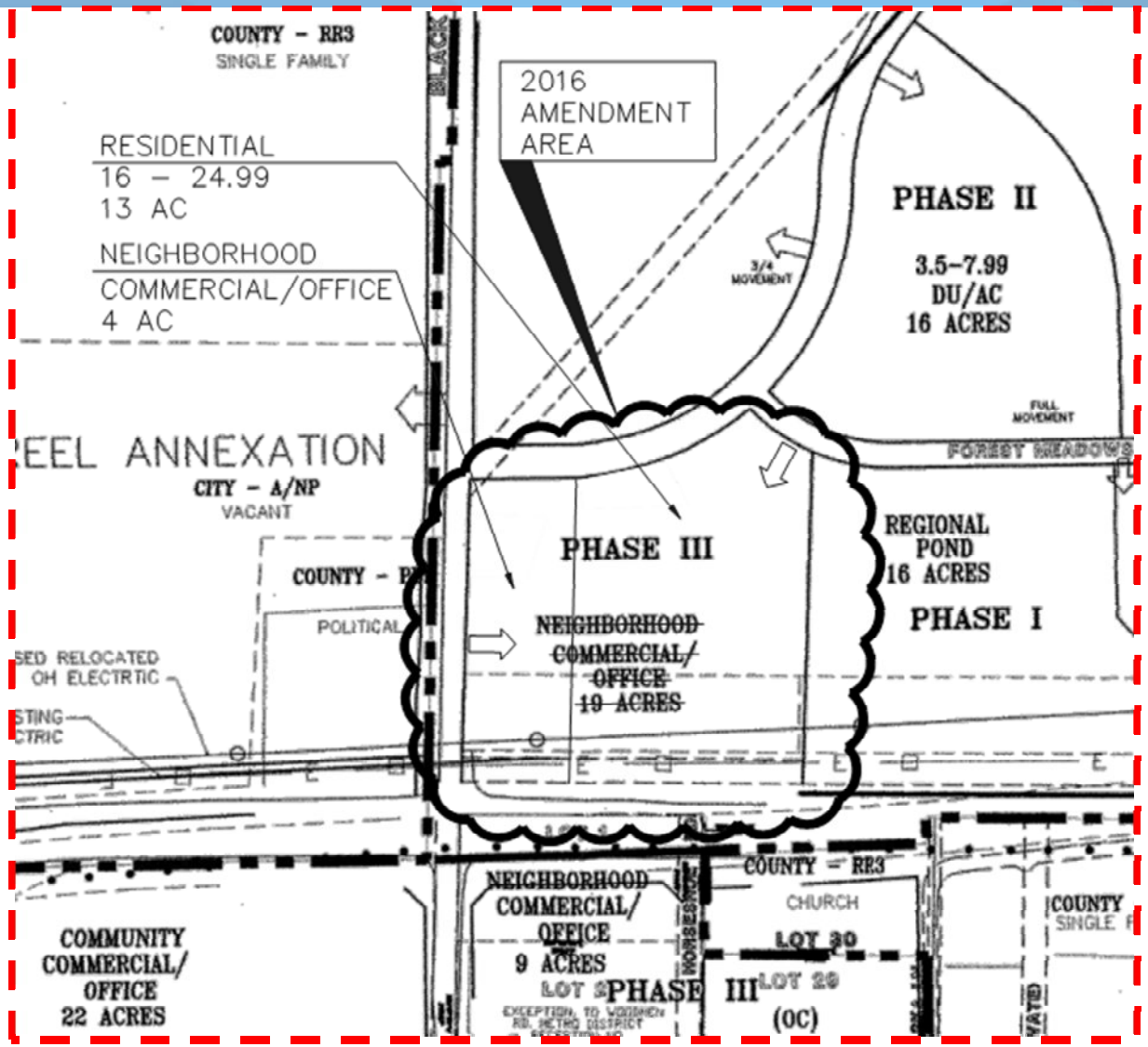
CPC PUD 16-00034 – PUD Development Plan

Copper Range Apartments PUD Development Plan for a multi-family residential development with 240 dwelling units contained within 10 multi-family buildings.

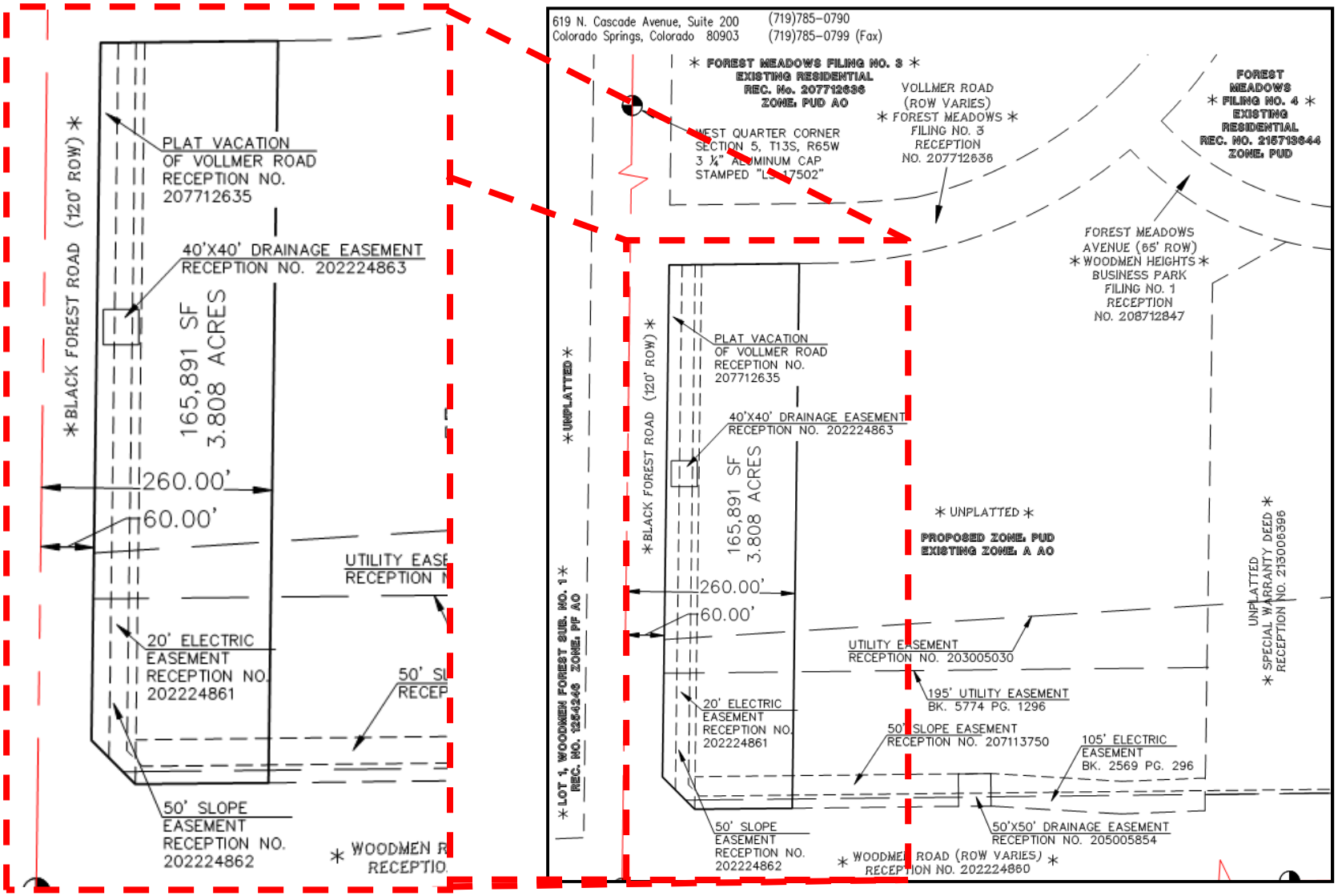
Master Plan Amendment



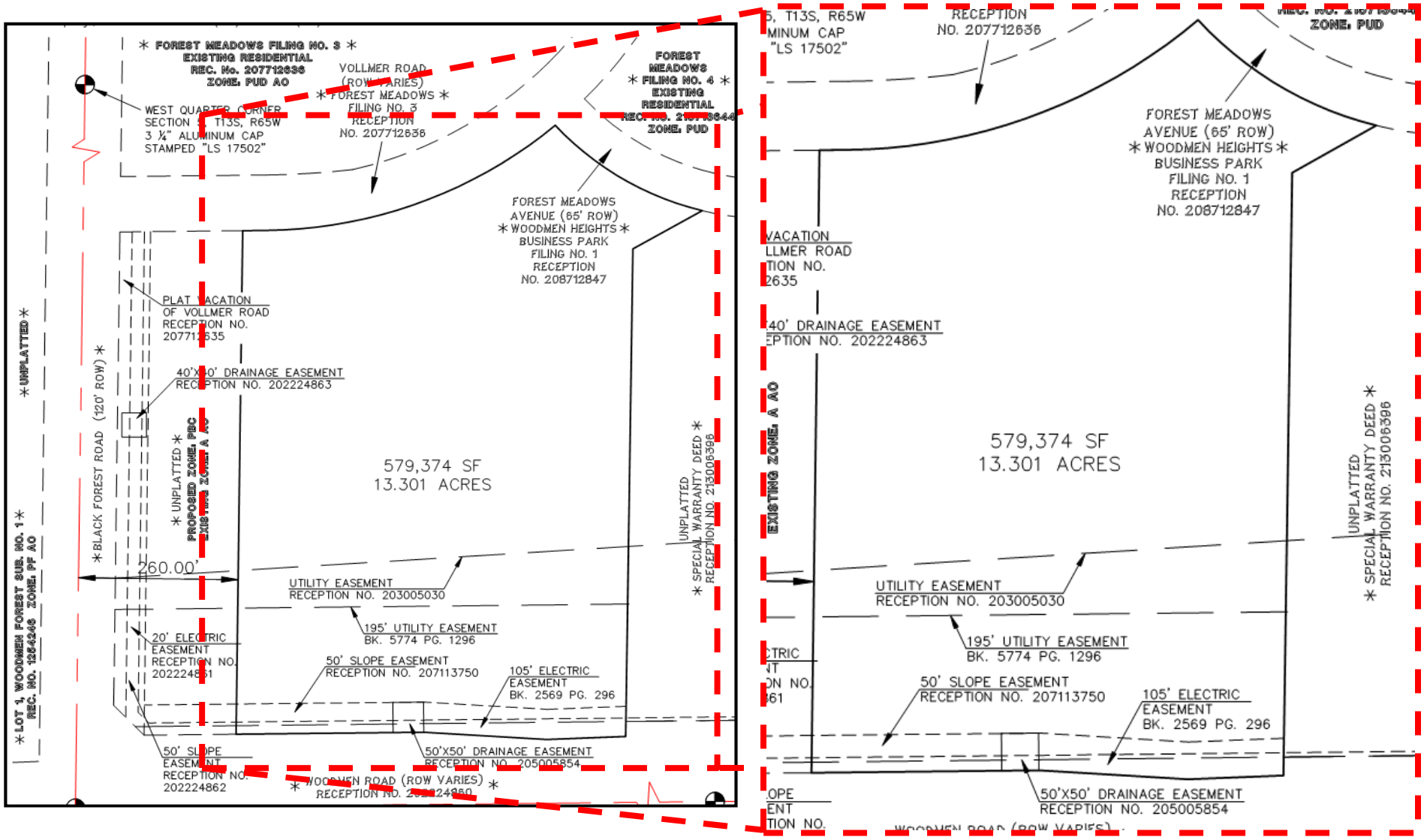
Master Plan Amendment



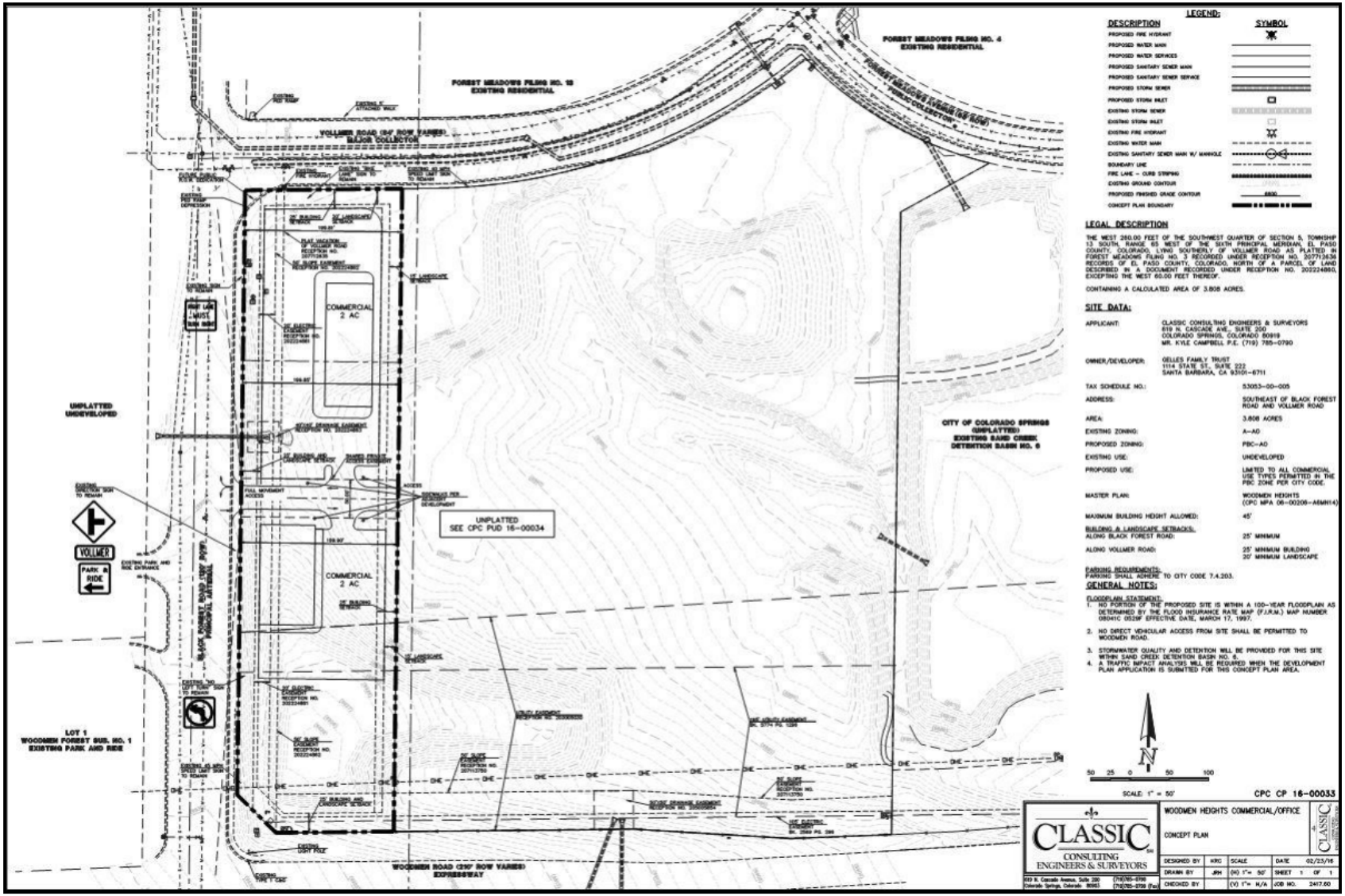
Zone Change: A/AO to PBC/AO



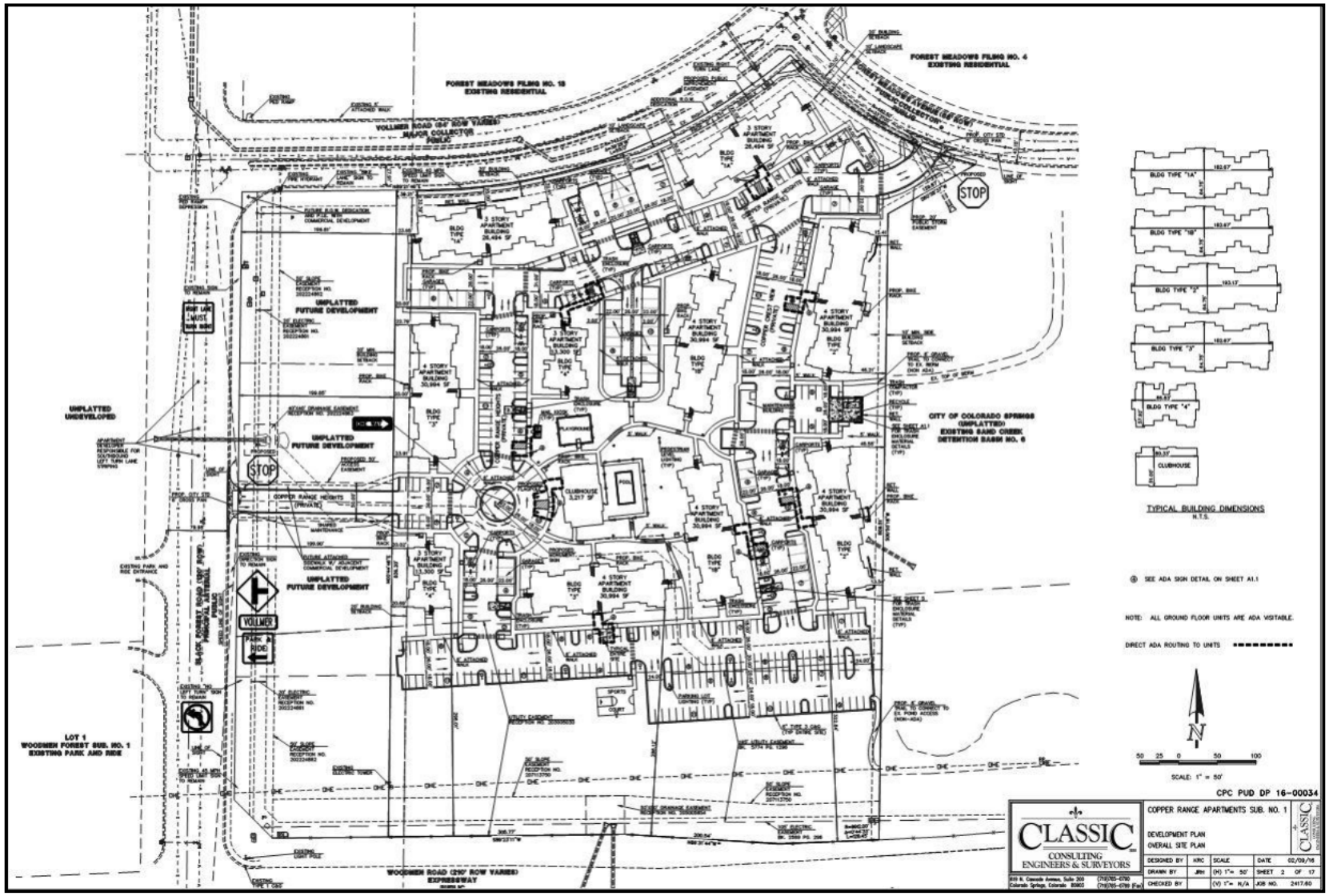
Zone Change: A/AO to PUD/AO



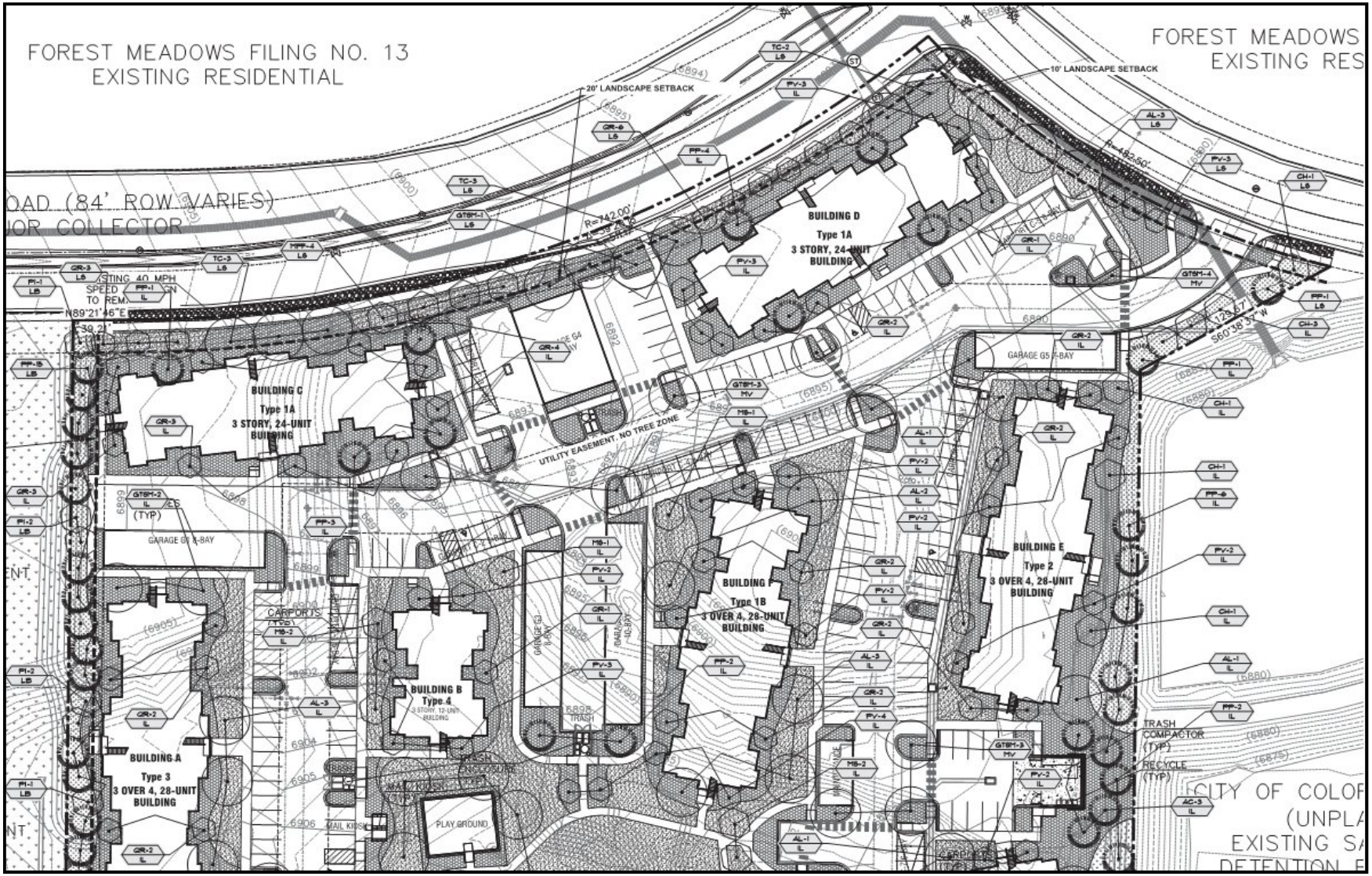
Concept Plan



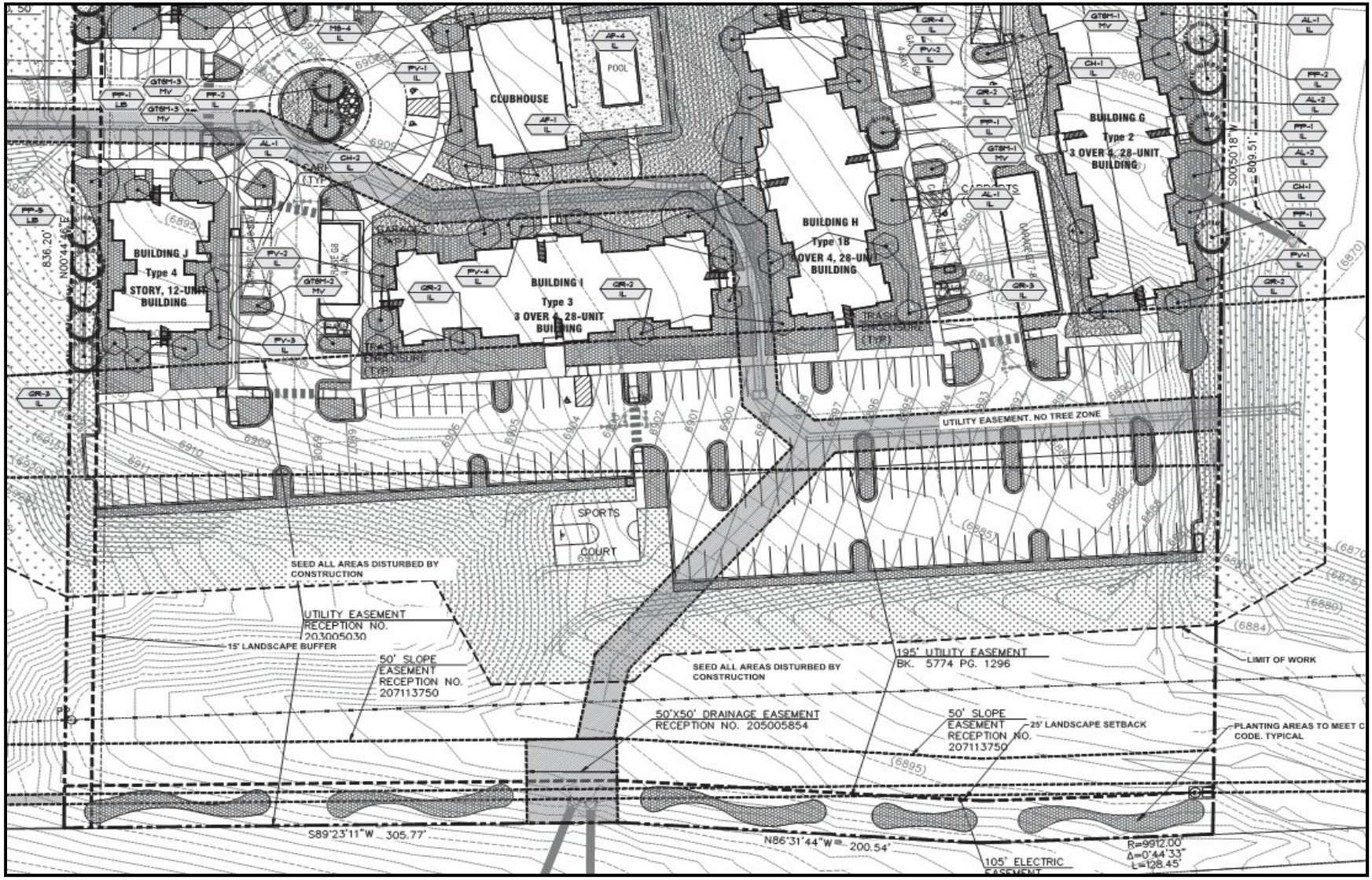
PUD Development Plan: Proposed Site Plan



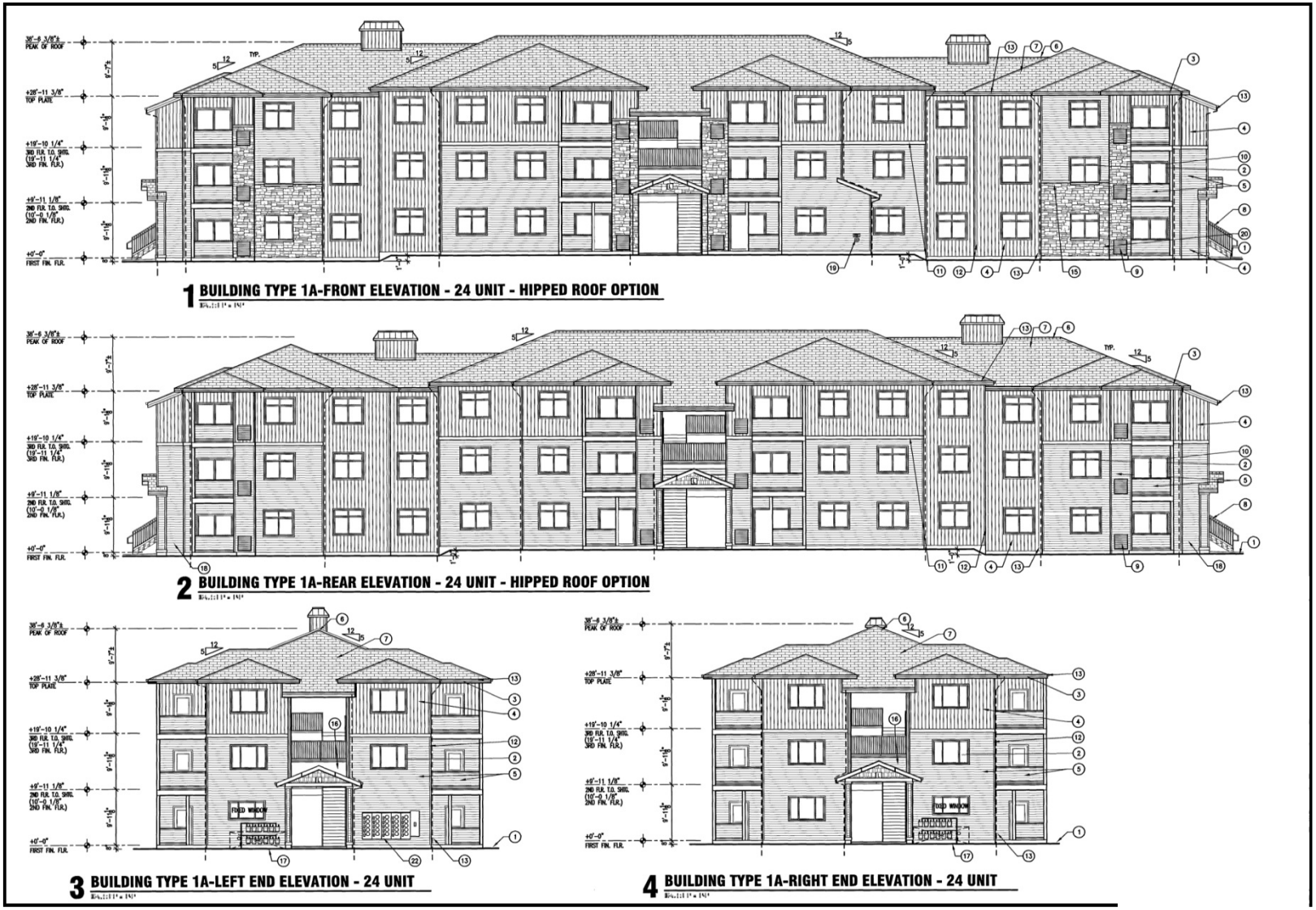
PUD Development Plan: Proposed Landscape Plan



PUD Development Plan: Proposed Landscape Plan Cont.



PUD Development Plan: Proposed Building Elevations



Planning Commission Recommendation

- The Planning Commission voted unanimously to approve the applications as part of the consent calendar at their meeting on May 19, 2016.

Recommended Action

CPC MPA 06-00206-A7MJ16 – Major Master Plan Amendment

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

CPC ZC 16-00028 – Change of Zoning to PBC

Adopt an ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603.

CPC PUZ 16-00031 – Change of Zoning to PUD

Adopt an ordinance changing the zoning from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development with Airport Overlay: Multi-Family Residential land use, 18.1 dwelling units per acre, 45-foot height maximum), based upon the findings that the change of zone request complies with the three (3) review criteria for granting a zone change as set forth in City Code Section 7.5.603 and the development of a PUD zone as set forth in City Code Section 7.3.603.

Recommended Action Cont.

CPC CP 00-00033 – Concept Plan

Approve the Woodmen Heights Commercial/Office Concept Plan based upon the findings that the development plan meets the eight (8) review criteria for granting a concept plan as set forth in City Code Section 7.5.501(E).

CPC PUD 16-00034 – PUD Development Plan

Approve the Copper Range Apartments PUD development plan based upon the findings that the development plan meets the review criteria for granting a development plan as set forth in City Code Section 7.5.502(E) and the development review criteria for PUD development plans as set forth in City Code Section 7.3.606.

City of Colorado Springs

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

Memorandum

File #: CPC ZC 16-00022, **Version:** 2

An zone change and an appeal of the City Planning Commission's recommendation of approval to the City Council to change the zoning of 2.95 acres from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Related File: CPC DP 16-00023

Presenter:
Hannah Van Nimwegen, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director

Summary:
Appellant: Kirk McCormick
Applicant/Developer: Kristin Albers of Ireland Dean
Owner: Pikes Peak Athletics Training Center, LLC
Location: Northeast of the Elkton Drive and Chestnut Street intersection

The appeal was filed by Mr. Kirk McCormick, a homeowner near the proposed project. Mr. McCormick is appealing the Planning Commission's recommendation for approval of the proposed change of zone and development plan for the Pikes Peak Athletics project.

The appellant has requested the onetime, non-discretionary postponement of the appeal hearing as permitted in City Code Section 7.5.906.B.3.

Previous Council Action:
N/A

Background:
Upon Planning Commission's recommendation of approval, Mr. Kirk McCormick, a neighbor of the proposed development, appealed the recommendation and is requesting that City Council postpone the hearing to the July 26th, 2016 Council meeting. This request is supported by City Code Section 7.5.906.B.3, which allows any person to postpone the first scheduled Council hearing of an appeal to the next regular Council meeting as a matter of course.

All supporting materials will be included with the formal hearing package.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on June 16, 2016, the Planning Commission voted unanimously to recommend approval of the zone change and development plan applications.

Stakeholder Process:
Public notice was provided to 71 property owners within 500 feet of the site following the application submittal and prior to the June 16th, 2016 Planning Commission meeting. The site was also posted on three occasions-after the submittal of the application, prior to the Planning Commission meeting on May 19th, 2016, prior to the Planning Commission meeting on June 16th, 2016. Meetings between staff, the applicant, and neighbors were held on April 25th, 2016, May 18th, 2016, and June 22nd, 2016.

Alternatives:
Per City Code this application is being postponed to the July 26th, 2016 City Council meeting.

Proposed Motion:
Based upon City Code section 7.5.906 (B)(3), move to postpone the zone change and appeal hearings to the July 26th, 2016 City Council meeting.

N/A

City Planning File #: CPC ZC 16-0002; CPC DP 16-0002;
City Planning Comission decision - 6/16/16

APPEAL STATEMENT

This is an appeal from the City Planning Commission decision of 6/16/16, concerning a proposed zoning change and development of a swim facility near the intersection of Elkton and Chestnut. This 28,000 square foot facility will be constructed within 150 from homes built in the Pine Cliff are. The most affected homes sit on a ridge and will overlook this facility, a little more than a stone's throw away.

While the applicant has made several accommodations to address the homeowners concerns, several large issues remain. First amongst these is noise. While it has been proposed that this facility will be primarily a swim facility, the owner has acknowledged that it will also host swim meets. The building is designed to have long horizontal windows along the pool area that face towards our homes. One of the home owners on the ridge, whose daughter swims for the University of Wyoming, described the noise levels to City Planning as follows:

> "My name is Rich Dickerson and my daughter is an NCAA Division 1 swimmer for the University of Wyoming. That being said it is evident that I have attended and witnessed many swim meets over her swimming career since the early age of 7. Swim meets and training sessions do create a high level of noise that is easily heard for quite a distance. A starting horn is used to start every race during a meet, these are typically an electronic horn that is very loud so all swimmers can easily hear the start of the race. If this facility is allowed to have open windows that face north towards the homes above, the home owners that face those windows will be hearing a starting horn go off every minute or two during a swim meet. I have known some meet referees who wear foam earplugs during meets due to the constant noise and volume of noise. Imagine if you will, a building filled with 100 + excited screaming children, with electronic horns and loud speakers making announcements and you will get the general idea of the volume of noise at a swim meet. Some facilities use a bull horn to communicate during meets and my research shows these can be heard for up to 600 yards with only 10 to 16 watts of power (see attachment D&J Sports inc.).
>
> Electronic starting systems are now the norm these are the systems with the loud electronic starting buzzer or horn, and they incorporate a loud 40 watt speaker so the meet referee can communicate with all swimmers no matter where they are in the facility.
>
> A train horn that I can easily hear from east of I25 is 96 to 110 decibels, electronic starting devices have a 40 watt speaker capable of creating up to 120 decibels (see attachment IST timing systems specs). These systems can also mimic the sound of a gunshot; if desired over the horn sound to start a race. The START 1000 MarkIII is a less powerful hand held start system that has a 6 to 10 watt

CITY CLERK'S OFFICE
2016 JUN 27 P 12: 00

rating and can be easily heard over 800 feet. (see attachment Pro Grams Sports Systems)
With this all being said, I am not opposed to this facility but I would like it to be built with consideration for the homes in close proximity. I would be opposed to the Building of this facility with north facing windows that open and a flat roof. I am also opposed to a zoning change that would allow this facility to someday be turned into another form of commercial property such as a car lot, convenience, liquor or marijuana store.

Thank you so much for your time and kind consideration,

Rich and Mary Dickerson
325 Hummingbird Hollow Dr.
Colorado Springs, CO 80919"

I followed this email up with another email to City Planning as follows:

"Hannah, I'm not sure these attachments came through in the e-mail I previously provided you from Mr. Dickerson. The highlights are that the horns and electronic sound buzzers that are used in these types of facilities have a range of over 800 feet. Our homes are less than 200 feet away from the open windows that are proposed. These electronic beepers are used during practices that allows coaches to start athletes with as little as 3 seconds between beeps. The speakers are 40 watts and emit 120 decibels.

Megaphones are also common in these facilities and have a noise range of 600 yards.

Mr. Dickerson also explained to me in a handwritten note that coaches commonly use whistles in these facilities, and the whistles produce over 100 decibels.

Please provide the Commissioners with this information right away. Given the extreme noise levels anticipated, I'm at a loss to understand why City Planning is recommending this building to have windows that open and face directly towards our homes?"

In response to these concerns the owner / applicant agreed to install the windows so that they won't open. The problem remains, however, that it is an accepted engineering fact that windows are not effective sound barriers, and that this facility is going to produce an extreme amount of noise that will be emitted through the windows and up to our homes on the ridge. In spite of these concerns, the owner / applicant has refused to commission a sound study.

Regarding the sound problem, the homeowners are requesting two items: (1) That sound proof windows be installed; and (2) that sound baffling be installed in areas of the building, such as the ceiling and other areas, to provide effective noise mitigation.

Another issue that has not been addressed, nor has it yet been studied by City Traffic Engineering is the effect on traffic at the intersection of Chestnut and Garden of the Gods. This

intersection is already subject to periodic back log, and when swim meets let out it is conceivable traffic could be back up on Chestnut from Garden of the Gods to Elkton.

My last concern, which is shared by my neighbors on the ridge, is the aesthetics of the building. It is proposed to have a flat roof. The architect has stated it would add an additional $100,000 to add a pitched more residential looking roof. In My email to City Planning I pointed out that this lot, which the owner is attempting to be spot zoned, was platted to have an office building with a pitched roof. I am attaching a copy of a picture of that building. That is what I and my other neighbors relied on when we bought our homes that will look down on this building: I explained this to City Planning as follows:

> "When the Elkton Partners began the development below my home years ago they presented a site plan that has three phases. Phase I is complete, and resulted in a very professional looking office building with a residential roof. Phase II will eventually be a building that looks just like it, and I'm fine with that. This is the plan that was in existence when I bought my home in 2008, and I relied on this plan at that time because I did not want a block building with a flat roof sitting below my home. I think all of my neighbors share this position. I am attaching a picture of the Elkton Partners phase I building.
>
> What is being proposed for the Pikes Peak Athletics swimming facility is a significant zoning change request. The building zoning immediately around the proposed development, which originally included the proposed development site, are zoned OC. Across the street is PIP-1. To the west is PIP-2. There is a band to the northwest that is R1-6. This requested zoning change amounts to spot zoning to accommodate the intended use. I've attached a zoning map that demonstrates this. Importantly, what this zoning change means is that if the intended business fails, the requested zoning change would allow a new business to operate, for example, as a bar; an automotive service; a liquor store; pet services; a sexually orientated business or medical marijuana. I've attached the City of Colorado Springs graph for permitted uses. If the zoning is going to change, then I think the construction of this building needs to conform to the look and other expectations of the homeowners on the ridge.
>
> As you know, Elkton Partners recently sold the parcel in front of phase II to Pikes Peak Athletics and in their Plat Approval Covenant Elkton Partners granted the owners of Pikes Peak Athletics the right to build a facility as long as Elkton Partners approved of the plan. The Platt Approval Covenant requires Elkton Partners approval of the design. Has that permission been granted?
>
> As currently proposed, the Pikes Peak Athletics building is completely incompatible with the architectural guidelines for the development of all of the land that was owned and platted by Elkton Partners and that Elkton Partners has already started to develop. This building will stick out like a sore thumb, is unsightly compared to Elkton Partners phase I-III, and is inconsistent with what

> was represented to me when I bought my property. I object strongly to any building that does not have a residential roof and reflect the architectural imprint established by Elkton Partners."

I was joined in this by William Vaupel in written comments. William is an engineer and lives two houses away from me. I was joined in this at the City Planning Commission hearing by Bob Patterson, a custom Home Builder for over 40 years, Bill Poage, who is now in his 80's and a former School District Superintendent, and Rob Atkins, a Lt. Colonel in the U.S. Air Force.

City Planning pointed out that years ago there was a concept drawing that showed an HOA swimming pool. But that was never included in the final platting, and was not available for me or my neighbors to look at when we bought our homes.

While it is recognized that there will be additional cost in order to construct this building with a pitched roof, I presented evidence that the value of my home will drop by $20,000.00 at time of resale. There are 12 homes on the ridge. There are an additional 40 homes in our cul de sac whose home values are anchored by the values of our homes. Conservatively, the decision to construct the swim facility with a flat roof will cause a diminution in home values on our neighborhood of between $500,000 and $600,000.

Thank you for your consideration,

6/27/16

Kirk R. McCormick

4940 Sunbird Cliffs Drive

CITY PLANNING COMMISSION AGENDA

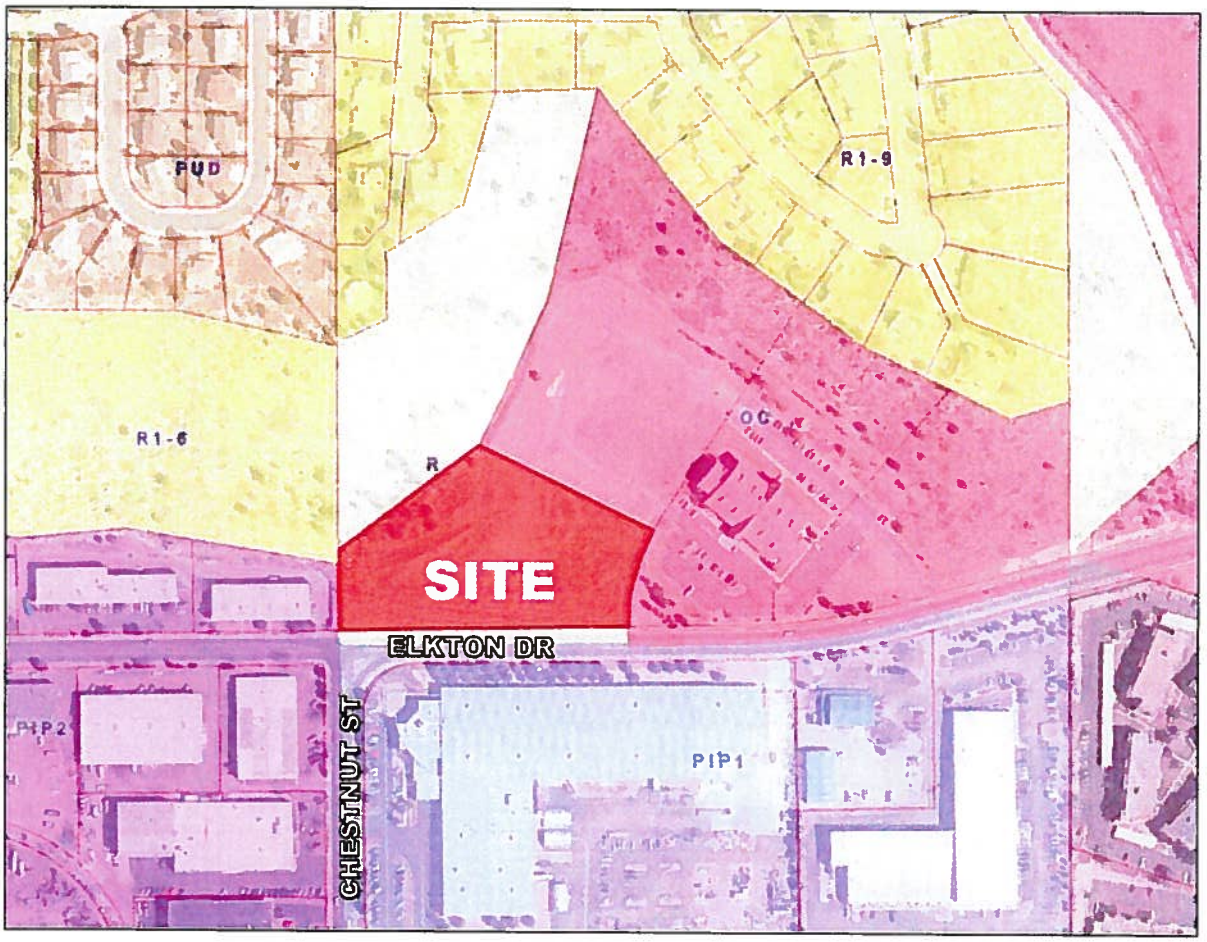
STAFF: HANNAH VAN NIMWEGEN

FILE NO(S):
CPC ZC 16-00022 – QUASI-JUDICIAL
CPC DP 16-00023 – QUASI-JUDICIAL

PROJECT: PIKES PEAK ATHLETICS

APPLICANT: IRELAND DEAN; KRISTIN ALBERS

OWNER: PPA LANDCO, LLC; GEORGE HEIDINGER



Categories

- Electronic Starter Systems
- Outdoor Sports Wristwatches
- Printers- Supplies- Accessories
- Seiko Printing Stopwatches
- Seiko Stopwatches
- Specialty Timers
- Timers & Scoreboards w/ Large LCD or LED Digits
- Ultrak Digital Countdown Timers
- Ultrak Printing Stopwatches
- Ultrak Stopwatches
- Ultrak Timing Systems

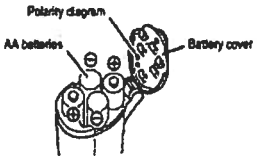
Brands

- SEIKO
- START 1000
- ULTRAK

START 1000 "Mark III" Bullhorn Starter for Swimming, Track, Inline Skating Meets

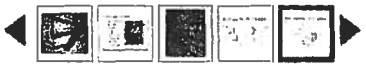
INSTALLING BATTERIES

STEP 2: Insert eight AA batteries, referring to the polarity diagram on the inside of the battery cover.



Price: $269.89
SKU: pgss_st1k_mk3
Shipping: $9.89 (Fixed shipping cost)
Quantity: 1 ADD TO CART

Buy in bulk and save



Related Products

SEIKO S141 300-Lap Memory Stopwatch for Aquatic Sports
$199.89

SEIKO S149 BASIC: 300-Lap Memory Printing Stopwatch
$374.89

ULTRAK 460 16-Lap Stopwatch Measures to 100 Hours at 1/1000 Second Resolution
$22.89

ULTRAK 460 Stopwatch RainBow Six-Pack Special 1/1000 Second Resolution 16 Lap/Split Memory
$129.89

START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
$189.89

Product Description

START 1000 MARK III – *a kinder, gentler start!*

HANDHELD ELECTRONIC BULLHORN/STARTER SYSTEM

ProGrams Sports Systems has combined what we believe to be Earth's best handheld loudspeaker with a modified tone generator from a commercial fire alarm system and our own unique side-emitting LED strobe light to produce the START 1000 MARK III Electronic Starting System. Over 15 years of experience in producing earlier versions of this device – our original START 1000 Classic Swim Meet Starter System and its successor, the START 1000 Lite Handheld Starter – have led to this new product. The major features of this system are as follows:

DESCRIPTION

- **Handheld starting system powered by 8 AA batteries.**
- **Loud, light, and reliable megaphone allows starter/referee to speak to athletes and announce beginning of each race.**
- **Integrated signal button produces simultaneous electronic "beep" and ultra-bright 360° LED flash to start each race.**
- **No loud, scary pistols to frighten younger summer-league athletes.**
- **No delays caused by misfires.**
- **No annual ammunition costs.**
- **Two-year warranty.**

SYSTEM COMPONENTS

Handheld loudspeaker

► **Power output: 6W Rated / 10W Max.**

► **Range: 250 meters (over 800 feet).**

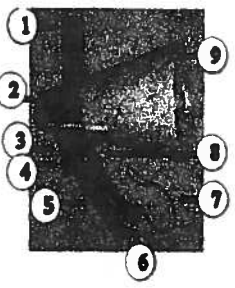
► **Powered by 8 AA batteries (over 8 hrs operating time).**

► **High durability ABS or ASA resin construction – compact and lightweight, easily carried all day with one hand.**

► **Voice amplifier with wide frequency range for enhanced audio quality.**

PARTS AND FUNCTIONS

1. 360° LED strobe
2. Mouthpiece
3. Start button
4. Volume control
5. Handle
6. Battery cover
7. Carrying strap
8. Talk trigger
9. Speaker horn



► **Speaker incorporates neodymium magnet and polyimide diaphragm to ensure efficient operation and high sound quality.**

► **Anti-bacterial treatment on mouthpiece, microphone, and handle improves hygiene and safety during use.**

Electronic beep

► **MARK III tone generator incorporates powerful siren-driver circuit board from modified commercial fire alarm system.**

► **Rated sound-level output at ten feet: 106dB.**

Side-emitting LED strobe

► **A brilliant white flash from a state-of-the art light emitting diode (LED) is synchronized with the electronic beep to provide a visible starting signal.**

► **The powerful side-emitting LED diode used as the optical strobe for this system is mounted inside a light-diffusing cylinder surrounded by a protective lens for eye safety.**

TECHNICAL SPECIFICATIONS

OUTPUT POWER	Loudspeaker rated 6W / 10W maximum
POWER SOURCE	Eight (8) AA batteries (to supply12 V DC)
SIGNAL	Simultaneous start pulse & 360° LED strobe flash
BATTERY LIFE	8 hours (estimated time for Alkaline batteries)
AUDIBLE RANGE	Voice: 250 meters (over 800 feet)
START PULSE SOUND LEVEL	Acoustic signal rated 106 dB @ 10 feet
SPEAKER HORN	Neodymium magnet / Polyimide diaphragm
OPERATING TEMPERATURE	Ranges from -10°C to +40°C (14°F to 104°F)
MATERIAL	High durability ABS resin (Grey / Light Grey color)
DIMENSIONS (L x W x H)	265 x 160 x 325 millimeters (10½ x 6¼ x12¾ inches)
WEIGHTS (Mark III & Batteries)	750 grams (1 lb 10½ oz) & 195 grams (7 oz)

► **The ultra-bright 360° LED optical strobe used in this system has been designed, tested, and fabricated in our own manufacturing facility.**

Click to view START 1000 Mark III Owner's Manual **(PDF Document)**

SHIPPING & HANDLING

- **A fixed shipping and handling fee based on the United States Postal Service (USPS) price for Flat-Rate Priority Mail Boxes will be charged for preparing and shipping your order anywhere in the United States. Your order may be shipped via USPS Priority Mail, UPS Ground Service, or FedEx Ground Service using what we consider to be the best service available for date and time of purchase and your shipping address.**
- **For international orders, we ask our customers to take advantage of the internet store that we operate on eBay where we can process shipments through eBay's new Global Shipping Program. Under this plan, all shipping and customs charges are calculated and collected automatically by the eBay/PayPal shopping cart. This eliminates any surprises associated with unexpected expenses such as customs duties, import charges, taxes, third-party international shipping charges, brokerage fees, fuel surcharges, processing and handling fees, etc. This also allows you to receive your order even faster because it can be delivered immediately and will not be held awaiting customs payments.**

INTERNATIONAL ORDERS

As discussed above, we prefer to use the eBay Global Shipping Program to ship to international customers. Every product offered at this SOS-SWIM store can also be purchased at our ProGrams Sports Systems eBay outlet. Click the image on the right to hop over to the listing for this item on eBay.

STARTER PISTOL ISSUES:

The traditional starter's pistol is "under the gun" and is facing a growing clamor to end its use at high school athletic events. The push for a change started to grow after the May 2007 shooting death of a 15-year-old student at Toronto's C.W. Jefferys high school. A probe into school safety after the student's death raised troubling questions about safety levels in schools and the threat of weapons on school property in Canada.

This concern slowly spread throughout the United States and, in 2014, we saw a major jump in the number of orders received for swim meet starters. This appears to be the result of many cities and states issuing bans on using starting pistols at various athletic venues – leading to many spurts of interest in ordering our electronic starters all across the country. For example, in 2014 we built and shipped almost 50 of our Mark III electronic bullhorn starters to customers in New Jersey alone in anticipation of a recently issued ban on using traditional starter pistols for their swim meets.

Others have joined this movement and various local and statewide bans are now in effect or will be issued in the near future. The next panel in this listing shows the beginning of the National Federation of State High School Associations web page explaining 2014-15 Swimming and Diving Rules Changes (including a new ban on using starting pistols as sounding devices in interscholastic swimming).

As explained above, the possibility that one may have to wait for periods longer than a week or so before a starting system can be shipped makes it necessary for us to encourage our customers to place their orders early. We hope that this will help minimize many of the disappointing delays that might otherwise result from heightened and highly variable surges in the rate of receipt of orders that we expect to be processing this year.

NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS | Activities & Sports | NFHS For You

Home > Sports Resource Content > Swimming and Diving Rules Changes - 2014-15

Swimming and Diving Rules Changes - 2014-15

By on November 21, 2014

rules change *Share*

3-3-4: Reorganize to list the items a competitor may wear/use and clarifies that adhesives are not allowed for swimmers and/or divers. Divers may wear tape or wraps for support and no longer limited to the wrist.

Rationale: Lists items a competitor may wear/use as it makes the rule easier to use and assists in compliance. The change also prohibits the use of adhesives, such as sprays, as they become slick when wet and can interfere with performance of others.

3-6-1, New 2, 3: Delineates more clearly unsporting conduct, which results in removal from the meet and all events in which the competitor previously qualified, and unacceptable conduct, which carries a penalty of disqualification from the event. Separates spectator conduct from athletes and coaches.

Rationale: More clearly defines what is considered unsporting conduct, with a resulting penalty of no further participation up to ejection from the competition area, and what actions are considered unacceptable conduct with a resulting penalty of disqualification from that event. Delineates in Rule 8-3-8b when a relay lead-off time shall not be eligible for use as a qualification time or record. Spectators are also separated from athletes and coaches when dealing with unsporting/unacceptable conduct.

4-3-1 NOTE, 4-2-2 NOTE, 2-7-3 NOTE: Prohibits the use of a pistol/starter's pistol as the sounding device in interscholastic swimming.

Rationale: It is inappropriate to use a pistol of any kind at a school swimming meet. Alternative sounding devices are readily available.

8-1-5: Swimmers no longer step off the starting platforms after the referee/starter gives

WARRANTY INFORMATION

Our electronic starter systems carry an unconditional two-year warranty for parts and labor. Beyond the two-year period, they can be returned for repair at our facility for a fixed fee of $69 + $10 shipping & handling.

ProGrams Sports Systems has a long history of helping athletic teams on a budget - providing an economical source of accurate and reliable equipment for all of their timing needs. After evaluating equipment available for timing various types of events and processes, we made the decision to become authorized dealers for ULTRAK and Seiko stopwatches and associated products as a way to provide extra resources for our starter-horn customers.

The ULTRAK line of stopwatches, pedometers, scoreboards, and timing systems produced by CEI represents the latest in athletic timing and measurement products. CEI's extensive selection of quality ULTRAK timing products and customer service department is second to none. ProGrams Sports Systems is proud to be an authorized ULTRAK dealer. The full manufacturer's warranty applies to all of our ULTRAK products.

We also serve as an authorized SEIKO dealer and their warranty applies to all of our SEIKO products. The SEIKO Certificate of Limited Warranty accompanies each stopwatch purchased at our eBay store. SEIKO recommends that you do not purchase their products on any website unless it is a SEIKO Authorized Internet Retailer with the emblem "SEIKO AUTHORIZED RETAILER SITE" as it appears here. Only SEIKO Authorized Retailers can provide you with access to readily available parts and factory trained technicians. Any watch not accompanied by an original proof of purchase or a valid warranty certificate will not be recognized by SEIKO Service Centers.

SEIKO
AUTHORIZED RETAILER SITE
ProGrams Sports Systems

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Electronic Starter Systems

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START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
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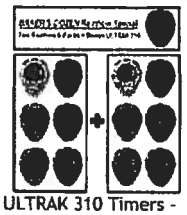
$84.89
Choose Options

ULTRAK 460 16-Lap Stopwatch Measures to 100 Hours at 1/1000 Second Resolution
$22.89
Choose Options



ULTRAK 310 Timers - RainBow Special - Baker's Dozen
$89.89
Add To Cart

All prices are in USD Copyright 2016 ProGrams Sports Systems.

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS

The OmniSport® HS-200 horn start and public address system is a complete starting solution for aquatics and track. Signal the start of a race with a distinct start tone and simultaneous flash. The HS-200 horn start can be programmed to sound a typical start tone or emulate a gunshot. Included microphone makes announcements, sends start/recall signals and changes internal settings. Smart Start and Recall features can be enabled or disabled depending on the officials' preference.

DIMENSIONS	WEIGHT	POWER
12" H x 8" W x 14" D (305 mm, 203 mm, 356 mm)	13 lb (6 kg)	120/240 VAC or rechargeable battery

KEY FEATURES

- 15 hours of battery use on full charge and 5-year life span (with regular charging after each meet)
- Internal 40 Watt speaker sounds voice and start signals
- 360° Strobe Light is easily viewable indoors and outdoors for all athletes and officials
- Smart Start detects a connection from the timing console to eliminate the possibility of a missed start
- LED indicators show ready/recall and battery status
- Dedicated outputs to auxiliary and lane speakers for maximum performance and flexibility
- Two sealed volume controls for independent control of main/auxiliary speakers and up to 10 lane speakers
- Start output provides both normally open and normally closed contacts to accept multiple timing system brands
- Practice Mode allows coaches to signal starts with as little as 3 seconds between athletes
- Color-coded jacks for quick setup

CONSTRUCTION

Durable, lightweight aluminum

PRODUCT SAFETY APPROVAL

ETL listed, tested to CSA standards and CE labeled; FCC approved

OPTIONS & ACCESSORIES

- Radio control (refer to following page)
- Remote Strobe (see SL-07387)
- Auxiliary Speaker
- Individual Lane Speakers
- Backstroke Flagpole Mounting Bracket
- Tripod

FOR ADDITIONAL INFORMATION

- Manual: See ED-12935

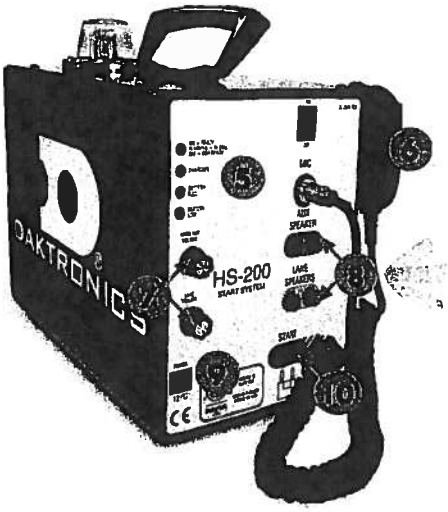
WWW.DAKTRONICS.COM E-MAIL: SALES@DAKTRONICS.COM

201 Daktronics Drive, PO Box 5128, Brookings, SD 57006
Phone: 1.800.325.8766 or 605.692.0200 Fax: 605.697.4744

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS

HS-200 COMPONENTS

1. **360° Strobe Light**
2. **Carrying Handle**
3. **Durable Aluminum Case**
4. **Internal 40 W Speaker**
5. **LED Status Indicators**
6. **Microphone**
7. **Volume Control Knobs**
8. **Speaker Connections**
9. **Power Jack**
10. **Start Output**

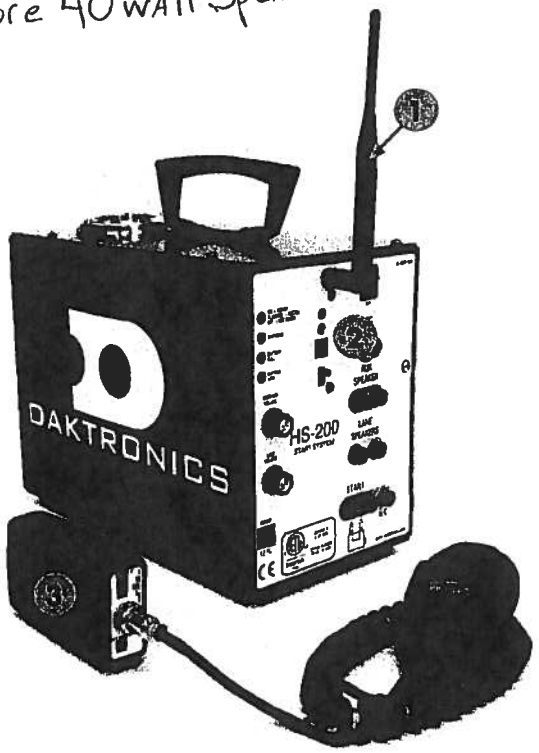


Has the Ability
to Add More 40 watt Speakers

RADIO CONTROL OPTION (HS-200R)

The wireless microphone system allows the freedom to direct and start events without being tethered to the horn start unit. Choose between 8 radio channels to find the clearest available signal. LED indicators on the HS-200R show the selected channel, the voice activation and interference (noise). Existing horn start units may be retrofitted with the radio option, and an additional standard wired microphone may also be connected.

1. **Antenna (Receiver)**
2. **Channel Selection & Status LEDs**
3. **Belt Pack (Transmitter)**



OmniSport® is a trademark of Daktronics, Inc.
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International Sports Timing
PRODUCT SPECIFICATIONS
SWIMSTART Electronic Start System

Introduction

The International Sports Timing SWIMSTART Electronic Start System is a compact, rugged tone and strobe start with an internal rechargeable battery. All components are solid state for outstanding durability. Like all products from IST, SWIMSTART Electronic Start Systems are covered by a five year warranty (battery warranty is two years).

I. SWIMSTART Electronic Start System
   A. Physical
      1. Overall size is 12.5" in height by 8" in width by 4" deep, not including speaker.
      2. Total weight is 22 pounds with battery.
      3. Case consists of an aluminum extrusion coated with a matte black anodized finish. End caps flare at bottom to form no-tip feet. Top mounted handle provides easy portability.
      4. Two latching straps on back of case allow unit to be attached to backstroke flag pole.
      5. Lens over 360 degree strobe is a transparent dome of shatterproof plastic.
   B. Electrical
      1. Unit includes a 110V to 24VAC wall transformer that should only be connected to GFI (Ground Fault Interrupt) 110V 15 amp (min.) outlet.
      2. Load requirement: .2 amps.
      3. Includes an internal, rechargeable 12V battery with an over/under charge protection circuit (warranty on battery is two years). Estimated use per charge: 12 hours.
      4. Output to timing system can be either normally-open (for IST, Colorado or Daktronics timing systems) or normally-closed (for Omega timing systems). Cable to timing system is purchased separately.
   C. Environmental
      1. The operating temperature range is 0 to +55 degrees Celsius.
      2. The storage temperature range is -55 to +85 degrees Celsius.
      3. The operating humidity is <= 90% non-condensing.
   D. Operating Features
      1. Microphone includes talk and start/recall switches, 15' coiled cord and hanging clip. Unit can be used as portable public address system.
      2. Speaker is 40 watt, 120 decibel and mounted on case. Case has auxiliary jack for connecting additional speaker(s).
      3. Strobe is 6,000 volt xenon, covered by a dome lens for 360 degree disbursement.
      4. Volume control allows volume to be adjusted to meet conditions, or turned off for training with strobe only.
      5. Can be used stand-alone or connected to IST's SWIMWARE Timing System or other popular timing consoles.

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The Dedicated Swimmer's Outfitter
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Lane Lines
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Replacement Parts

Backstroke Flags

Pool Storage

Swim Pace Clocks & Lap Counters

Starting & Timing Equipment

Starting Blocks

Water Polo Goals

Home Pool Equipment Starting & Timing Equipment

Starting & Timing Equipment

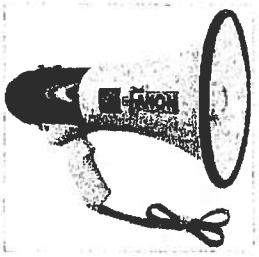
Start your swim meet with the best starting systems from Colorado Timing Systems or IST. The easy to use Colorado Timing Infinity Start System or the IST Swimstart Electric Start System for Swimming will have your swim meet starting off right. We also carry a selection of megaphones with horn starts that are perfect for small swim meets and dual meets.

name: A-Z

Megaphone 10 Watts 600yd.
Our price: $95.00
~~RRP: $99.00~~ save 4%
1 Buy Now

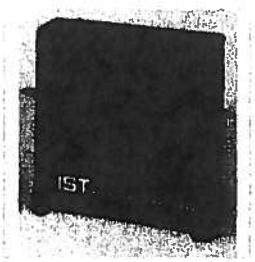
Colorado Timing Infinity Start System
Our price: $899.00
~~RRP: $918.00~~ save 2%
Buy Now

Tripod for Infinity Start System
Our price: $184.95
~~RRP: $190.00~~ save 3%
Buy Now



Megaphone 16 Watts 600yd.
Our price: $120.00
~~RRP: $175.00~~ save 31%
1 Buy Now

IST Swimclock-HI Indoor/outdoor w/o Battery
Our price: $1300.00
1 Buy Now



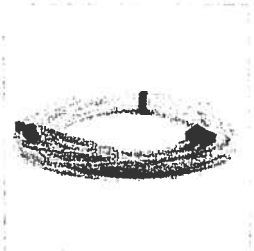
IST Shotclock 2 Digit Pace Clock
Our price: $710.00
1 Buy Now

IST Swimclock-HX Indoor/outdoor w/battery
Our price: $1650.00
1 Buy Now

IST Swimcount 4-digit
Our price: $1010.00
1 Buy Now

IST Swimcount 4-digit with Battery
Our price: $1330.00

IST Swimstart Electric Start System for Swimming
Our price: $840.00



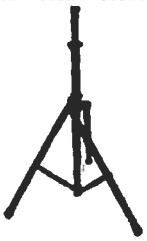
IST Swimstart 25ft Cable To Timing System
Our price: $70.00

1 Buy Now 1 Buy Now 1 Buy Now

name: A-Z

Bestsellers in Starting & Timing Equipment

Colorado Timing Infinity Start System
Our price: $899.00



Tripod for Infinity Start System
Our price: $184.95

Megaphone 16 Watts 600yd.
Our price: $120.00

IST Swimstart Electric Start System for Swimming
Our price: $840.00

WHAT YOU WANT
WHEN YOU NEED IT
WITHIN YOUR BUDGET

SPRAY Eliminates Chlorine from Hair and Skin Order Now

when you spend $65, some restrictions apply see details

The Dedicated Swimmer's Outfitter

D&J INC. SPORTS

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Sunbird
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HS
No zoning
OC
HS
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OC
HS
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OC
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R-HS
to
PBC
P.P2
HS
P.P2
HS
Elkton Dr
P.P2
HS
P.P1
LR
P.P1
LR
N Chestnut St
Popes Bluff Trl

Melissa A. Woodley
Broker Associate

June 15, 2016

To Whom It Concerns:

I have been a residential realtor in Colorado Springs for over 15 years. I was Mr. McCormick's realtor in the purchase of his home in the fall of 2008. Mr. McCormick recently asked me to give him my opinion the effect of the currently proposed swimming facility will have on the value of his home.

Mr. McCormick's home will look down on the top of the proposed building, which I understand will have a commercial flat roof, as opposed to a more residential looking pitched roof. It is also my understanding that the proposed building will have windows that open directly towards the homes on the ridge, which will allow sound to flow out of the building towards the homes on the ridge, which includes Mr. McCormick.

Based on my experience I am of the opinion that when Mr. McCormick goes to sell his house, the flat roof and noise emissions of the building directly below Mr. McCormick's house will result in a loss in value of somewhere in the area of 5% which in today's market would be roughly $20,000.00 on a $400,000 home. This is quite significant. Because homes on ridges in areas similar to 4940 Sunbird Cliffs Drive anchor the value of the homes that surround them, it is reasonable to assume that the homes in the surrounding cul-de-sac and sub area will experience drops in their property values as well.

Please take into consideration the aesthetics of the roof design which will not only enhance the commercial appeal of the facility but will also greatly improve the integration of the facility into the adjacent neighborhood homes.

Sincerely,

Melissa A. Woodley, CRS, GRI, ABR
Realtor, License # FA40022723
RE/MAX Properties, Inc.

RE/MAX Properties, Inc.
2630 Tenderfoot Hill Street, Suite 100
Colorado Springs, Colorado 80906
Office: (719) 576-5000
Toll Free: (800) 325-0466
Fax: (719) 576-1746
www.HomesColorado.com
Each Office is Independently Owned and Operated

P A A DA

AFF A A A

F

P A D A

P DP A D A

PR P P A A

APP A R A D D A R A R

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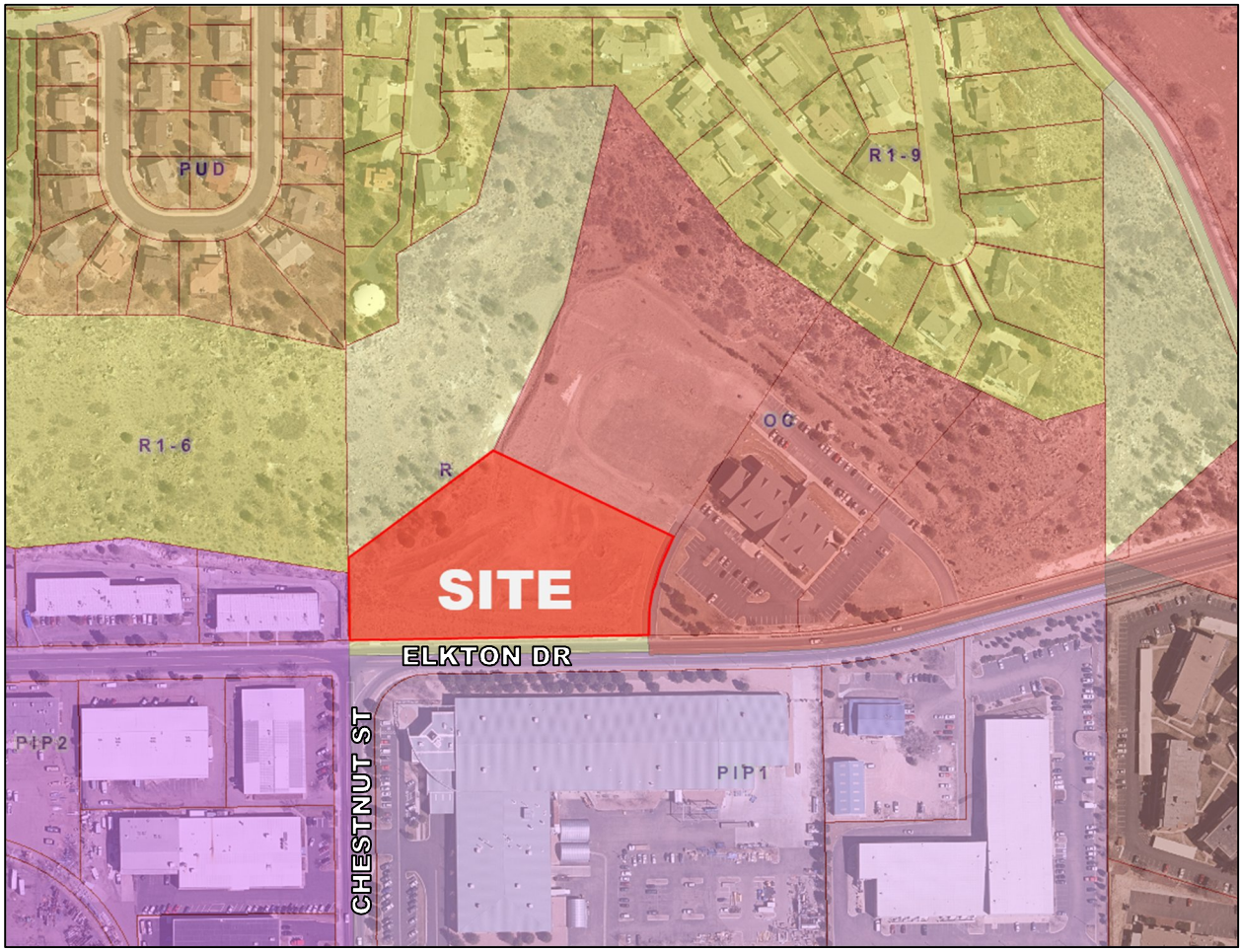


PR AR

1. Project Description: This project includes concurrent applications for zone change and development plan for 2.95 acres located north of the intersection of Elkton Drive and Chestnut Street. The zone change proposes a rezoning from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay) to accommodate an aquatic training facility. The development plan illustrates a 28,890 square foot structure (20,478 square foot building footprint) with 123 parking stalls **F R** . A final plat application was also received and is being reviewed administratively.

2. Applicant's Project Statement: **F R**

3. Planning and Development Department's Recommendation: Staff recommends approval of the applications.

A R D

1. Site Address: The site is not addressed, but is generally located to the north of the intersection of Elkton Drive and Chestnut Street.
2. Existing Zoning/Land Use: R/HS / undeveloped property.
3. Surrounding Zoning/Land Use: **F R**
   North: R/HS/undeveloped land with substantial changes in grade
   South: PIP-1/CR/Office and warehouse uses
   East: OC/HS/Office uses
   West: PIP-2/HS and R1-6000/HS/various warehouse uses with ancillary offices and undeveloped property with substantial changes in grade
4. Comprehensive Plan/Designated 2020 Land Use: Low Residential
5. Annexation: Popes Bluff Addition/1965
6. Master Plan/Designated Master Plan Land Use: There is no existing master plan for this property.
7. Subdivision: The property is not platted.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is currently vacant and rises in grade along Elkton Drive and along the northwest portion of the property. From Elkton Drive, the property gently slopes upward toward the previously graded pad site, shaded blue in the land suitability analysis indicating a 0% - 8% change in grade **F R** . From Elkton Drive to the pad site, the grade slopes upward roughly 10 feet to 12 feet. Additionally, there is a small ridgeline leading to the far northern corner of the property which elevates the land another 10 feet to 12 feet. This elevation change is noted in red on the land suitability analysis, indicating a 25% or greater change in elevation.

A D R PR A D

Public notice was provided to 71 property owners within 500 feet of the site following the application submittal and prior to the June 16th, 2016 Planning Commission meeting. The site was also posted on three occasions—after the submittal of the application, prior to the Planning Commission meeting on May 19th, 2016, and prior to the Planning Commission meeting on June 16th, 2016. Staff was made aware of an issue regarding the public notice for the May hearing and the neighbors did not receive the standard postcard notifying of the hearing date and time.

Staff postponed the hearing to the following June 2016 meeting to ensure all parties received sufficient notice.

Five letters of concern were received, one being from the neighboring Homeowner's Association Board of Directors **F R** . The letters state concerns regarding the proposed structure's architecture, the uses potentially permitted with the change in zone district, noise emitted from the mechanical equipment and the new use, the location of windows on the northern side of the building, and the site's lighting **F R** . A meeting was held on April 25th, 2016 to discuss those concerns. The meeting was attended by 10 people including neighbors, the Pinecliff Homeowner's Association President, staff, the applicant, the previous property owner, and the proposed business' owner. After the meeting, the applicant wrote a response to the main topics discussed **F R** . The applicant was able to accommodate a pitched roof on a portion of the building, and was able to relocate a portion of the mechanical equipment into the attic space of the pitched roof area. The property owner also agreed to limit the permitted land uses on this site, noted as Conditions of Record. However, the applicant and business owner desire to keep fully operable windows on the northern portion of the building to promote air flow and natural light. Two letters of support were received by staff after the initial comment period and following the meeting with the neighbors, and a follow up email of concern was received **F R** .

Another meeting was held between staff, the HOA President, and neighbors on Wednesday, May 18th, 2016. The neighbors iterated continuing concern regarding the proposed use's noise potential from swim meets which could be transmitted through the windows on the northern building façade and up the cliff's face. Potential signage, the proposed flat roof, and landscaping were also discussed. The applicant issued another response to those concerns **F R** which included prohibiting an "electronic message center" for signage, no building-mounted signage, an openness to adding trees along the northern property line to help screen the building from the neighbors, and a more in depth explanation to the business' operation and the potential swim meets. The applicant and business owner maintain the desire to keep windows on the northern building façade and maintained their earlier response regarding the roof's architecture, though.

It should be noted that similar concerns (particularly noise) were raised by Pinecliff residents during city's review of the adjacent shooting range. To date, no complaints have been received by city staff pertaining to noise, lights, traffic or other potential impacts associated with non-residential development. Furthermore, while inspecting and measuring the noise levels of the shooting range at the residences atop the cliff (as required by the conditions of the Conditional Use approval) staff observed that ambient noise levels from existing businesses and major roadways muffle and "wash-out" any significant noises from businesses directly at the bottom of the hillside.

Staff also sent the plans to the standard internal and external review agencies for comments. Most comments have been addressed except five from Land Use Review. These comments shall be addressed prior to closing out the file by staff. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, and City Fire.

A A F R R R A A R PR P A A R P A F R A

1. Review Criteria / Design & Development Issues:
   This project includes concurrent applications for zone change and development plan for 2.95 acres located north of the intersection of Elkton Drive and Chestnut Street. The zone change proposes a rezoning from R/HS (Estate Single-Family Residential with

Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay). The development plan illustrates a 28,890 square foot structure accompanied by 123 parking stalls. A final plat application was received alongside the zone change and development plan applications, but is being reviewed administratively.

As an overview, the proposed aquatic facility will largely operate as a teaching and training center for those at all skill and experience levels. Pikes Peak Athletics provides swimming lessons to beginners of all ages, as well as technical lessons and endurance training to more experienced swimmers. This training facility will also host professional or master swimmers looking for a location to train during the winter months. A portion of the Pikes Peak Athletics' business model includes the ability to provide physical rehabilitation services to those who are injured as well. This facility will house two pools—one designated for teaching and the other designated for training, a therapeutic hot tub, a strength and conditioning room on the second floor, locker rooms, offices, and a family viewing area. Pikes Peak Athletics does not intend championship, large-scale swim meets to occur at this facility; however, smaller meets could be hosted as well. The business owner describes the scale and frequency of swim meets as part of their most recent response to neighborhood concerns **F R** . This facility is not proposed as a public pool.

A meeting with affected neighbors was held on April 25th, 2016 and on May 18th, 2016. Several topics were discussed including; the land uses potentially permitted by the rezoning request, the structure's flat roof, the location and noise emitted from the necessary mechanical equipment, the noise emitted through open windows from the use of the swimming pool and swim meets, the hours of operation, and the number of swim meets held in a year.

Regarding the zone change and limiting the permitted land uses: Staff determined this use is a blend of "indoor sports and recreation" and "personal improvement services" as they are defined in Section 7.2.302 of the Zoning Ordinance. Planned Business Center (PBC) is the least intense commercial zone district these uses would be permitted. The surrounding area hosts a blend of planned industrial park zone districts, single-family residential and commercial zone districts. While there is a mix of zoning districts, PBC is prominent in the area **F R** . The applicant and property owner have agreed to place Conditions of Record on the rezoning ordinance limiting the uses permitted on this property. The uses proposed as prohibited are: bar, sexually oriented business, medical marijuana center, medical marijuana infused product manufacturer, and medical marijuana cultivation operation.

Regarding the concerns of the flat roof, location of mechanical units, and the noise emitted through the proposed windows on the northern side of the structure: The applicant was able to provide a pitched roof over the second story roof line **F R** . However, is unable to present a pitched roof over the first story due to the additional cost incurred by engineering and construction of a pitched roof over an interior which is unable to accommodate columns. To help satisfy a few concerns, the mechanical units were partially relocated on the lower, first story roofline, while the remainder shall be placed in the attic space of the pitched roof. The mechanical equipment needed for the filtration of the pool is proposed to be located on the southern side of the building, where it should not affect the neighbors to the north. The windows on the northern building elevation adjacent to the pool area are proposed to remain fully operable to promote air flow and natural light in the facility. However, the Pinecliff residents are concerned the

noise potentially produced by the facility during swim meets could emanate from the windows on the northern building façade will be magnified while travelling up the bluff.

Regarding limiting the hours of operation and number of swim meets per year: In this instance and at this time, staff is not supportive of regulating these two matters. Staff is concerned these potential conditions could be unenforceable, and could potentially cause an unnecessary issue in the future where an individual mistakes a typical swim lesson for a small swim meet. If the core of the issue is not the actual number of meets occurring at the location, but instead that swim meets generate more noise than a typical practice session, the issue would be regulated by Section 9.8.104 "Permissible Noise Levels" of the City Code. This section prohibits noise exceeding 55 db(A) at the residential property line during the hours of 7:00 a.m. and 7:00 p.m., this lowers to 50 db(A) between the hours of 7:00 p.m. and 7:00 a.m. Section 9.8.106 "Periodic, impulsive noises" also prohibits intermittent, shrill noises when they exceed 5 db(A) below the permitted noise level mentioned above. The applicant and business owner acknowledge these noise limitations and do not expect there to be a conflict. The applicant addresses the business owner's concerns with limiting the hours of operation in their response to the meeting with neighbors **F R** . Additionally, the applicant is open to adding additional plantings along the northern property line to help buffer and dissipate external noise.

Staff is supportive of the applications as presented and considers the applications to be in conformance with the review criteria for zone changes and development plans. The Pikes Peak Athletics facility as proposed will not be detrimental to the interest, health, safety, or welfare of the general public. The adjacent residential neighborhood is located roughly 450 feet from the building site and roughly 140 feet above the proposed facility. This development will not block the residential views or light. The proposal is also consistent with the goals and policies of the Comprehensive Plan as noted below. A Master Plan does not exist on this property, but the proposed development is within substantial conformance with the approved concept plan showing an outdoor swimming pool. While the proposal is unable to match the existing office structures architectural roof line exactly, staff is of the opinion the design is harmonious and compatible with the surrounding uses and neighborhood. The proposed aquatic center will not overburden the existing infrastructure and intends to use and share an existing curb cut for access. The proposed site design provides a landscaped buffer from Elkton Drive as well as a natural buffer from future development to the northeast.

2. Conformance with the City Comprehensive Plan:
The 2020 Land Use Plan within the Comprehensive Plan indicates the site is within the Residential Low designation. It is the finding of the Land Use Review Division that the Pikes Peak Athletics facility will substantially align with the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

Polic Promote a Foc sed, onsolidated and se 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.

trate c o Residential econdar ses

Include supporting uses such as neighborhood centers with pedestrian-oriented, low-impact shops and services, parks and recreation areas, religious institutions, and primary or middle schools. Neighborhood centers may range up to 5 acres in size.

It is the finding of the Land Use Review Division that the Pikes Peak Athletics facility will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

3. Conformance with the Area's Master Plan:
   There is no master plan for this area.

AFF R DA

P A F

Recommend approval to City Council the development plan for a swim and athletic facility based upon the finding that the development plan meets the review criteria as set forth in City Code Section 7.5.502.E. subject to compliance with the following technical modifications:

Conditions of Record:

The following land uses shall be prohibited:

1. Bar
2. Sexually oriented business
3. Medical marijuana center
4. Medical marijuana infused product manufacturer
5. Medical marijuana cultivation operation

P DP D P P A

Recommend approval to City Council the development plan for Pikes Peak Athletics based upon the finding that the development plan meets the review criteria as set forth in City Code Section 7.5.502.E. subject to compliance with the following technical modifications:

Technical Modifications to the Development Plan:

1. Revise all existing and proposed zone districts from PBC/HS to PBC/CR/HS on Development Plan sheets.
2. Place the Conditions of Record on sheet one of the Development Plan.
3. Label the neighboring property to the west's subdivision name on site plan (sheet two) as "McCullough Sub."
4. An additional handicap accessible parking stall is required for the number of parking stalls provided. When added, adjust the parking count accordingly.
5. Adjust sidewalk connection from Elkton Drive to building entrance to be handicap accessible. This connection currently proposes stairs, which are not ADA compliant.
6. Provide a note stating, "Electronic message center signage prohibited."
7. Provide a note stating, "Flat roof area to be painted beige."
8. Provide evidence the turf in the setback does not exceed the 50% maximum, or make the planting area larger. We do not include the parkway in this calculation, only the setback (this is applicable "by category"). Staff calculates the total area the same (about 12,500 sf) and the proposed turf to be about 6900 sf. Please further increase the planting / drip area in the setback.

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 67 WEST OF THE 6th P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF ELKTON BUSINESS CAMPUS AS RECORDED UNDER RECEPTION NUMBER 98187389 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO, CLERK AND RECORDER;
THENCE ALONG THE SOUTHWESTERLY BOUNDARY THEREOF, THE FOLLOWING TWO COURSES:
(1) THENCE NORTHERLY ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 30° 50'32" (THE LONG CHORD OF WHICH BEARS N 14° 49' 34" E, A LONG CHORD DISTANCE OF 176.50 FEET), AN ARC LENGTH OF 177.64 FEET TO THE SOUTHERLY CORNER OF LOT 1 IN SAID ELKTON BUSINESS CAMPUS;
(2) THENCE N 64° 24' 26" W, A DISTANCE OF 343.38 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1;
THENCE S 53° 54' 40" W, A DISTANCE OF 309.73 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE EASTERLY BOUNDARY OF LOT 2, McCULLOUGH SUBDIVISION AS RECORDED IN PLAT BOOK Z-2 AT PAGE 66 OF SAID COUNTY RECORDS;
THENCE S 00° 23' 26" E ALONG SAID LINE, A DISTANCE OF 140.89 FEET TO A POINT ON THE NORTHERLY LINE OF ELKTON DRIVE;
THENCE N 89° 24' 18" E ALONG SAID NORTHERLY LINE OF ELKTON DRIVE, A DISTANCE OF 514.14 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.95 ACRES, MORE OR LESS.

CONTACTS

OWNER/DEVELOPER:
PPA LANDOCO, LLC
125 IRON DUKE
COLORADO SPRINGS, CO. 80906
MR. GEORGE HEIDINGER

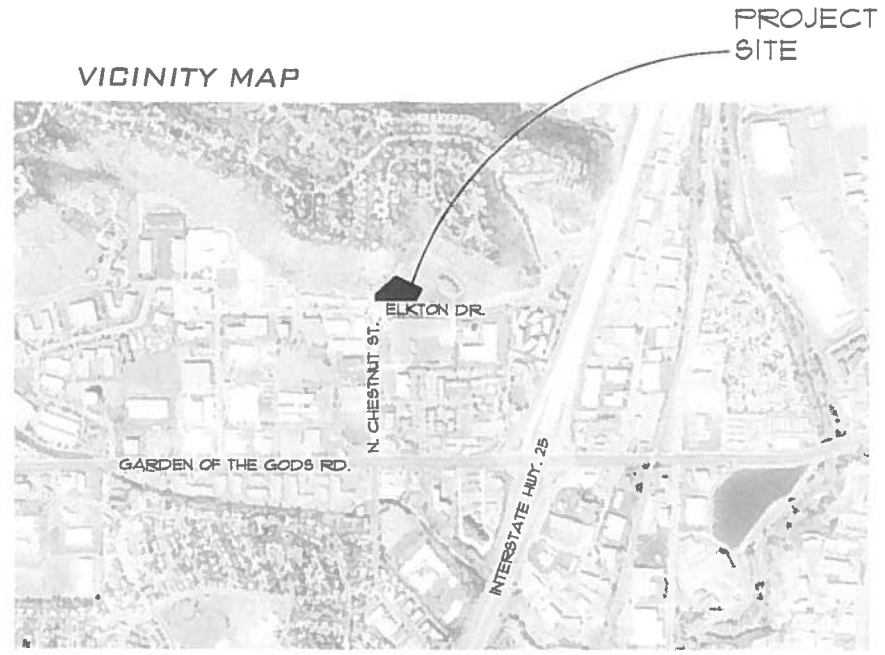
SURVEYOR:
ROCKY MOUNTAIN LAND SERVICES
1623 SOUTH TEJON STREE
COLORADO SPRINGS, CO
(719) 630-0559
CHRISTOPHER THOMPSON

ARCHITECT/PLAN PREPARER:
IRELAND DEAN DESIGNS
6912 WELFORD PLACE
CASTLE ROCK, CO. 80108
(720) 878-6534
SHANNIN ALBERS

LANDSCAPE ARCHITECT:
HIGHER GROUND DESIGNS, INC.
3610 REBECCA LN., STE. 111
COLORADO SPRINGS, CO 80917
(719) 477-1646
JOHN MACKAY

CIVIL ENGINEER:
WESTWORKS ENGINEERING
1023 W. COLORADO AVENUE
COLORADO SPRINGS, CO. 80904
(719) 685-1670 X20
CHAD KUZBEK

VICINITY MAP



NORTH SCALE 1" = 10,000'

SHEET INDEX

DP - 1 of 9	COVER SHEET
DP - 2 of 9	SITE PLAN
DP - 3 of 9	ARCHITECTURAL ELEVATIONS
DP - 4 of 9	SITE DETAILS
DP - 5 of 9	LANDSCAPE DATA
DP - 6 of 9	LANDSCAPE PLAN
DP - 7 of 9	GRADING PLAN
DP - 8 of 9	UTILITY PLAN
DP - 9 of 9	PHOTOMETRIC PLAN

SITE NOTES

1. TAX SCHEDULE NUMBER: 73244-00-038
2. CONCEPT PLAN ON FILE AT CITY: ELKTON HEIGHTS, 1998
3. PROPERTY CURRENTLY UNDEVELOPED, VACANT
4. PROPOSED USE IS AN ATHLETIC/AQUATIC TRAINING FACILITY
5. CURRENT ZONE DISTRICT: (RHS) LARGE LOT RESIDENTIAL/HILLSIDE
6. PROPOSED ZONE DISTRICT: (PBC/HS) PLANNED BUSINESS CENTER/HILLSIDE
7. SCHEDULE OF DEVELOPMENT BUILD OUT: 2016
8. FEMA FLOODPLAIN MAP NUMBER: 08041C0514 F EFFECTIVE DATE MARCH 17, 1997. PANEL 514 OF 1300, EL PASO COUNTY, COLORADO. THIS SITE IS NOT LOCATED WITHIN A DESIGNATED FLOODPLAIN.
9. A GEOLOGIC HAZARDS EVALUATION AND GEOTECHNICAL INVESTIGATION WAS PREPARED BY CTL THOMPSON INC, ON DECEMBER 4, 2015 AND AMENDED IN APRIL 2016, BY TIMOTHY A. MITCHELL, P.E. COPIES OF THE REPORT AND APPLICATION FOR GEOLOGIC HAZARD HAVE BEEN INCLUDED WITH THIS DEVELOPMENT PLAN APPLICATION.
10. PROPOSED DEVELOPMENT IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED CONCEPT PLAN.
11. THIS SITE IS TO BE PLATTED AS ELKTON BUSINESS CAMPUS FILING NO. 2,

SITE ANALYSIS

LOT 1	128,373.13 SF = 2.95 AC
EXISTING USE	VACANT LAND
PROPOSED USE	PERSONAL IMPROVEMENT SERVICE
USER/TENANT	AQUATIC TRAINING FACILITY
LANDSCAPE AREA	57,600 SF = 45%
PAVING/HARDSCAPE AREA	50,468 SF = 39%
BUILDING FLOOR PRINT 1ST FLOOR AREA 2ND FLOOR AREA TOTAL BLDG AREA	20,478 SF = 16% 20,478 SF 8,412 SF 28,890 SF
BUILDING HEIGHT - PROPOSED	30'-0"
BUILDING HEIGHT - ALLOWED	45'-0"
PARKING REQUIRED 1 PER 250 SF	28,890 SF TOTAL BUILDING REQUIRED MAX 116 STALLS
PARKING PROVIDED	119 STANDARD 4 HANDI CAP 123 TOTAL
ZONING EXISTING:	LARGE LOT RESIDENTIAL (R/HS)
ZONING PROPOSED:	PLANNED BUSINESS CENTER/HILLSIDE (PBC/HS)

AR DP 16-00023

IRELAND DEAN DESIGNS, LLC
ARCHITECTURE
LAND PLANNING
DEVELOPMENT SERVICES
6912 WELFORD PL
CASTLE ROCK, COLORADO 80108
P 303 660-9970

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

DATE	DESCRIPTION
03/01/16	1ST OFFICIAL SUBMITTAL
04/15/16	2ND OFFICIAL SUBMITTAL

COVER SHEET

PROJECT #: 15.037
DRAWN BY: KA
DESIGNED BY: KA
CHECKED BY: SDA

FIGURE 1

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

GENERAL NOTES

1. ALL SIGNS REQUIRE A SUBMITTAL AND APPROVAL OF A SIGN PERMIT THROUGH THE CITY OF COLORADO SPRINGS.

LEGEND

- HANDI CAP RAMP
- SETBACKS
- PROPERTY LINE
- GUARD RAIL
- RETAINING WALL
- MONUMENT SIGN
- LIGHT POLE
- BLDG MOUNT LIGHT
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- TRAFFIC ARROWS
- PARKING COUNT
- BUILDING FOOTPRINT

SITE ANALYSIS

LOT 1	128,373.13 SF = 2.95 AC
EXISTING USE	VACANT LAND
PROPOSED USE	PERSONAL IMPROVEMENT SERVICE
USER/TENANT	AQUATIC TRAINING FACILITY
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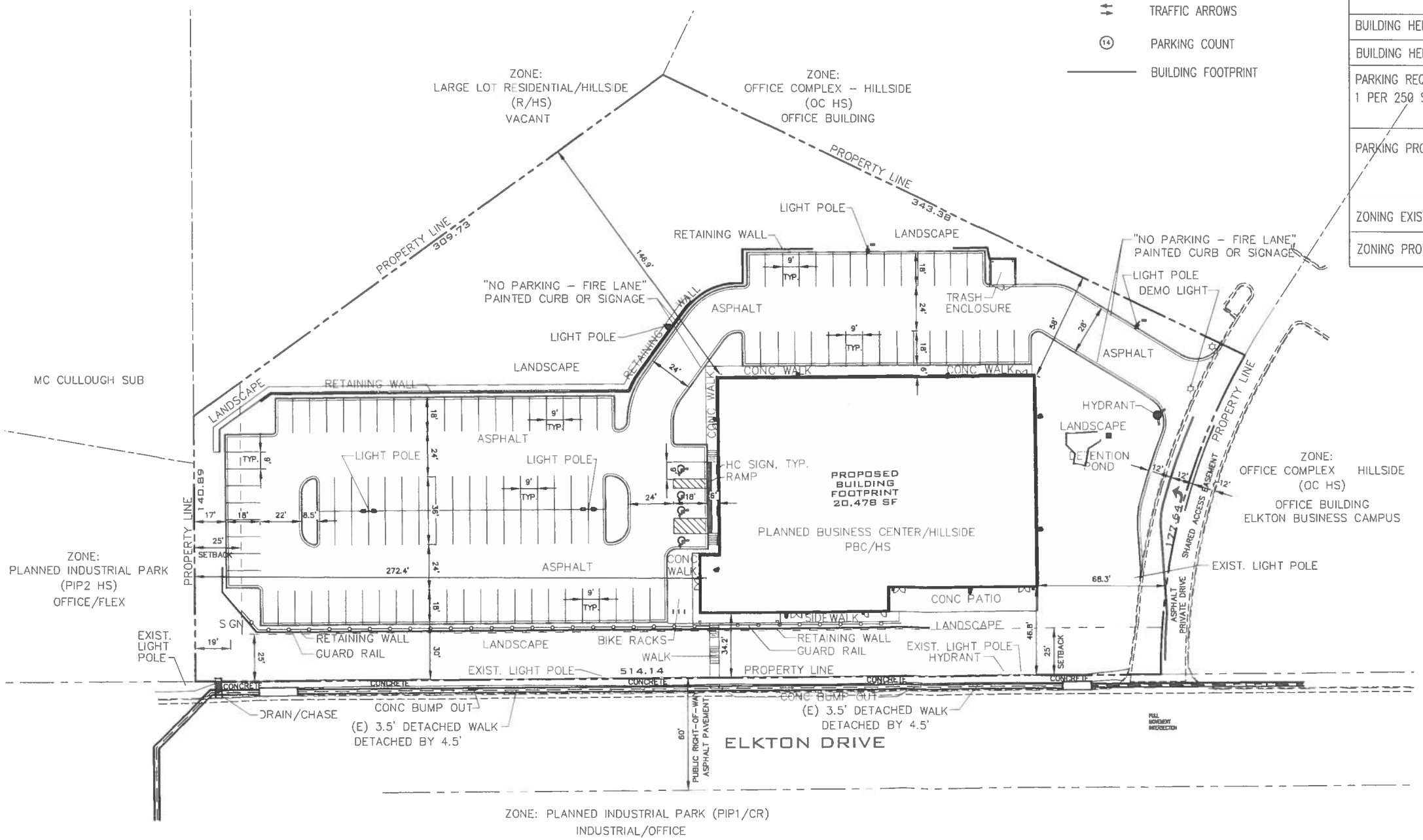
PARKING REQUIRED 1 PER 250 SF	28,890 SF TOTAL BUILDING REQUIRED MAX 116 STALLS
PARKING PROVIDED	119 STANDARD 4 HANDI CAP 123 TOTAL
ZONING EXISTING:	LARGE LOT RESIDENTIAL (R)
ZONING PROPOSED:	PLANNED BUSINESS CENTER (PBC)



SITE PLAN
SCALE: 1" = 30'-0"

0 30' 100'
10' 60'

AR DP 16-00023

FIGURE 1

IRELAND DEAN DESIGNS, LLC
ARCHITECTURE
LAND PLANNING
DEVELOPMENT SERVICES
4913 WELFORD PL
CASTLE ROCK, COLORADO 80108
P 303 660 0870

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

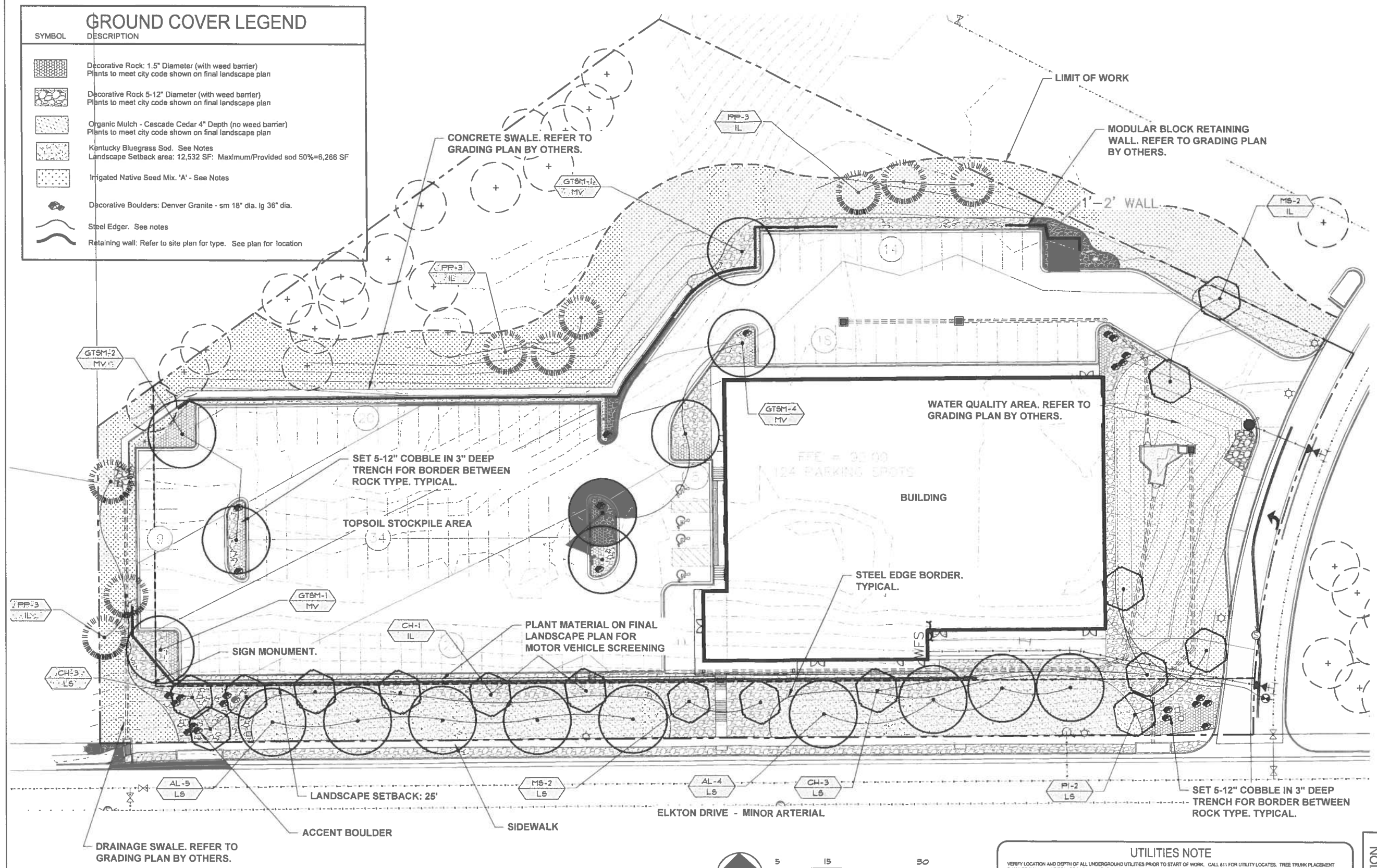
DATE	DESCRIPTION
03/01/16	1ST OFFICIAL SUBMITTAL
04/15/16	2ND OFFICIAL SUBMITTAL

SITE PLAN

PROJECT #: 15.037
DRAWN BY: KA
DESIGNED BY: KA
CHECKED BY: SDA

GROUND COVER LEGEND

SYMBOL	DESCRIPTION
	Decorative Rock: 1.5" Diameter (with weed barrier) Plants to meet city code shown on final landscape plan
	Decorative Rock 5-12" Diameter (with weed barrier) Plants to meet city code shown on final landscape plan
	Organic Mulch - Cascade Cedar 4" Depth (no weed barrier) Plants to meet city code shown on final landscape plan
	Kentucky Bluegrass Sod. See Notes Landscape Setback area: 12,532 SF: Maximum/Provided sod 50%=6,266 SF
	Irrigated Native Seed Mix. 'A' - See Notes
	Decorative Boulders: Denver Granite - sm 18" dia. lg 36" dia.
	Steel Edger. See notes
	Retaining wall: Refer to site plan for type. See plan for location



PRELIMINARY LANDSCAPE PLAN

DEVELOPMENT PLAN

UTILITIES NOTE

VERIFY LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES PRIOR TO START OF WORK. CALL 811 FOR UTILITY LOCATES. TREE TRUNK PLACEMENT SHALL BE 8' MINIMUM DISTANCE FROM ANY GAS OR ELECTRIC AND 10' FROM GAS MAINS RATED AT 150PSI. FOR SANITARY SEWER AND WATER MAINLINES TREES SHALL NOT BE LOCATED WITHIN EASEMENTS AND WITHIN 10' OF ANY MAINLINE. ANY CONFLICT BETWEEN TREE LOCATIONS AND UTILITIES SHOWN ON PLANS SHALL BE RESOLVED WITH GENERAL CONTRACTOR PRIOR TO PLANTING. ALL ELECTRICAL VAULTS AND TRANSFORMERS SHALL BE KEPT CLEAR FROM PLANT MATERIAL PER COLORADO SPRINGS UTILITIES GUIDELINES "LANDSCAPING AROUND ELECTRICAL EQUIPMENT". SEE COLORADO SPRINGS UTILITIES CONSTRUCTION STANDARD DRAWINGS 18-302 FOR SPECIFIC CLEARANCE REQUIREMENTS. ALL SHRUBS TO BE LOCATED 7' CLEAR OF ALL FIRE HYDRANTS AT MATURE SIZE.

DOCUMENT DISCLAIMER NOTE

IRRESPECTIVE OF ANY OTHER TERM IN THIS DOCUMENT, LANDSCAPE ARCHITECT SHALL NOT CONTROL OR BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SCHEDULES, SEQUENCES OR PROCEDURES, OR FOR CONSTRUCTION SAFETY OR ANY OTHER RELATED PROGRAMS, OR FOR ANOTHER PARTIES' ERRORS OR OMISSIONS OR FOR ANOTHER PARTIES' FAILURE TO COMPLETE THEIR WORK OR SERVICES IN ACCORDANCE WITH LANDSCAPE ARCHITECT'S DOCUMENTS.

AR DP 16-00023

HIGHER GROUND DESIGNS
LANDSCAPE ARCHITECTURE & IRRIGATION DESIGN
3610 REBECCA LANE, STE. 111
COLORADO SPRINGS, CO 80917
Phone 719-477-1648
Fax 719-388-1122

PIKES PEAK ATHLETICS CENTER
COLORADO SPRINGS, CO

PREPARED FOR:

THIS DOCUMENT IS FOR APPROVAL/BID ONLY. ALL PLANS, DETAILS AND NOTES IN THIS DOCUMENT SHALL NOT BE USED FOR ANY OTHER CONSTRUCTION. THESE DRAWINGS ARE THE PROPERTY OF HIGHER GROUND DESIGNS, INC. AND SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT WRITTEN AUTHORIZATION BY HIGHER GROUND DESIGNS, INC

FOR APPROVAL ONLY

NOT FOR CONSTRUCTION

JOB NUMBER 592-15

REVISIONS	
4-15-16	PER COMMENTS

ORIGINAL DATE 3-1-16
DRAWN BY JM
DESCRIPTION PRELIMINARY LANDSCAPE PLAN
SHEET NO. LP-02
6 of 9

FIGURE 1

May 5, 2016

Hannah Van Nimwegen
Planner II
City of Colorado Springs ï Land Use Review Division
30 South Nevada Ave. Ste. 105
Colorado Springs, CO 80901

Dear Ms. Van Nimwegen;

Rezone, Development Plan, and Final Plat Description for Pikes Peak Athletics

These applications for a **Rezone, Development Plan, and Final Plat** are for platting a 2.95 acres parcel, being a portion of approximately a seven (7) acre parcel located at Elkton Dr. and N. Chestnut St.

The existing unplatted parcel is approximately seven (7) acres. The majority of the seven acres is a steep hillside and is undevelopable. The 2.95 acres being platted with this application is the portion of the parcel nearest to Elkton Dr. and is suitable for development.

The subject property is vacant and is requesting a rezone from Large Lot Residential/Hillside (R/HS) to Planned Business Center/Hillside (PBC/HS). The proposed use and building will be for PPA Landco, LLC (Pikes Peak Athletics). PPA is an aquatic and athletic facility for training and conditioning of current and future competitive swimmers. This facility will be used by swimmers who are training for, or are already competing in local and regional meets. Patrons of PPA may hold memberships to local, regional or national swimmers associations.

This training facility will be a 28,890 Sq. Ft., two story structure with a 30 foot building height. The building will house a training pool, teaching pool, therapeutic hot tub, reception area, locker rooms, offices, strength/conditioning room, and family viewing area. Access to the property will be off Elkton Dr.

Adjacent zoning consists of Office Complex - Hillside (OC HS) to the east, Planned Industrial Park (PIP1/CR) to the south, Planned Industrial Park (PIP2 HS) to the west, and Large Lot Residential/Hillside (R/HS) to the north. The street elevation of Sunbird Cliffs is 6436 and the street elevation of Elkton Dr. is 6290. The elevation difference between the Residential to the north and the subject property is 146 vertical feet.

Ireland Dean Designs
Architecture – Planning
425 Wilcox Street, Castle Rock, CO 80104
Direct: 720-258-5042

FIGURE 2

The review criteria for a Zone Change and Development Plan have been met. The proposed use of the subject property is not one of excessive noise. The pool facility is an indoor facility. The larger windows face away from the adjacent residential. Modern electronic beepers have replace the starting guns and buzzers of past pool facilities. Traffic counts are in keeping with the adjacent users to the east, west and south. The development will share an access with the existing property to the east, thus eliminating additional curb cuts on Elkton. No pollutants are emitted at this training facility. There are no late night operations of the aquatic facility. Upon first review, staff has found that the proposed development is in substantial conformance with the already approved Concept Plan. The new structure is located 146 feet below the residential to the north, there for no views or light shed from the cut off fixtures will impact the homes 146 feet above. On site, required parking has not only been met but has been exceeded as to, not burden adjacent properties. The building design is harmonious with adjacent properties to the east, west and south. The proposed building will use masonry construction in a blend of colors. The proposed facility is a community friendly use. The proposed land use will operate virtually identical to any neighborhood home ownerôs recreation center, pool or park facility. Handicapped parking and public sidewalk ramps are included in the design to meet ADA requirements. The existing site is vacant and does not have any mature vegetation, water ways, endangered wildlife habitat, historical features or significant natural features. There for no sensitive features will require preservation.

These applications are being submitted concurrently. Additional submittal documents to these applications were submitted with the initial submittal, such as a mineral estate owner affidavit, geologic hazard report, legal description, survey/plat, title commitment, and hillside suitability analysis. The Development Plan application has provided building elevations, site, landscape and grading plans and a drainage report.

We thank you for your review and favorable recommendation to the Planning Commission and City Council.

Sincerely,

Kristin Albers
Ireland Dean Designs, LLC

FIGURE 2

Surrounding Land Uses and Zone Districts

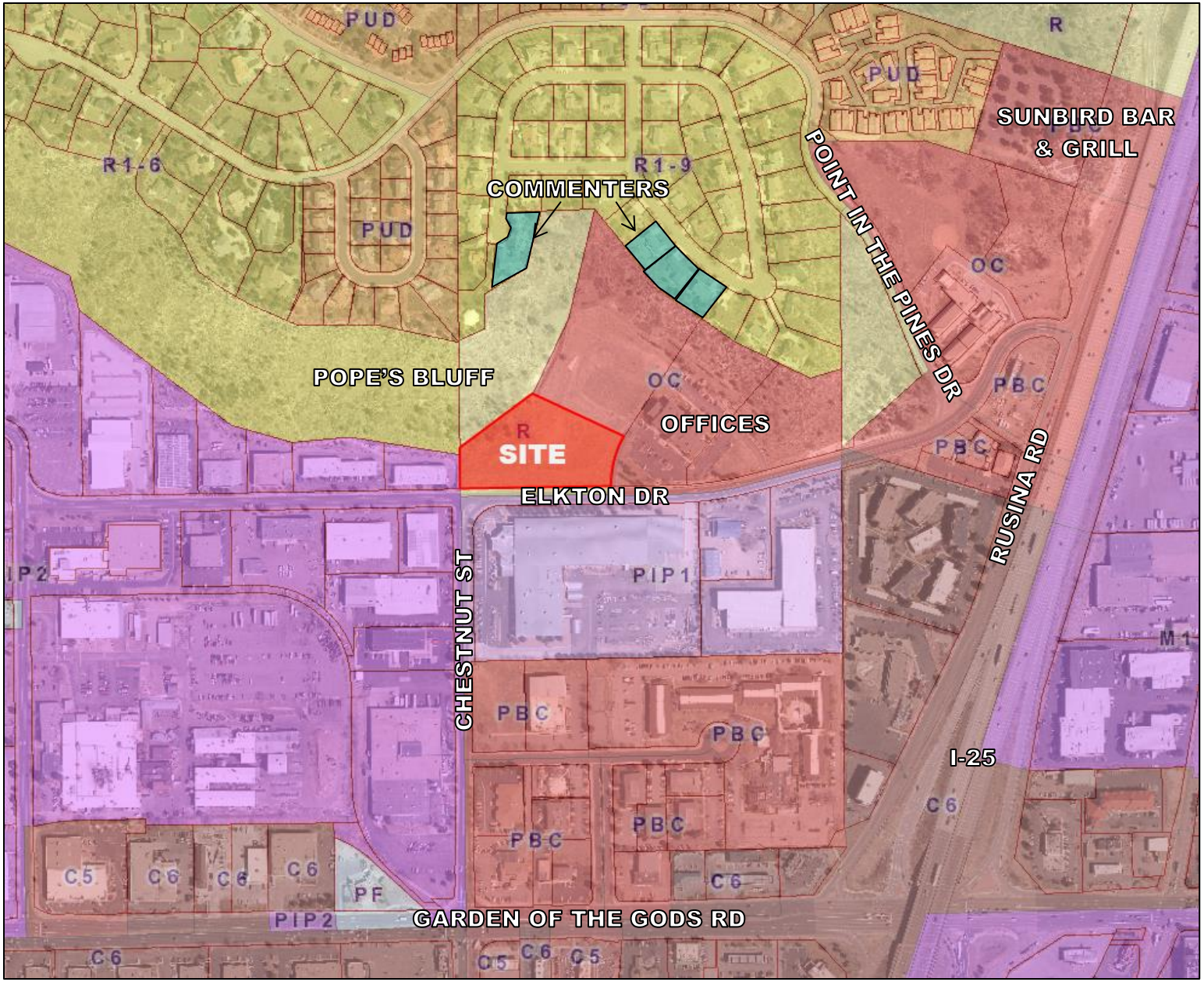
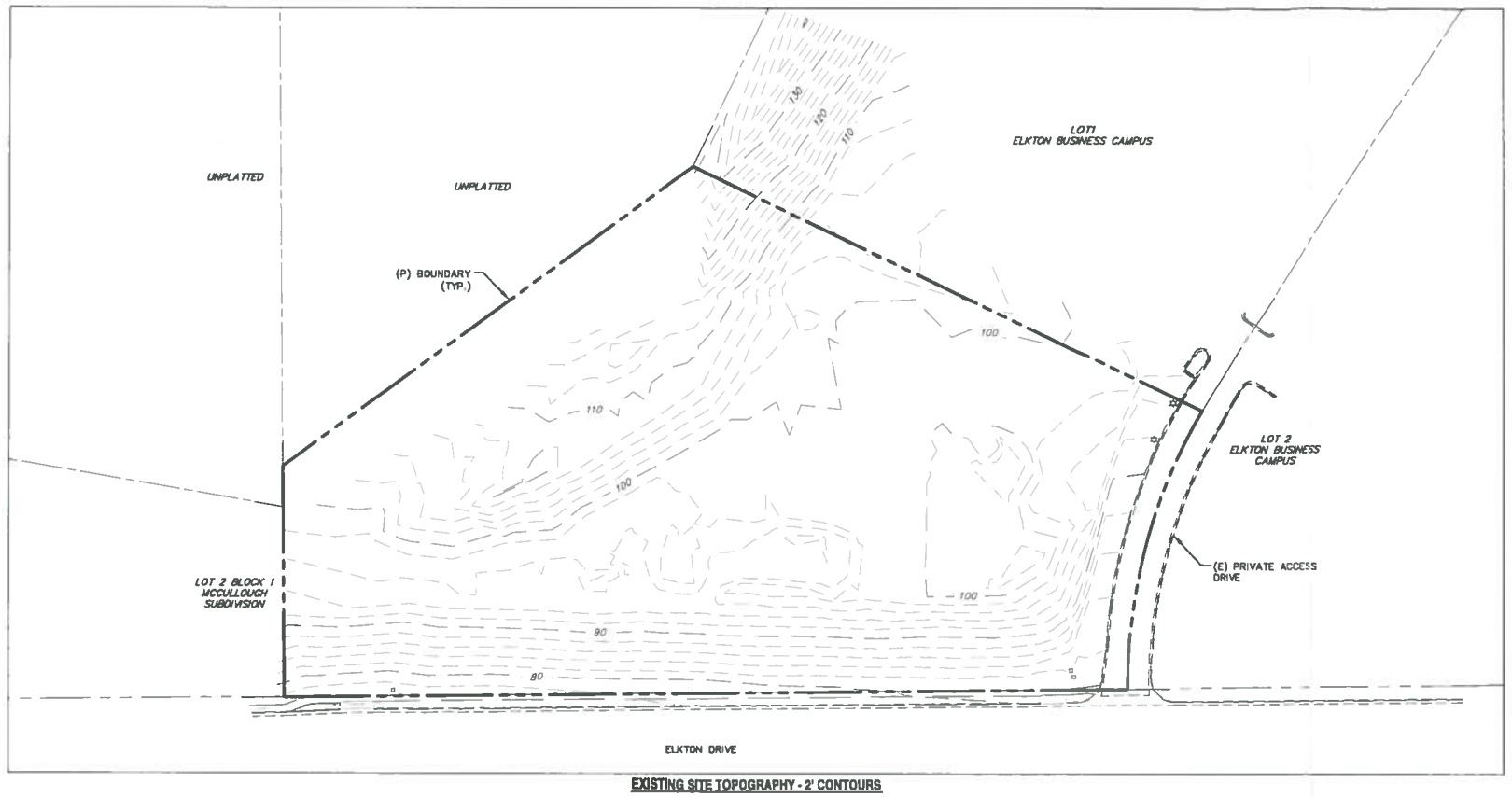


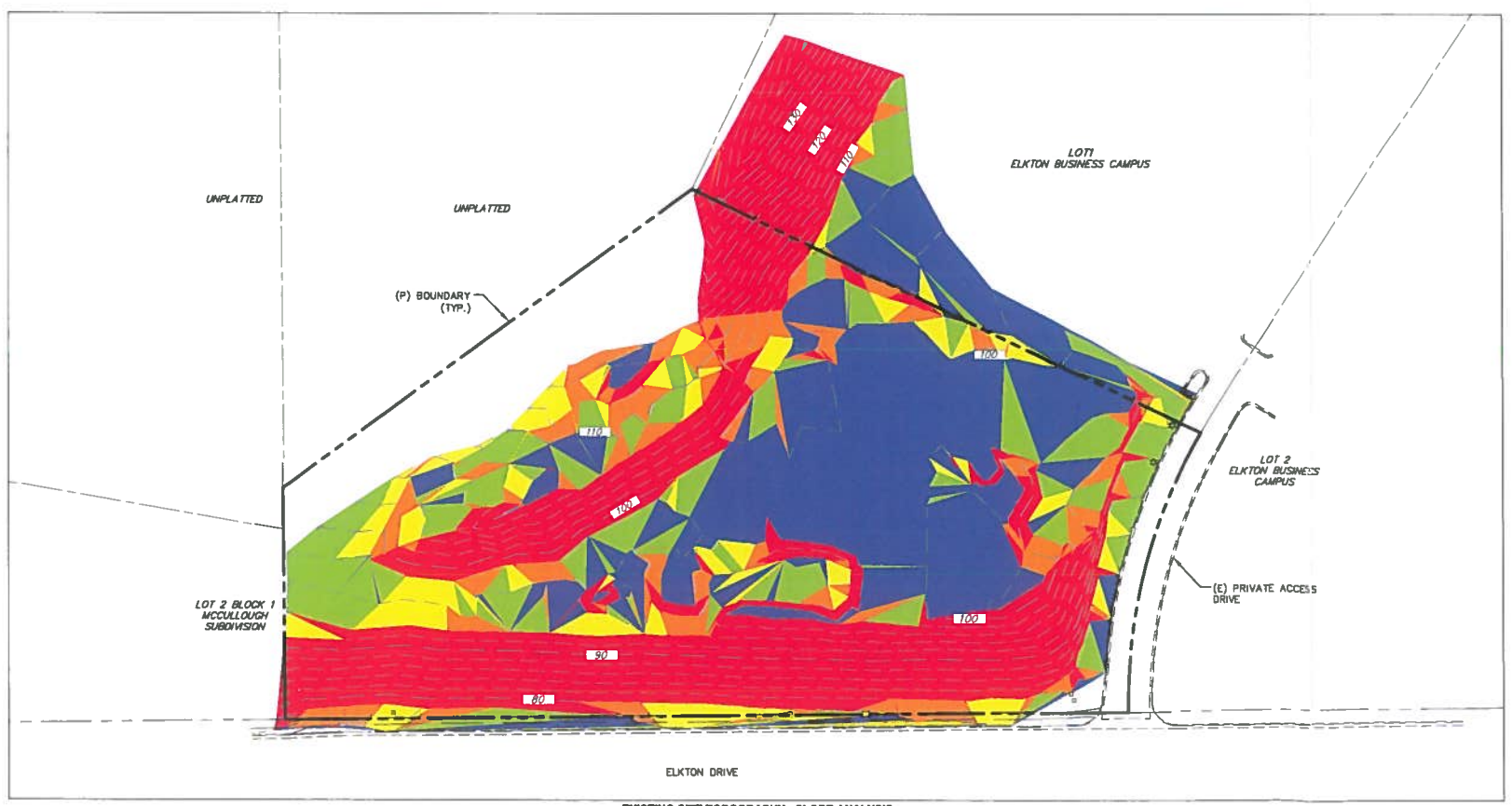
FIGURE 3

PIKES PEAK ATHLETICS

LAND SUITABILITY ANALYSIS



EXISTING SITE TOPOGRAPHY - 2' CONTOURS



EXISTING SITE TOPOGRAPHY - SLOPE ANALYSIS

LAND SUITABILITY ANALYSIS COMPONENTS/NOTES/WRITTEN TEXT:

a. SLOPE ANALYSIS:
–SLOPE ANALYSIS AND TOPOGRAPHY IS SHOWN ON THIS PLAN.

b. VEGETATION AND WILDLIFE:
–THE EXISTING SITE HAS ALREADY HAD SOME PAD–SITE GRADING ON IT. IT HAS BEEN RESEEDED WITH A NATIVE SEED MIX. THERE ARE SEVERAL JUNIPER PINES ON THE HILLSIDE ABOVE THE SITE WHICH WILL NOT BE DISTURBED WITH THIS PROJECT.

(1) THERE ARE NO KNOWN COLORADO FOREST SERVICE DEFINED ECOSYSTEMS ON THE SITE.

(2) THE EXISTING SITE IS COVERED IN GRASSES. THE SURROUNDING AREA IS ALREADY DEVELOPED WITH RESIDENTIAL, OFFICE, AND INDUSTRIAL USES, THEREFORE THE RISK OF WILDFIRE IS VERY LOW FOR THIS SITE.

(3) THERE ARE NO KNOWN WILDLIFE HABITAT OR MITIGATION CORRIDORS ON THIS SITE.

c. GEOLOGY, SOILS, AND NATURAL FEATURES:

(1) CTL THOMPSON PREPARED A REPORT TITLED "GEOLOGIC HAZARDS EVALUATION AND GEOTECHNICAL INVESTIGATION, PIKES PEAK ATHLETICS AQUATICS CENTER, ELKTON DRIVE, COLORADO SPRINGS, CO," DATED DECEMBER 4, 2015. THIS REPORT DID NO IDENTIFY ANY GEOLOGIC HAZARDS BELIEVED TO PRECLUDE DEVELOPMENT FOR THE INTENDED USE. POTENTIAL GEOLOGIC HAZARDS THAT WERE INDENTIFIED THAT MAY POSE CONSTRAINTS TO DEVELOPMENT INCLUDE THE OCCURRENCE OF UNDOCUMENTED FILL AND EXPANSIVE SOILS, AND TO A LESSER EXTENT, ROCKFALL POTENTIAL ON THE WEST SIDE OF THE SITE. THERE ARE NO KNOWN UNDERGROUND MINES FOR THIS SITE.

(2) EXISTING SOILS ON THE SITE CONSIST MOSTLY OF TRUCKTON LOAMY SAND (SCS MAP SYMBOL 95). THIS SOIL IS WELL–DRAINED AND PERMEABILITY IS MODERATELY RAPID. AVAILABLE WATER CAPACITY IS MODERATE. SURFACE RUNOFF IS SLOW, AND THE HAZARD OF EROSION IS MODERATE TO HIGH. THE SOIL IS WELL–SUITED FOR DEVELOPMENT.

(3) THERE ARE NO STREAMBEDS OR NATURAL DRAINAGE FEATURES ON THE SITE. THERE ARE SEVERAL ROCK OUTCROPPINGS ADJACENT TO THE NORTH/NORTHWEST OF THE SITE. THESE OUTCROPPINGS WILL NOT BE DISTURBED WITH CONSTRUCTION. NO OTHER NATURAL OR MANMADE FEATURES WERE IDENTIFIED BY SPRINGSVIEW.

d. TOPOGRAPHIC MAP:
–TOPOGRAPHY IS SHOWN ON THE PLAN.

SLOPE LEGEND

0% – 8%	
8% – 12%	
12% – 15%	
15% – 25%	
25%+	

LEGEND

EXISTING	(E)
PROPOSED	(P)
FUTURE	(F)
CURB AND GUTTER	C&G
EASEMENT	ESMT
RIGHT–OF–WAY	ROW
BOUNDARY	
RIGHT–OF–WAY	
LOT LINE	
EASEMENT	
(E) CONTOUR, INDEX	6940
(E) CONTOUR	

N

0 50 100

SCALE: 1" = 50'

PREPARED FOR: PIKES PEAK ATHLETICS	WESTWORKS ENGINEERING 1823 W. COLORADO COLORADO SPRINGS, CO 80904 (719) 955-1678	PIKES PEAK ATHLETICS	DRAWN BY: CDK
		SCALE: 1"=50'	DATE: 02/29/16
		LAND SUITABILITY ANALYSIS	JOB NUMBER: 91510
			SHEET: 1 OF 1

FIGURE 4

From: Paula Lydon <paulalydon@gmail.com>
Sent: Friday, March 25, 2016 2:42 PM
To: Van Nimwegen, Hannah
Subject: Pikes Peak Athletics Applications - Elkton Road

Hello Ms. Van Nimwegen,

I am providing comments in regards to application numbers CPC ZC 16-00022, CPC DP 16-00023, CPC SWP 16-00024, and AR FP 16-00134. These are applications on behalf of Pikes Peak Athletics for a aquatic facility on undeveloped land on Elkton Road.

My family lives at 4920 Sunbird Cliffs Drive. We overlook the Elkton Business Park. We have a direct line of sight to the proposed building.

In regards to the Zoning Change and the Subdivision Waiver -- It seems that a 7 acre parcel was split and Pikes Peak Athletics will be building on about 3 acres. We support the request for PBC zoning for the 3 acre parcel.

Why is the remaining 4 acre parcel being rezoned at this time? Are there development plans for that parcel? If not, then it seems premature to zone the parcel PBC. If, as noted in the application, the parcel is "undevelopable" then perhaps it should be zoned residential, as is the parcel immediately to the west of it. Both act as something of a buffer parcel between the residential properties and the commercial/industrial. We do not support a change in zoning for the 4 acre parcel at this time, at least without more information about the future use of the parcel.

We assume the request for Subdivision Waiver is due to the fact that Pikes Peak Athletics does not own the 4 acre parcel and does not wish to speak to that parcel's future. We completely understand. However, if both lots are to be rezoned together, then we feel a Subdivision Plan is warranted.

The best way I can say it is that we feel either both parcels should go through the process together - zoning and a subdivision plan - or they go through completely separate - zoning for the parcel in question only and waive the subdivision plan.

As for the Development Plan / Final Plan applications -- Pikes Peak Athletics appears to be proposing a commercial neighbor that we would welcome. The building and landscaping look to be beautifully designed. But our view is as much from the top as the back side. I don't see anything in the plans that would let us know what the view is from above. Specifically, we would like to know where are the mechanicals - AC, heaters, vents, etc. to be located? Within the building envelope out of sight and sound? On the roof? On the ground? How many? When will they operate? We would really like to know more about the proposed plans in this regard. We are concerned about the noise and aesthetics that we might face on a daily basis. Might this information be available to send to those of us that overlook the proposed building?

Thank you for allowing us to comment on the applications.

FIGURE 5

Please do not hesitate to contact us if you have any questions.

Paula Lydon

_____

The Lydon Family
4920 Sunbird Cliffs Drive
Colorado Springs, CO 80919
719-531-5504
paulalydon@gmail.com

FIGURE 5

From: CenturyLink Customer <bobjoanne1@q.com>
Sent: Saturday, March 26, 2016 10:09 AM
To: Van Nimwegen, Hannah
Subject: Re: Link to d

Hanna,

I guess the only objections I have are the rezoning to allow such a building in this location and the design of the building with a flat roof. I think there should be some continuity in design with the existing office building next door. This would have all the mechanical units on the roof. I live directly above this and that would be very unsightly and very noisy. With this type of building these units will running 24/7 and I think that will devalue my property substantially as well as all my neighbors around the Sunbird Cliffs edge.

Please take into consideration as you review this application.

Bob & Joanne Patterson

411 Sunbird Cliffs Lane

Colorado Springs, Co. 80919

From: "Van Nimwegen, Hannah" <hvannimwegen@springsgov.com>
To: bobjoanne1@q.com, "kirkmccorm@msn.com" <kirkmccorm@msn.com>
Sent: Friday, March 25, 2016 3:00:01 PM
Subject: RE: Link to plans

Hello Bob and Kirk,

The link below will lead you to our online database of plans. The case number for the Development Plan will have the most information site plan and building elevation wise, CPC DP 16-00023. Please let me know if you have any questions or concerns.

http://eoc.springsgov.com/ldrs/

Yes, the deadline was extended to April 4th due to the extra time it took to create the poster.

Thanks and please feel free to shoot over any questions or concerns,

Hannah E. Van Nimwegen | Planner II
(719) 385-5365 | hvannimwegen@springsgov.com

FIGURE 5

From: Kirk McCormick [mailto:kirkmccorm@msn.com]
Sent: Thursday, March 24, 2016 11:38 AM
To: Van Nimwegen, Hannah
Cc: bobjoanne1@q.com
Subject: RE: Link to plans

Thanks Hanna. A couple of things, can you confirm for me that our new deadline for initial comments is April 4? Also, can you please email the link to the plans directly to Bob Patterson, who is an affected homeowner on the ridge. His email is included above. Thanks.

Kirk

From: hvannimwegen@springsgov.com
To: kirkmccorm@msn.com
Subject: Link to plans
Date: Tue, 22 Mar 2016 19:45:43 +0000

Hello Kirk,

The link below will lead you to our online database of plans. Like I mentioned on the phone, the case number for the Development Plan will have the most information site plan and building elevation wise. Please let me know if you have any questions or concerns.

http://eoc.springsgov.com/ldrs/

Thanks,

COLORADO SPRINGS
OLYMPIC CITY USA

Hannah E. Van Nimwegen | Planner II
(719) 385-5365 | hvannimwegen@springsgov.com

City of Colorado Springs | Planning & Community Development | Land Use Review Division
30 South Nevada Avenue, Suite 105
Colorado Springs, CO 80901

FIGURE 5

From: Bill & Valeta <billvaleta@q.com>
Sent: Wednesday, March 30, 2016 1:11 PM
To: Van Nimwegen, Hannah
Subject: Structure on vacant lot

To: City Planner

We live at 4930 Sunbird Cliffs Drive. We are in California, and have been notified by a neighbor that a structure is being considered being built on the vacant lot below us. We don't have much information, but we are concerned that the structure to be built fits in with our development. Our main concern is the style of the roof. Definitely not a flat top. Our second concern is that the siding be compatible with Sunbird Cliffs requirements.

Thanks for considering our concerns.

Bill & Valeta Poage
4930 Sunbird Cliffs Drive
809119

FIGURE 5

From: Kirk McCormick <kirkmccorm@msn.com>
Sent: Thursday, March 31, 2016 4:11 PM
To: Van Nimwegen, Hannah
Subject: FW: Elkton & Chestnut Development
Attachments: IMG_2530.JPG; IMG_2532.JPG; 3233_001.pdf

From: kirkmccorm@msn.com
To: hvannimegen@springsgov.com
CC: robert.atkins.3@us.af.mil; bobjoanne1@q.com; billvaleta@q.com; bruceh@pcisys.net; paula@springsbesthomes.com
Subject: Elkton & Chestnut Development
Date: Thu, 31 Mar 2016 16:01:29 -0600

Hanna, here are my comments and objections:

When the Elkton Partners began the development below my home years ago they presented a site plan that has three phases. Phase I is complete, and resulted in a very professional looking office building with a residential roof. Phase II will eventually be a building that looks just like it, and I'm fine with that. This is the plan that was in existence when I bought my home in 2008, and I relied on this plan at that time because I did not want a block building with a flat roof sitting below my home. I think all of my neighbors share this position. I am attaching a picture of the Elkton Partners phase I building.

What is being proposed for the Pikes Peak Athletics swimming facility is a significant zoning change request. The building zoning immediately around the proposed development, which originally included the proposed development site, are zoned OC. Across the street is PIP-1. To the west is PIP-2. There is a band to the northwest that is R1-6. This requested zoning change amounts to spot zoning to accomodate the intended use. I've attached a zoning map that demostrates this. Importantly, what this zoning change means is that if the intended business fails, the requested zoning change would allow a new business to operate, for example, as a bar; an automotive service; a liqour store; pet services; a sexually orientated business or medical marijuana. I've attached the City of Colorado Springs graph for permitted uses. If the zoning is going to change, then I think the construction of this building needs to conform to the look and other expectations of the homeowners on the ridge.

As you know, Elkton Partners recently sold the parcel in front of phase II to Pikes Peak Athletics and in their Plat Approval Covenant Elkton Partners granted the owners of Pikes Peak Athletics the right to build a facility as long as Elkton Partners approved of the plan. The Platt Approval Covenant requires Elkton Partners approval of the design. Has that permission been granted?

As currently proposed, the Pikes Peak Athletics building is completely incompatible with the

FIGURE 5

architectural guidelines for the development of all of the land that was owned and platted by Elkton Partners and that Elkton Partners has already started to develop. This building will stick out like a sore thumb, is unsitely compared to Elkton Partners phase I-III, and is inconsistent with what was represented to me when I bought my property. I object strongly to any building that does not have a residential roof and reflect the architectural imprint established by Elkton Partners.

Some additional concerns relate to noise. Where are the heating and airconditioning units going to be placed? Typically they would go on the roof, which is going to produce a lot of noise. There will undoubtedly be extra mechanical requirements since the building will house a large swimming pool. I think that all of the mechanical equipment should be located where they are shielded from the homes in the neighborhood by the building itself, and not on the roof. In other words, all of the mechanical equipment whould be at ground level on the south side of the building.

Another concern is the noise produced by the events that will be hosted by the facility. Will the facility be hosting swim meets and competitions? If so, the exterior traffic and human noise levels with a parking lot full of high school students can be anticipated to be very high. What is or can be done to mitigate that? Also, if swim meets are being hosted then inside the building each race will be preceeded by a blow of the whistle, a starters pistol and then followed by shouting and cheering fans. Have any sound level studies been performed at similar facilities? If not they should be. The building cannot emit sound levels that by the time they reach my property line exceed 45 decibals. I need to be assured that the decibals will not exceed that level. What sound insulation planning has been done to insure that the interior noise does not affect the homes on the ridge? I want to point out that there are a lot of windows planned in this building that face our homes on the ridge, and sound will be emitted through those windows. Also, how late will the facility be open? The hours of operation need to be limited so that we are not contending with the crowd noise into the evening hours.

Another concern is the photometrics. Is there a plan that gives more detail to this? Of course there should be hoods or shrouds that direct the exterior lighting downwards. Everything possible should be done to minimize the light pollution towards the ridge, and the lights should be set on a timer.

In summary, my position is that the proposed building needs to be constructed with a residential roof; and there needs to be assurances that the use will not violate city codes for noise and light pollution.

I look forward to speaking with further concerning my concerns.

Kirk McCormick
4940 Sunbird Cliffs Drive
719-210-9322

FIGURE 5

7.3.203

PERMITTED, CONDITIONAL AND ACCESSORY USES
OFFICE, COMMERCIAL, INDUSTRIAL, TRADITIONAL NEIGHBORHOOD DEVELOPMENT AND SPECIAL PURPOSE ZONE DISTRICTS

	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	PUD[1]	TND
Residential Use Types:															
Detoxification center	C	P	C	C	C					P					P
Dormitories		P	C	P	C			C				P			P(DP)
Duplex on an individual lot	P	P	C	P	C			C							P(DP)
Human service establishment:															
Human service facility:	P	P	C	P	C			C							P(DP)
Hospice	P	P	C	P	C			C							P(DP)
Nursing home	P	P	C	P	C			C							P(DP)
Youth home	P	P	C	P	C			C							P(DP)
Human service home	P	P	C	P	C			C							P
Human service residence:	P	P	C	P	C			C							P(DP)
Family care/foster adopt home	P	P	C	P	C			C							P(DP)
Hospice	P	P	C	P	C			C							P(DP)
Youth home	P	P	C	P	C			C							P(DP)
Human service shelter:	C	P	C	P	C	C	C	C							C
Healthcare support facility	C	P	C	P	C	C	C	C							C
Multi-family dwelling	C	P	C	P	C			C							P(DP)
One accessory dwelling unit				P											P(DP)
Retirement home		P	C	P	C			C							P

FIGURE 5

7.3.203

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

FIGURE 5

7.3.203

	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	PUD[1]	TND
Commercial Use Types (cont.)															
Equipment rental and sales					C			P	P						
Equipment repair services								P	P						
Equipment storage yard					C	C	C	C	P						
Bar			P	P	P			C	C			P	P		P(DP)
Bed and breakfast inn	C	P	P	P	P			C	C						P(DP)
Building maintenance services				P	P		P	C	C						
Business office support services		C	P	P	P	C	C	C	C				P		P(DP)
Business park		C	P	P	P	C	C	C	C				P		P(DP)
Campground		P	P	P	P					P	P	P			P(DP)
Commercial center			P	P	P			C	C				P		P(DP)
Communication services	P	P	P	P	P	P	P	P	P				C		P
Construction sales and services:															
Completely enclosed			P	P	P			P	P						P
Includes outside activities					P			P	P						P
Consumer convenience services			P	P	P			C	C						P
Consumer repair services			P	P	P			C	C						P
Exterminating services					P	P	P	P	P						P

FIGURE 5

7.3.203

	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	PUD[1]	TND
Commercial Use Types (cont.)															
Food sales:															P
Convenience food sales			P	P	P		C	C					P		P
General food sales			P	P	P		C	C							P
Specialty food sales			P	P	P		C	C					P		P
Funeral services	P	P	P	P	P		C	C							P
General retail			P	P	P			C	C			P	P		P(DP)
Hotel/motel		C	P	P	P			C	C			P	P		P
Kennels					C			P	P						
Laundry services (large scale activity)					P			C	C						P
Liquor sales			P	P	P			C	C						P
Miniwarehouses		C	P	C	P	C	P	P	P	P					
Mixed commercial-residential			P	P	P			C							P
Personal improvement services			P	P	P			C	C				P		P
Personal services; barber and beauty shops, photo studios, etc.		P	P	P	P			C	C				P		P
Pet services			P	P	P			C	C				C		P
Pharmacy	A	P	P	P	P			C	C				P		P
Recreation, commercial:															P
Indoor entertainment			P	P	P	C	C	C	C			C	C		P
Indoor sports and recreation			P	P	P	C	C	C	C			C	C		P

FIGURE 5

7.3.203

	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	PUD[1]	TND
Commercial Use Types (cont.)															
Outdoor entertainment					P			C	C			C			P
Outdoor sports and recreation			C		P	C	C	C	C			C	P		P
Restaurants:															
Drive-in or fast food		C	P	P	P	C	C	C	C			C	P		
Quick serve restaurant		P	P	P	P	C	C	C	C		P	P	P		
Sit down - served at table		P	P	P	P	C	C	C	C		P	P	P		P(DP)
Outdoor seating		P	P	P	P	C	C	C	C		P	P			P(DP)
Sexually oriented business			P	P	P				P						P(DP)
Surplus sales					P			C	C						P(DP)
Teen club/young adult club			C	C	C			C	C						P(DP)
Veterinary service:															
Large animal hospitals								P	P						
Small animal clinics			P	P	C			P	P						P(DP)
Civic Use Types:															
Administrative/safety services										P					P
Cemetery:	C	C	C	C	C	C	C	C	C	P					P
Columbarium	C	C	C	C	C	C	C	C	C	P					P
Mausoleum	C	C	C	C	C	C	C	C	C	P					P
Club (membership, social and recreational)			P	P	P	P	P	C	C				C		P

FIGURE 5

7.3.203

	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	PUD[1]	TND
Civic Use Types (cont.)															
Crematory				P	P			P	P						P
Cultural services	P	P		P	P			C	C			C			C
Daycare services	C	P	P	P	P	C	C	C	C				C		P
Detention facilities/halfway houses										P					P
Educational institutions:															
Charter school	P	P	C	C	C	C	C	C							P
College and university	P	P	C	C	C	C	C	C					C		P
Nonpublic schools	P	P	C	C	C	C	C	C							P
Proprietary schools	P	P	C	C	C	C	C	C					P		P
Public schools	P	P	C	C	C	C	C	C							P
Hospital		P	P	C	P	C	C	C	C						P
Maintenance and service facility							C	P	P	P			P		
Medical clinic		P	P	P	P	P	P	P	P				C		P
Public assembly					P			C	C	P					P
Public park and recreation										P	P		P		P
Religious institution	P	P	P	P	P	C	C	C							P(DP)
Semipublic community recreation	C	C	C	C	C	C		C	C						P
Social service center			P		P			C							P
Utility services										P					

FIGURE 5

7.3.203

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

FIGURE 5

7.3.203

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

FIGURE 5

Bruce Hutchison
1170 Popes Valley Drive
Colorado Springs, CO 80919

April 4, 2016

Ms. Hannah Van Nimwegen
Colorado Springs Land Use Review
Colorado Springs, CO

Dear Ms. Van Nimwegen,
At this point, the Pinecliff HOA Board is not necessarily opposed to the rezoning request submitted on behalf of the Pikes Peak Athletics Center that would permit an athletics/aquatics training and conditioning facility below the Pinecliff neighborhood. At the same time, we want to be assured that the new development will have no detrimental impacts to the residents and property values of Pinecliff. Some of our concerns related to this development include noise, traffic, building/roof aesthetics, light pollution, and most importantly, undesirable future uses of the two parcels. Per the City of Colorado Springs guidelines, we want to ensure all future developments and uses of these two properties will be harmonious and compatible with the surrounding land uses and neighborhoods.

Before the rezoning application is reviewed and voted on by the Planning Commission, several PHOA board members would like the opportunity to meet with you to go over the list of questions below:

- What is the review and approval process (e.g. milestones, levels of approval, appeals, etc.) for this development and at what points (and when) is public input accepted?
- Why did the rezoning application include the adjacent parcel to the building site parcel?
- What will be the hours of operation and what is the nature of the regular operational and special event uses of the facility?
- Will there be any outdoor events on-site (e.g. concerts) that may cause noise or parking issues?
- What situations and events will create the worst case traffic congestion and hazards?
- Where are the locations and enclosure plans for the building HVAC units?
- What are the parking and facility lighting plans?
- Will the business owners consider design changes that would make the facility's appearance more compatible with the adjacent office building?

I look forward to hearing back from you regarding our request to meet with you.

Best regards,
Bruce Hutchison - Pinecliff HOA President
719-238-9971 Cell
719-599-3259 Home

FIGURE 5

From: Matt Farrell <mfarrell@usaswimming.org>
Sent: Thursday, May 12, 2016 2:31 PM
To: Van Nimwegen, Hannah
Subject: Planned Pool at Elkton & Chestnut

Dear Ms. Van Nimwegan,

Please accept this as a letter of support for the planned Pikes Peak Athletics facility at the intersection of Chestnut and Elkton near the base of the Pinecliff area.

As a resident of Pine Cliff for 15 years, this would be a great addition to the community and be enjoyed by all ages. The west side of the city is in great need of fitness facilities and this is an excellent location. In full disclosure, I work at USA Swimming as the Chief Marketing Officer in Colorado Springs, however I do not represent the organization in this letter but rather solely as a resident of this neighborhood.

This would enhance the neighborhood and be a positive impact to our community. This is the exact type of business that we should encourage and support in this part of Colorado Springs. It will also diversify the businesses of this primarily industrial-focused area.

As you consider this new business, count me in as a supporter. Please let me know if there is anything else I can do to show my support.

Matt

Matt Farrell
719-338-2339
215 Sunbird Cliffs Lane East
Colorado Springs, CO 80919

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If you have received this email in error please notify the originator of the message. This footer also confirms that this email message has been scanned for the presence of computer viruses.

Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of USA Swimming.

From: Van Nimwegen, Hannah
Sent: Friday, May 13, 2016 3:12 PM
To: Van Nimwegen, Hannah
Subject: RE: Proposed Pikes Peak Athletics Pool Facility on Elkton

From: John Lindsey <john.lindsey@lindseyfam.net>
Subject: Proposed Pikes Peak Athletics Pool Facility on Elkton
Date: May 10, 2016 at 11:29:08 PM MDT
To: Bruce Hutchison <bruceh@pcisys.net>

Dear Pinecliff Homeowners Association,

As residents and member of the HOA for 23 years, we care very much about our neighborhood and our neighbors. We like it so much that we began a long and expensive renovation in January 2015 (finally almost done!!)—we could have saved money and time by moving to a new house out of the area, we but love it here for so many reasons.

One of the reasons were were hesitant to move-in back in '93 was the lack of services and facilities nearby. As you know, it's improved so much over the years. In our daily life, two issues remain which force long travels: the location of Air Academy High School, and the pool our kids use for swim practice. So we were overjoyed to hear that their swim club, Pikes Peak Athletics is proposing to build their own pool on Elkton! Not only will that eliminate the 25 minute drive to D11 pools, but it will improve our property value, we believe.

The location is close—our house is located 3500 feet to the northwest of the building site, and once a building is there may be visible from our house. Like many Pinecliff residents, we drive by the location several times per day.

We heard there are concerns about noise from the pool. As it will be an indoor pool this seems unlikely to us. As year-round competitive swim parents for the last eight years with three kids, we've been to lots of meets. While there is the usual noise from cheering parents, it's indoors—honestly we have never heard excessive (even any!) noise near an indoor pool facility. We have been to many meets around town and the state. PPA's facility will be too small for the big state-wide championship events—which in my experience always occur in 50 meter pools (DU, VMAC in Thornton, Eudora in Ft. Collins for example). These big state meets have large crowds, but the people are inside the pool building. PPA may host smaller local-scale meets but these infrequent meets are much smaller, with crowds that can fit in high-school pool bleachers; even less possibility for noise.

There may be concern with parking, but these smaller meets don't have nearly the same kind of crowd, we expect the PPA parking area may be big enough for the crowd. If it's not, on-street parking from swim events is not terribly bothersome—usually the parents arrive at the start of the meet and stay inside for several hours at a time.

There may be concern with increased traffic in the area. Mostly this traffic would be due to practices, and would not be a large flow.

There may be question if our property values will increase—We think that's great and likely that the presence of a club swim team pool near the neighborhood would attract buyers to Pinecliff. It would be a unique amenity, and probably offer more than the pool to our community.

There might be questions about who Pikes Peak Athletics is, and if they will be good neighbors. After six years with one club team, our kids changed to PPA several years ago. They switched for the superior team atmosphere PPA provides. We also found the coaching and methods are better; our kids swimming improved, and their willingness to go to practice improved. It's remarkable! We found that Anna and George Heidinger are thoughtful and excellent coaches, managers, and people. Their program and business are built carefully and intentionally. We can't imagine better neighbors for short or long term.

In summary, we strongly support PPA's plan to build a pool on Elkton. We think there are few negatives, far outweighed by the positives of improved facilities for the community run by a first-class operation. We urge the Pinecliff HOA to support this pool.

Please let us know if you have questions,
John and Atsuko Lindsey
5085 Cliff Point Circle East
592-1352

From: Paula Lydon <paulalydon@gmail.com>
Sent: Tuesday, May 17, 2016 6:00 PM
To: Van Nimwegen, Hannah; Bruce Hutchison
Subject: Pikes Peak Athletics Additional Comments

Hello Hannah,

I wanted to pass along additional comments regarding the Pikes Peak Athletics facility proposal coming up in front of the Planning Commission.

First, I did not receive the green post card mailer regarding the upcoming meeting. In talking with my neighbors, they have not received one either. The only way we know about the meeting is through correspondence with you. That is great for those of us who have been in touch with you, but not so great for those neighbors who have not been in touch.

Second, I do appreciate you coordinating the meeting between the land owner, developer and the Pinecliff neighbors. However, I don't feel that the concerns brought up at that meeting regarding the flat roof with the HVAC on the roof have been addressed well. A pitched roof was added to ½ of the building and the mechanicals relocated to the lower flat roof area. But that still leaves us with a flat roof with HVAC on it. Is screening all around the HVAC an option? Anything to cut down on the noise from the HVAC and the appearance from above? The applicant notes that the new pitched roof on the west will providing screening, but really that doesn't screen the residential neighbors to the north. I wish we could have additional information on the HVAC required to run a pool. How much HVAC on the roof are we talking? My guess is there is a lot more HVAC needed for a pool than for an office building or manufacturing facility – just to keep the pool heated, the building de-humidified, etc. I'd really like to know more.

I wish we had more information on the noise that could be coming from the facility via its users. How many meets, what time of year, what age group? The new owner has been operating already at other facilities. I'd love to see video or statistics on their previous events. Are there upcoming events at an existing facility that we could attend? I appreciate that "events" are to make up only a small percentage of the use of the building. But it is the events that are feared to create the most noise and disruption to the residential neighbors.

Personally, I have no concerns with windows on the north, in fact I'd rather see windows than a "brick wall" of building.

I have no need to try to restrict the trade hours of the applicant.

Third, one of my neighbors forwarded your City Planning Commission Agenda packet. I see that you compare this project to the gun club that recently was built west of this facility. I believe there are a number of differences in the projects that merit discussion.

The gun club:

1) Does not cater to kids events. I know there is concern about the noise from the potential swim meets. There is a large difference between professional adult swimmers and a bunch of excited 10 year-olds. There is a large difference between exicted 10 year-olds and adults at a shooting range.

2) Is roughly the same size lot, but with a building 56% of the square footage of the proposed building. Max occupancy there is 362. Any ideas what the max occupancy of the proposed Pikes Peak Athletics building is?

3) Does not have large overhead doors to open up to the outdoors during events. The gun club, especially the range, appears to be much more of a "sealed" facility. Does the gun club building have windows that open to the north? I do not know. It does not appear that the range portion, where the real noise originates from, has windows at all. There is a deck, but not adjacent to the range.

To conclude, I am all for the Pikes Peak Athletics facility. I do still have concerns about the flat roof and the unknown amount of HVAC on it. I do have concerns about the amount of potential noise from the users. I wish both of those topics were better addressed to the residential neighbors.

Thank you for allowing me to comment on the proposed facility.

Paula Lydon
4920 Sunbird Cliffs Drive
paulalydon@gmail.com
719-531-5504 home
719-432-8780 cell

May 4, 2016

Hannah Van Nimwegen
Planner II
City of Colorado Springs – Land Use Review Division
30 South Nevada Ave. Ste. 105
Colorado Springs, CO 80901

Dear Ms. Van Nimwegen;

RE: Response to neighborhood meeting comments

1. The largest concern from the neighbors was the roof's architecture. Shannin had mentioned he would go back and take a look at what they could do. I just want to touch base on whether it is possible to have a gabled roof over a pool or if it is just not feasible.

   Attached is an elevation option which includes a pitched roof on the 2 story portion of the roof. We will propose to move the HVAC units off that roof and locate on the lower roof above the pool and adjacent to the upper roof. This should help screen, create a noise buffer and aesthetically tie with the adjacent building.

   The roof over the pool area will remain a flat roof. The possibility of doing a sloped roof in this area would be at great expense (100k or more) due to the clear span requirements. The pool is a pre-manufactured pool that is set in place and is of Olympic caliber with very specific placement requirements and support. It is recommended that there be no columns in the pool or within 10 feet of the pool. This would still leave us with spans of 90-100 feet. That being the case, our options would be either leave the flat roof in place and frame a pitched roof over the top at twice the expense or do very expensive trusses with the pitched framed into them. Just too much expense to make the project viable. However, we will provide a neutrally colored roof membrane to make it less visually dominant.

2. Mechanical units. Another large concern was the location of the mechanical units. Is possible those can be relocated to around the front of the building, hidden by a screen wall and landscaping?

Ireland Dean Designs
Architecture – Planning
6912 Welford Pl, Castle Rock, CO 80108
Direct: 720-258-5042

FIGURE 6

As noted above the HVAC will be moved off the upper roof and located on the lower roof adjacent to the 2 story area for screening and noise barrier. We have looked at HVAC options for the pool but cannot commit to not having it on the pool roof. The climate control of the pool area is critical to operation of the pool. To locate it elsewhere could cause functionality and operational issues for the life of the project.

3. I think we will need to condition the rezoning to not allow specific uses. I can take care of this one as long as everyone on your end is open to it too.

   We would voluntarily restrict future uses to include a bar, sexually explicit business, marijuana. Other proposed restrictions would need to be proposed for review by PPAC and Elkton Partners.

4. One of the neighbors mentioned limiting to specific hours of operation. George mentioned he was open to that suggestion, and I just want to check to see if that was still on the table and what those hours could be.

   The revenue model for Pikes Peak Athletics depends upon programming the facility to maximize the physical rehabilitation suite and the water space. The programming for these businesses occurs during convenient times for customers and families. The facility does not depend upon or foresee late-night programming. The occasional use of the facility at night, similar to a use such as at the Elkton Office building, may be necessary. Pikes Peak Athletics strongly desires to be a good neighbor and to please the community through its mindful programming.

5. The same neighbor had concerns regarding windows on the north end of the site. I think a fair compromise was reached by making those windows fixed. We should note that on the development plan elevations. Maybe consider additional trees to help screen the windows adjacent to the pool to help break up whatever sound is transmitted?

   We are currently wish to keep the windows operable. During the summer the overhead doors on the south side could be open and it would be of great benefit to open the windows on the north side to allow cross ventilation. The area of glazing is very conservative at less than 10% of the building façade to the north and it is important in all buildings to provide natural daylight. To have large walls without openings would be a detriment to the project.

   The project will be designed with high insulation values and of CMU block due to the pool use. Both should make this building very sound absorbant. Also there is a retaining wall to the north and future building to be considered as noise barriers.

6. I don't think it will be necessary to limit the number of meets being held at the facility per year, but being prepared for the question at Planning Commission would be a good thing.

FIGURE 6

Agreed.

7. A few of the neighbor were also interested in the floor plan of the building. Would you be able to send me an exhibit to share with them?

   Attached.

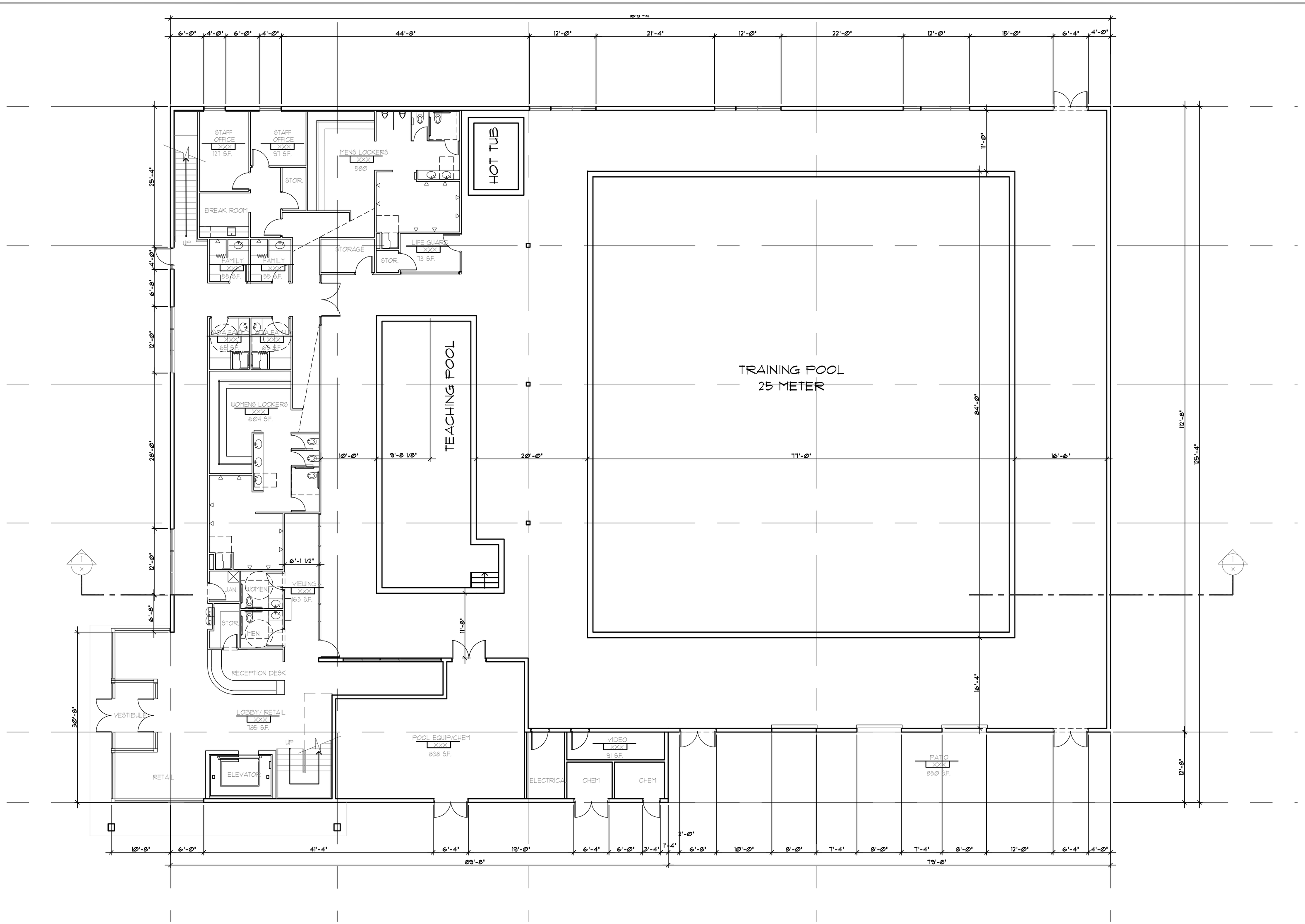
   In closing, it is very important that the facility work effectively and efficiently with the pool being of the highest importance. It is the reason this project exists and we do not want to compromise or burden the owner with significant additional expense to locate systems in locations that could cause problems now and in the future.

We thank you for your review and favorable recommendation to the Planning Commission and City Council.

Sincerely,

Shannin Albers
Ireland Dean Designs, LLC

FIGURE 6



01 1ST FLOOR PLAN CONCEPT

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

NORTH

1ST FLOOR FOOTPRINT 20,478 S.F.
2ND FLOOR FOOTPRINT 8,412 S.F.
TOTAL BUILDING AREA 28,890 S.F.

IRELAND DEAN DESIGNS,LLC
ARCHITECTURE - PLANNING
6912 WELFORD PL
CASTLE ROCK, COLORADO 80108
P 303 660-8870

ARCHITECT OF RECORD

DESIGN CONCEPT

PIKES PEAK ATHLETICS TRAINING CENTER

ELKTON RD
COLORADO SPRINGS, CO

DATE	DESCRIPTION
11-1-15	ORIGINAL PREPERATION
11-7-15	OPTION 2
11-15-15	OPTION 3
11-27-15	OPTION 4
12-7-15	OPTION 5
01-05-16	OPTION 6
05-02-16	OPTION 11

PROJECT #:	15.063
DRAWN BY:	SDA
DESIGNED BY:	SDA
CHECKED BY:	SDA

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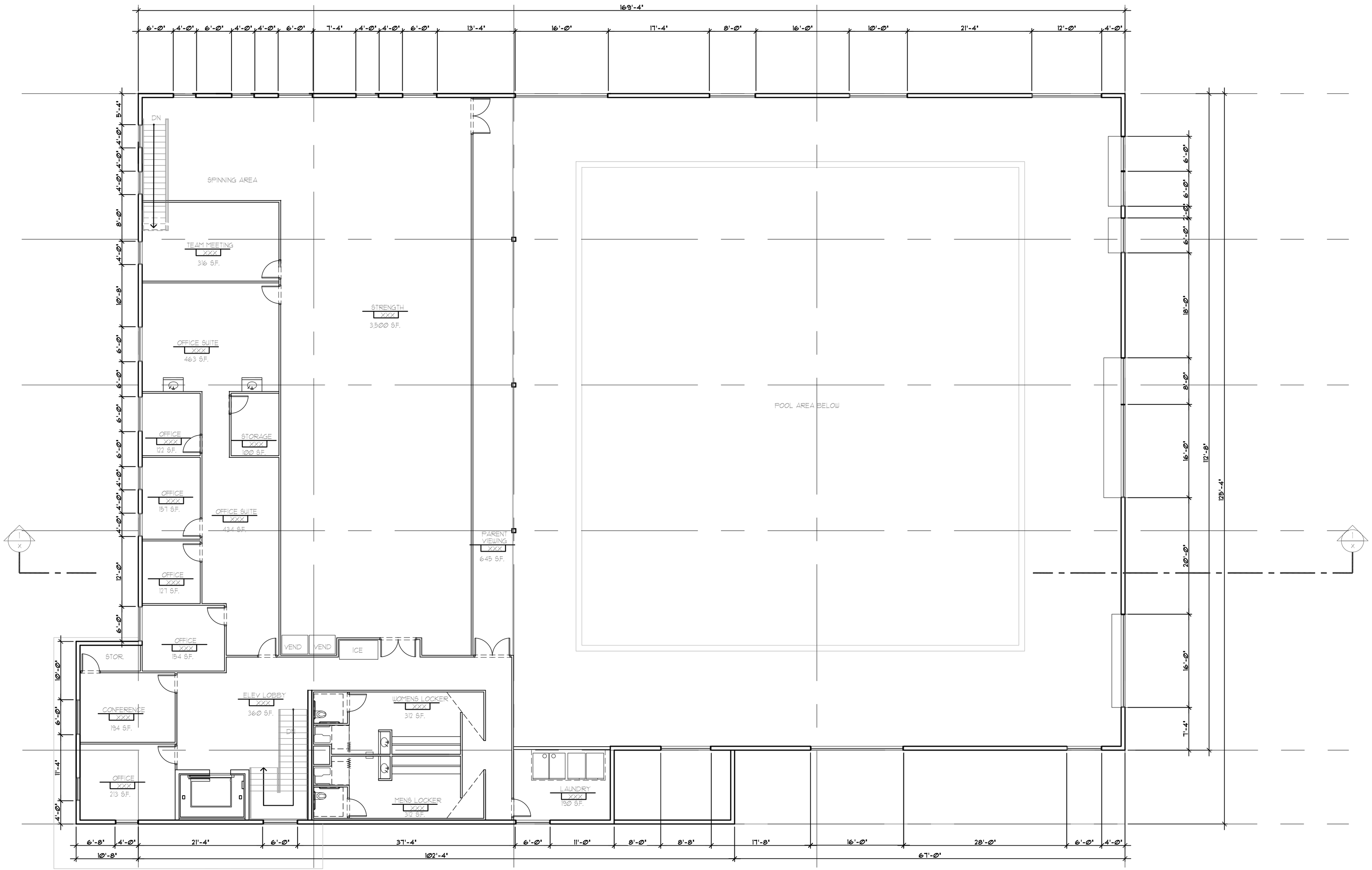
FIGURE 6



01 2ND FLOOR PLAN CONCEPT

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

NORTH

1ST FLOOR FOOTPRINT 20,478 S.F.
2ND FLOOR FOOTPRINT 8,412 S.F.
TOTAL BUILDING AREA 28,890 S.F.

FIGURE 6

IRELAND DEAN DESIGNS,LLC
ARCHITECTURE - PLANNING
6912 WELFORD PL
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P 303 660-8870

ARCHITECT OF RECORD

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Van Nimwegen, Hannah

To: kristin albers; 'Rob Oldach'
Cc: gheidinger@pikespeakathletics.com
Subject: RE: Pikes Peak Athletics - Additional Questions

Dear Hannah,

I hope all is well. Thanks for your continued work on our training center project. Below please find responses to some of the questions that have been aired by the neighbors. Reading through some of the emails, it is apparent that there may be misunderstanding on the topic of disruptive impact on the surrounding community. Most importantly, we would like to be a welcome asset to the surrounding community, and have the intention of being pleasant, friendly, and low-impact neighbors.

Thanks,

George Heidinger
Pikes Peak Athletics

Pitched Roof

- The new pitched-roof design was put in place over the portion of the building that we can afford to do so in order to accommodate the desire for the building to appear more residential. We feel that it significantly changes the façade from all angles, including from the north and east, as the gable will be seen from all sides.
- The flat portion of the roof has been significantly reduced, and has been further muted by the change in color from white to beige. The aesthetic of this portion of the roof is complimented by the gable to the west side of the roof.
- Pitching the roof over the pool at any great angle is cost-prohibitive for the project. This may have been feasible for Underwater Connection because of the small size of their pool.

Mechanicals

- The newer design has placed the majority of the mechanicals that would have been on the flat roof into attic spaces in the new pitched roof area. Only the remaining units serving the pool are located on a lower roof on the south side of the building. There they won't be seen or heard as easily. This is in contrast to the mechanicals for the Elkton Office building, which are easily seen and heard from the ground level of the north side of the existing Elkton building.
- Our team is working on the placement of the mechanicals in their entirety, and are making efforts to place them in ideal locations for all parties.
- The pump and mechanical room that will operate the pool equipment has always been engineered to be on the first floor on the south side of the building. This allows ready access to utilities on the street, but has the added benefit of shielding this operation from the housing community. Our mechanical room design features the latest filtration and heating systems, which are smaller, quieter, and more efficient than traditional pool mechanicals.

Signage

- The facility signage is planned for the southwest corner of the site, facing south toward the Chestnut intersection.
- There is no building-mounted signage planned.
- There is no electronic signage planned.

FIGURE 7

Signage

- We are certainly open to adding trees to the lot, and are looking into that re-design.

Swim Meets at the Facility

- There are many different types of swim meets, with many different types of competition formats. For our purposes at the training center, we will not be able to bid on championship meets because our facility doesn't have the capacity to accommodate the number of athletes and spectators for that type of competition. The types of meets that we would like to run at the facility would be smaller, local meets.
- Since the facility has been designed for teaching, training, and therapy, swim meets are not a primary revenue driver for the facility.
- Even at indoor championship meets around the country, external noise is not a factor. Major meets are typically held at Universities (such as the University of Denver), or community centers (such as the Edora Pool and Ice Center in Fort Collins), or high school facilities (such as Veterans Memorial Aquatic Center in Thornton). Those natatoriums are larger in scale, ranging from $15-$20M projects, which is 2-3X the scale of PPATC. Even at these larger venues, external noise from swim meets is practically non-existent.
- Of the meets anticipated to be held at the facility, most would be of the one-day format, where there is a single 4 hour session, held at a convenient time for teams, namely in the middle of the day. We anticipate between 3-5 of these meets per year, but would scale to that over a period of years.
- Of the meets anticipated to be held at the facility that would span multiple days, the format would include Friday, Saturday and Sunday Sessions. During the school year, Friday sessions typically have warm-ups around 4:00pm, with sessions ending around 7:30-8:00pm. In the sport of swimming, competing at night is not desirable, as kids tend to be tired, and not race as well. The Saturday and Sunday sessions normally warm-up in the morning around 8:00am, and then again around noon, with competition sessions lasting between 3-4 hours. Competition on those days normally concludes before dinner time. These types of meets would be held 2-4 times per year.
- Colorado Springs natatoriums have been hosting meets at existing facilities for a long time, and there is tradition and continuity in the competition patterns in our town. It would be difficult to draw swimmers away from the existing meets in our market at any significant rate. Accordingly, the business plan at the facility is not centered around hosting meets; meets at the facility would accommodate smaller volumes of athletes and spectators.

From: Van Nimwegen, Hannah [mailto:hvannimwegen@springsgov.com]
Sent: Monday, May 23, 2016 9:01 AM
To: 'kristin albers'
Subject: Pikes Peak Athletics - Additional Questions

Good morning Kristin,

I hope you had a great weekend! I held a short meeting with the neighbors last Wednesday, and they requested I bring a few more of their concerns to you. Many of the topics discussed were unchanged from the previous meeting, but there were a few new ones.

1. A few of the neighbors are concerned about the monument sign being electronic. Was this part of the proposal, and if not, is your team comfortable with noting the sign shall be non-electronic?
2. Is there building mounted signage planned?
3. Could additional trees along the northern property line be used to help screen the building from those living on the cliff? They wanted me to mention the site across Elkton as a good example.
4. They also wanted me to ask whether the option for a half pitch roof was viable similar to Underwater Connection nearby. See below picture.
5. If the half pitch roof is not possible, could the mechanical equipment be screened by enclosure?
6. They are also continuing to request George's business plan and how he plans to expand. The fear of loud swimming meets occurring at night is pretty prevalent.

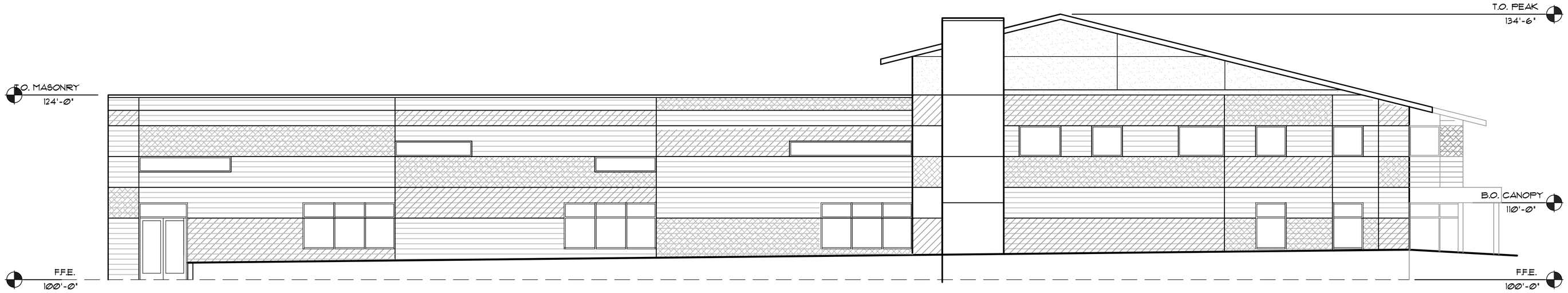
FIGURE 7

Thanks,

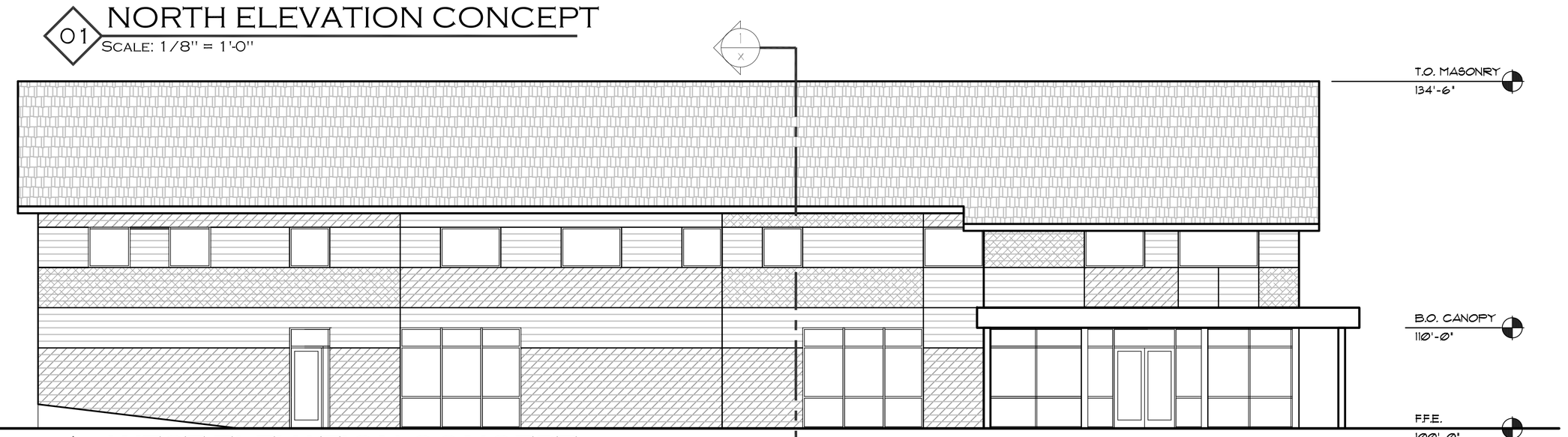
Hannah E. Van Nimwegen | Planner II
(719) 385-5365 | hvannimwegen@springsgov.com

City of Colorado Springs | Planning & Community Development | Land Use Review Division
30 South Nevada Avenue, Suite 105
Colorado Springs, CO 80901

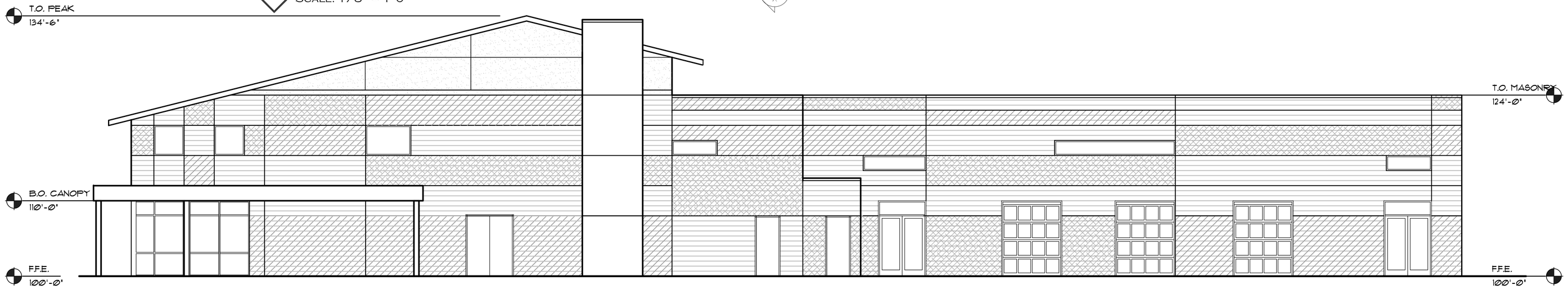
FIGURE 7



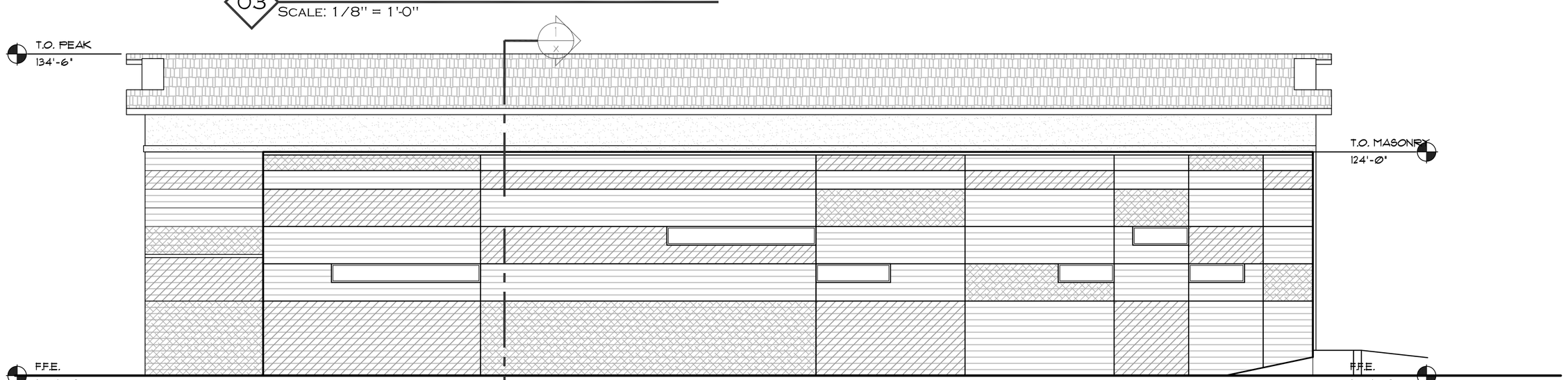
01 NORTH ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"



02 WEST ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"



03 SOUTH ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"



04 EAST ELEVATION CONCEPT
SCALE: 1/8" = 1'-0"

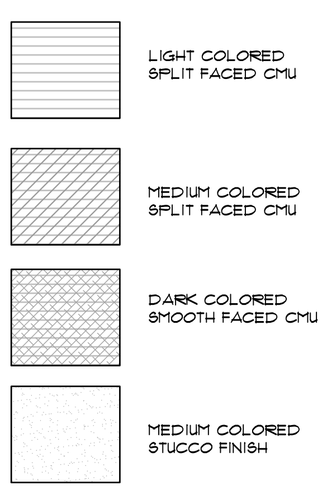


FIGURE 8

IRELAND DEAN
DESIGNS,LLC
ARCHITECTURE - PLANNING
6912 WELFORD PL
CASTLE ROCK, COLORADO 80108
P 303 660-8870

ARCHITECT OF RECORD

DESIGN CONCEPT

PIKES PEAK ATHLETICS TRAINING CENTER

ELKTON RD
COLORADO SPRINGS, CO

DATE	DESCRIPTION
11-1-15	ORIGINAL PREPERATION
11-7-15	OPTION 2
11-15-15	OPTION 3
11-27-15	OPTION 4
12-7-15	OPTION 5
01-05-16	OPTION 6
06-02-16	OPTION 11

PROJECT #: 15.063
DRAWN BY: SDA
DESIGNED BY: SDA
CHECKED BY: SDA

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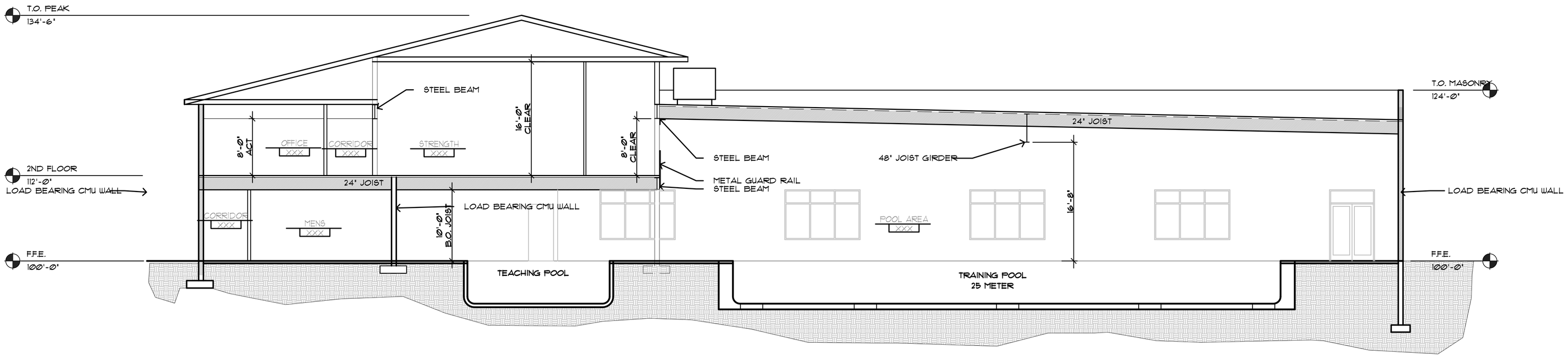

01 BUILDING SECTION
SCALE: 1/8" = 1'-0"

FIGURE 8

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IRELAND DEAN
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05-02-16	OPTION 11
.	.

PROJECT #:	15.063
DRAWN BY:	SDA
DESIGNED BY:	SDA
CHECKED BY:	SDA

Lobato, Elena

From: Lobato, Elena
Sent: Thursday, June 09, 2016 3:52 PM
To: 'Carl Smith (buildsmith@comcast.net)'; 'Eric Phillips'; 'Jeffrey S. Markewich'; 'John Henninger'; 'Ray Walkowski'; 'Reggie Graham'; 'Rhonda McDonald'; 'Robert Shonkwiler'; 'Sherrie Gibson'
Cc: Van Nimwegen, Hannah
Subject: FW: Additional letter of concern to Planning Commission, Item 5.A

Hello Commissioners,

Please see an additional letter of concern regarding Item 5.A Pikes Peak Athletics.

~ Elena Lobato
719-385-5608

Nothing is worth more than this day. ~Johann Wolfgang von Goethe

---

From: Van Nimwegen, Hannah
Sent: Thursday, June 09, 2016 3:04 PM
To: Lobato, Elena
Subject: Additional letter of concern to Planning Commission, Item 5.A

Hello Elena!

This email contains a letter of concern from a resident of the Pinecliff neighborhood regarding Item 5.A, the Pikes Peak Athletics Facility, which I received this afternoon. Could you kindly forward this on to the Planning Commission for their consideration?

Thanks so much,

Hannah E. Van Nimwegen | Planner II
(719) 385-5365 | hvannimwegen@springsgov.com

From: Kirk McCormick [mailto:kirkmccorm@msn.com]
Sent: Thursday, June 09, 2016 2:09 PM
To: Van Nimwegen, Hannah
Cc: billvaleta@q.com; bobjoanne1@q.com; robert.atkins.3@us.af.mil; wevaupel@comcast.net; r1dickerson@yahoo.com; pattycarb@msn.com; bruceh@pcisys.net
Subject: FW: Pikes peak aquatics facility

Hanna, the Dickerson's are neighbors of mine and they will be out of state next Thursday at a swim meet for their daughter. Rich sent me the e-mail below and has asked that it be presented to the Planning Commission. Can you give them a copy of this tonight? Thanks.

Kirk

FIGURE 9

From: r1dickerson@yahoo.com
To: kirkmccorm@msn.com
Subject: Pikes peak aquatics facility
Date: Thu, 9 Jun 2016 03:56:46 +0000

To Colorado Springs City Planning Commission,

My name is Rich Dickerson and my daughter is an NCAA Division 1 swimmer for the University of Wyoming. That being said it is evident that I have attended and witnessed many swim meets over her swimming career since the early age of 7. Swim meets and training sessions do create a high level of noise that is easily heard for quite a distance. A starting horn is used to start every race during a meet, these are typically an electronic horn that is very loud so all swimmers can easily hear the start of the race. If this facility is allowed to have open windows that face north towards the homes above, the home owners that face those windows will be hearing a starting horn go off every minute or two during a swim meet. I have known some meet referees who wear foam earplugs during meets due to the constant noise and volume of noise. Imagine if you will, a building filled with 100 + excited screaming children, with electronic horns and loud speakers making announcements and you will get the general idea of the volume of noise at a swim meet. Some facilities use a bull horn to communicate during meets and my research shows these can be heard for up to 600 yards with only 10 to 16 watts of power (see attachment D&J Sports inc.).
Electronic starting systems are now the norm these are the systems with the loud electronic starting buzzer or horn, and they incorporate a loud 40 watt speaker so the meet referee can communicate with all swimmers no matter where they are in the facility.
A train horn that I can easily hear from east of I25 is 96 to 110 decibels, electronic starting devices have a 40 watt speaker capable of creating up to 120 decibels (see attachment IST timing systems specs). These systems can also mimic the sound of a gun shot; if desired over the horn sound to start a race. The START 1000 MarkIII is a less powerful hand held start system that has a 6 to 10 watt rating and can be easily heard over 800 feet. (see attachment Pro Grams Sports Systems)
With this all being said, I am not opposed to this facility but I would like it to be built with consideration for the homes in close proximity. I would be opposed to the Building of this facility with north facing windows that open and a flat roof. I am also opposed to a zoning change that would allow this facility to someday be turned into another form of commercial property such as a car lot, convenience, liquor or marijuana store.
Thank you so much for your time and kind consideration,
Rich and Mary Dickerson
325 Hummingbird Hollow Dr.
Colorado Springs, CO 80919

FIGURE 9

William E. Vaupel, Jr., P.E.
305 Hummingbird Hollow Drive
Colorado Springs, CO 80919-8022

June 10, 2016

RE: Proposed Pikes Peak Aquatics Facility (CPC ZC 16-00022, CPC DP 16-00023)

City Planning, City Planning Commissioners, and Applicant:

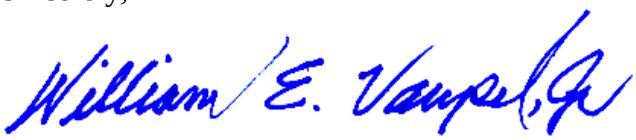
My name is Bill Vaupel. I own and reside at 305 Hummingbird Hollow Drive. My property is located to the north of the subject property. It is on the bluff overlooking the proposed building. The following are some of my concerns about this development:

1. **Rezoning** - When I purchased my property in 2013 I reviewed the surrounding zoning, development plans, covenants, plats ...etc. From this review I thought the subject property would have an office building in the future that matched the existing office building to the east, i.e., stucco with a pitched roof. Also, I checked to make certain any future buildings would not block my view. The proposed building is concrete block and the roof is mostly flat with the HVAC on the roof. This does not match the exiting building onsite to the east or the homes in our neighborhood. The rear of my home is all windows, three decks and a covered patio overlooking the subject property. This is not the view I intended. **Therefore, I recommend the proposed building be redesigned to match the existing office building with a pitched roof and no HVAC on the roof**

2. **Noise** - The proposed structure has windows and overhead doors in the pool area that open. It is highly likely these windows and overhead doors will be opened emitting noise, particularly during swim meets. Normally, indoor pools DO NOT have windows and overhead doors that open and there is a reason why. The American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) has strict design guidelines for providing heating, ventilation, and air conditioning (HVAC) for indoor pool areas. Good HVAC design is critical for providing uniform conditioned air circulation, exchange and exhaust with no short circuiting and a slight negative indoor pressure to prevent condensation, mold, mildew, and corrosion and reduce foul smelling odor and stinging eyes to patrons. Opening windows and overhead doors disrupts these design guidelines and will lead to indoor air quality problems and noise emissions, particularly during swim meets. **Therefore, I recommend no opening windows or overhead doors to provide for good indoor air quality and noise abatement.**

I will be out of state at the time of the City Planning Commission meeting. Please provide my comments to the Applicant, City Staff and the City Planning Commissioners. Thank you for your consideration.

Sincerely,



William E. Vaupel, Jr., P.E.

Figure 10

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)

Lobato, Elena

From:	Lobato, Elena
Sent:	Tuesday, June 14, 2016 5:03 PM
To:	'Carl Smith (buildsmith@comcast.net)'; 'Eric Phillips'; 'Jeffrey S. Markewich'; 'John Henninger'; 'Ray Walkowski'; 'Reggie Graham'; 'Rhonda McDonald'; 'Robert Shonkwiler'; 'Sherrie Gibson'
Cc:	Van Nimwegen, Hannah
Subject:	FW: Additional Attachment from Neighbors to Planning Commission, Item 5.A
Attachments:	Swim noise.pdf

More information on Item 5.A.

~ Elena Lobato
719-385-5608

Nothing is worth more than this day. ~Johann Wolfgang von Goethe

---

From: Van Nimwegen, Hannah
Sent: Tuesday, June 14, 2016 2:46 PM
To: Lobato, Elena
Subject: Additional Attachment from Neighbors to Planning Commission, Item 5.A

Hello Elena!

This email contains an attachment from a resident of the Pinecliff neighborhood regarding Item 5.A, the Pikes Peak Athletics Facility, which I received this afternoon. Could you kindly forward this on to the Planning Commission for their consideration next week? This attachment is in regard to the earlier email provided from Mr. Dickerson.

Thanks so much,

Hannah E. Van Nimwegen | Planner II
(719) 385-5365 | hvannimwegen@springsgov.com

From: Kirk McCormick [mailto:kirkmccorm@msn.com]
Sent: Tuesday, June 14, 2016 2:41 PM
To: Van Nimwegen, Hannah
Cc: bruceh@pcisys.net; pattycarb@msn.com; bobjoanne1@q.com; billvaleta@q.com; wevaupel@comcast.net; r1dickerson@yahoo.com; robert.atkins.3@us.af.mil
Subject: Swim Facility Noise.

Hannah, I'm not sure these attachments came through in the e-mail I previously provided you from Mr. Dickerson. The highlights are that the horns and electronic sound buzzers that are used in these types of facilities have a range of over 800 feet. our homes are less than 200 feet away from the open windows that are proposed. These electronic beepers are used during practices that allows coaches to start athletes with as little as 3 seconds between beeps. The speakers are 40 watts and emit 120 decibels.

Megaphones are also common in these facilities and have a noise range of 600 yards.

Mr. Dickerson also explained to me in a handwritten note that coaches commonly use whistles in these facilities, and the whistles produce over 100 decibels.

Please provide the Commissioners with this information right away. Given the extreme noise levels anticipated, I'm at a loss to understand why City Planning is recommending this building to have windows that open and face directly towards our homes?

Kirk

Categories

Electronic Starter Systems
Outdoor Sports Wristwatches
Printers- Supplies- Accessories
Seiko Printing Stopwatches
Seiko Stopwatches
Specialty Timers
Timers & Scoreboards w/ Large LCD or LED Digits
Ultrak Digital Countdown Timers
Ultrak Printing Stopwatches
Ultrak Stopwatches
Ultrak Timing Systems

Brands

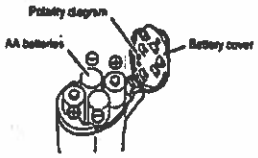
SEIKO
START 1000
ULTRAK

Home Electronic Starter Systems START 1000 "Mark III" Bullhorn Starter for Swimming, Track, Inline Skating Meets

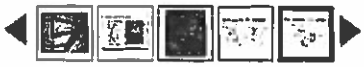
START 1000 "Mark III" Bullhorn Starter for Swimming, Track, Inline Skating Meets

INSTALLING BATTERIES

STEP 2: Insert eight AA batteries, referring to the polarity diagram on the inside of the battery cover.



Price: $269.89
SKU: pgss_st1k_mk3
Shipping: $9.89 (Fixed shipping cost)
Quantity: 1 ADD TO CART
Buy in bulk and save



Related Products

SEIKO S141 300-Lap Memory Stopwatch for Aquatic Sports
$199.89

SEIKO S149 BASIC: 300-Lap Memory Printing Stopwatch
$374.89

ULTRAK 460 16-Lap Stopwatch Measures to 100 Hours at 1/1000 Second Resolution
$22.89

ULTRAK 460 Stopwatch RainBow Six-Pack Special 1/1000 Second Resolution 16 Lap/Split Memory
$129.89

START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
$189.89

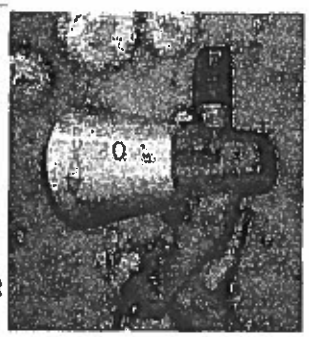
Product Description

START 1000 MARK III – *a kinder, gentler start!*

HANDHELD ELECTRONIC BULLHORN/STARTER SYSTEM

ProGrams Sports Systems has combined what we believe to be Earth's best handheld loudspeaker with a modified tone generator from a commercial fire alarm system and our own unique side-emitting LED strobe light to produce the START 1000 MARK III Electronic Starting System. Over 15 years of experience in producing earlier versions of this device – our original START 1000 Classic Swim Meet Starter System and its successor, the START 1000 Lite Handheld Starter – have led to this new product. The major features of this system are as follows:

DESCRIPTION



- **Handheld starting system powered by 8 AA batteries.**
- **Loud, light, and reliable megaphone allows starter/referee to speak to athletes and announce beginning of each race.**
- **Integrated signal button produces simultaneous electronic "beep" and ultra-bright 360° LED flash to start each race.**
- **No loud, scary pistols to frighten younger summer-league athletes.**
- **No delays caused by misfires.**
- **No annual ammunition costs.**
- **Two-year warranty.**

SYSTEM COMPONENTS

Handheld loudspeaker

► Power output: 6W Rated / 10W Max.

► Range: 250 meters (over 800 feet).

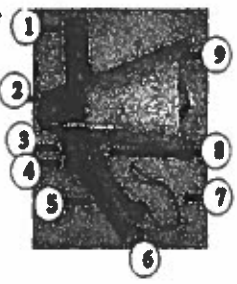
► Powered by 8 AA batteries (over 8 hrs operating time).

► High durability ABS or ASA resin construction – compact and lightweight, easily carried all day with one hand.

► Voice amplifier with wide frequency range for enhanced audio quality.

PARTS AND FUNCTIONS

1. 360° LED strobe
2. Mouthpiece
3. Start button
4. Volume control
5. Handle
6. Battery cover
7. Carrying strap
8. Talk trigger
9. Speaker horn



► Speaker incorporates neodymium magnet and polyimide diaphragm to ensure efficient operation and high sound quality.

► Anti-bacterial treatment on mouthpiece, microphone, and handle improves hygiene and safety during use.

Electronic beep

► MARK III tone generator incorporates powerful siren-driver circuit board from modified commercial fire alarm system.

► Rated sound-level output at ten feet: 106dB.

Side-emitting LED strobe

► A brilliant white flash from a state-of-the art light emitting diode (LED) is synchronized with the electronic beep to provide a visible starting signal.

► The powerful side-emitting LED diode used as the optical strobe for this system is mounted inside a light-diffusing cylinder surrounded by a protective lens for eye safety.

TECHNICAL SPECIFICATIONS

OUTPUT POWER	Loudspeaker rated 6W / 10W maximum
POWER SOURCE	Eight (8) AA batteries (to supply12 V DC)
SIGNAL	Simultaneous start pulse & 360° LED strobe flash
BATTERY LIFE	8 hours (estimated time for Alkaline batteries)
AUDIBLE RANGE	Voice: 250 meters (over 800 feet)
START PULSE SOUND LEVEL	Acoustic signal rated 106 dB @ 10 feet
SPEAKER HORN	Neodymium magnet / Polyimide diaphragm
OPERATING TEMPERATURE	Ranges from -10°C to +40°C (14°F to 104°F)
MATERIAL	High durability ABS resin (Grey / Light Grey color)
DIMENSIONS (L x W x H)	265 x 160 x 325 millimeters (10⅜ x 6⅜ x12¾ inches)
WEIGHTS (Mark III & Batteries)	750 grams (1 lb 10½ oz) & 195 grams (7 oz)

► The ultra-bright 360° LED optical strobe used in this system has been designed, tested, and fabricated in our own manufacturing facility.

Click to view START 1000 Mark III Owner's Manual **(PDF Document)**

SHIPPING & HANDLING

- A fixed shipping and handling fee based on the United States Postal Service (USPS) price for Flat-Rate Priority Mail Boxes will be charged for preparing and shipping your order anywhere in the United States. Your order may be shipped via USPS Priority Mail, UPS Ground Service, or FedEx Ground Service using what we consider to be the best service available for date and time of purchase and your shipping address.
- For international orders, we ask our customers to take advantage of the Internet store that we operate on eBay where we can process shipments through eBay's new Global Shipping Program. Under this plan, all shipping and customs charges are calculated and collected automatically by the eBay/PayPal shopping cart. This eliminates any surprises associated with unexpected expenses such as customs duties, import charges, taxes, third-party international shipping charges, brokerage fees, fuel surcharges, processing and handling fees, etc. This also allows you to receive your order even faster because it can be delivered immediately and will not be held awaiting customs payments.

INTERNATIONAL ORDERS

As discussed above, we prefer to use the eBay Global Shipping Program to ship to international customers. Every product offered at this SOS-SWIM store can also be purchased at our ProGrams Sports Systems eBay outlet. Click the image on the right to hop over to the listing for this item on eBay.

STARTER PISTOL ISSUES:

The traditional starter's pistol is "under the gun" and is facing a growing clamor to end its use at high school athletic events. The push for a change started to grow after the May 2007 shooting death of a 15-year-old student at Toronto's C.W. Jefferys high school. A probe into school safety after the student's death raised troubling questions about safety levels in schools and the threat of weapons on school property in Canada.

This concern slowly spread throughout the United States and, in 2014, we saw a major jump in the number of orders received for swim meet starters. This appears to be the result of many cities and states issuing bans on using starting pistols at various athletic venues – leading to many spurts of interest in ordering our electronic starters all across the country. For example, in 2014 we built and shipped almost 50 of our Mark III electronic bullhorn starters to customers in New Jersey alone in anticipation of a recently issued ban on using traditional starter pistols for their swim meets.

Others have joined this movement and various local and statewide bans are now in effect or will be issued in the near future. The next panel in this listing shows the beginning of the National Federation of State High School Associations web page explaining 2014-15 Swimming and Diving Rules Changes (including a new ban on using starting pistols as sounding devices in interscholastic swimming).

As explained above, the possibility that one may have to wait for periods longer than a week or so before a starting system can be shipped makes it necessary for us to encourage our customers to place their orders early. We hope that this will help minimize many of the disappointing delays that might otherwise result from heightened and highly variable surges in the rate of receipt of orders that we expect to be processing this year.

NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS | Activities & Sports | NFHS For You

Home > Sports Resource Content > Swimming and Diving Rules Changes - 2014-15

Swimming and Diving Rules Changes - 2014-15

By on November 21, 2014

rules change *Share*

3-3-4: Reorganize to list the items a competitor may wear/use and clarifies that adhesives are not allowed for swimmers and/or divers. Divers may wear tape or wraps for support and no longer limited to the wrist.

Rationale: Lists items a competitor may wear/use as it makes the rule easier to use and assists in compliance. The change also prohibits the use of adhesives, such as sprays, as they become slick when wet and can interfere with performance of others.

3-6-1, New 2, 3: Delineates more clearly unsporting conduct, which results in removal from the meet and all events in which the competitor previously qualified, and unacceptable conduct, which carries a penalty of disqualification from the event. Separates spectator conduct from athletes and coaches.

Rationale: More clearly defines what is considered unsporting conduct, with a resulting penalty of no further participation up to ejection from the competition area, and what actions are considered unacceptable conduct with a resulting penalty of disqualification from that event. Delineates in Rule 8-3-8b when a relay lead-off time shall not be eligible for use as a qualification time or record. Spectators are also separated from athletes and coaches when dealing with unsporting/unacceptable conduct.

4-3-1 NOTE, 4-2-2 NOTE, 2-7-3 NOTE: Prohibits the use of a pistol/starter's pistol as the sounding device in interscholastic swimming.

Rationale: It is inappropriate to use a pistol of any kind at a school swimming meet. Alternative sounding devices are readily available.

8-1-5: Swimmers no longer step off the starting platforms after the referee/starter gives

WARRANTY INFORMATION

Our electronic starter systems carry an unconditional two-year warranty for parts and labor. Beyond the two-year period, they can be returned for repair at our facility for a fixed fee of $69 + $10 shipping & handling.

ProGrams Sports Systems has a long history of helping athletic teams on a budget - providing an economical source of accurate and reliable equipment for all of their timing needs. After evaluating equipment available for timing various types of events and processes, we made the decision to become authorized dealers for ULTRAK and Seiko stopwatches and associated products as a way to provide extra resources for our starter-horn customers.

The ULTRAK line of stopwatches, pedometers, scoreboards, and timing systems produced by CEI represents the latest in athletic timing and measurement products. CEI's extensive selection of quality ULTRAK timing products and customer service department is second to none. ProGrams Sports Systems is proud to be an authorized ULTRAK dealer. The full manufacturer's warranty applies to all of our ULTRAK products.

We also serve as an authorized SEIKO dealer and their warranty applies to all of our SEIKO products. The SEIKO Certificate of Limited Warranty accompanies each stopwatch purchased at our eBay store. SEIKO recommends that you do not purchase their products on any website unless it is a SEIKO Authorized Internet Retailer with the emblem "SEIKO AUTHORIZED RETAILER SITE" as it appears here. Only SEIKO Authorized Retailers can provide you with access to readily available parts and factory trained technicians. Any watch not accompanied by an original proof of purchase or a valid warranty certificate will not be recognized by SEIKO Service Centers.

SEIKO
AUTHORIZED RETAILER SITE
ProGrams Sports Systems

Find Similar Products by Category

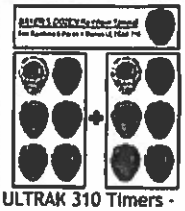
Electronic Starter Systems

Customers Who Viewed This Product Also Viewed

START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
$189.89
Add To Cart

ULTRAK L10-WBR: Conversion Kits for RF Wireless Operation of Multi-Lane Timer Systems
$84.89
Choose Options

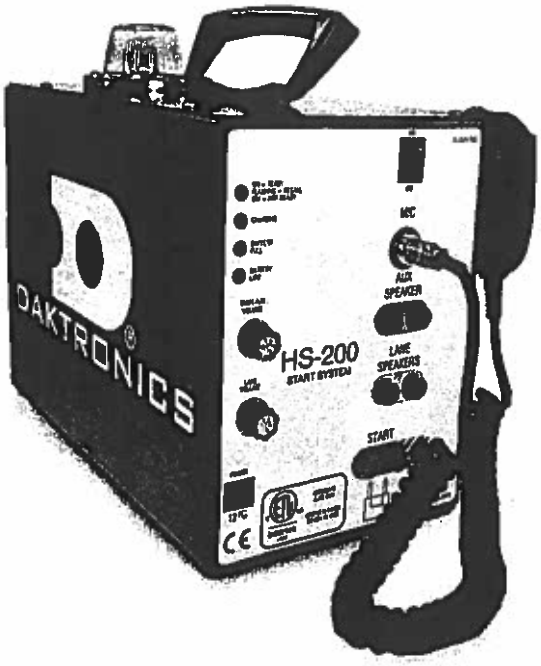
ULTRAK 460 16-Lap Stopwatch Measures to 100 Hours at 1/1000 Second Resolution
$22.89
Choose Options



ULTRAK 310 Timers - RainBow Special - Baker's Dozen
$89.89
Add To Cart

All prices are in USD Copyright 2016 ProGrams Sports Systems.

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS



The OmniSport® HS-200 horn start and public address system is a complete starting solution for aquatics and track. Signal the start of a race with a distinct start tone and simultaneous flash. The HS-200 horn start can be programmed to sound a typical start tone or emulate a gunshot. Included microphone makes announcements, sends start/recall signals and changes internal settings. Smart Start and Recall features can be enabled or disabled depending on the officials' preference.

DIMENSIONS	WEIGHT	POWER
12" H x 8" W x 14" D (305 mm, 203 mm, 356 mm)	13 lb (6 kg)	120/240 VAC or rechargeable battery

KEY FEATURES

- 15 hours of battery use on full charge and 5-year life span (with regular charging after each meet)
- Internal 40 Watt speaker sounds voice and start signals
- 360° Strobe Light is easily viewable indoors and outdoors for all athletes and officials
- Smart Start detects a connection from the timing console to eliminate the possibility of a missed start
- LED indicators show ready/recall and battery status
- Dedicated outputs to auxiliary and lane speakers for maximum performance and flexibility
- Two sealed volume controls for independent control of main/auxiliary speakers and up to 10 lane speakers
- Start output provides both normally open and normally closed contacts to accept multiple timing system brands
- Practice Mode allows coaches to signal starts with as little as 3 seconds between athletes
- Color-coded jacks for quick setup

CONSTRUCTION

Durable, lightweight aluminum

PRODUCT SAFETY APPROVAL

ETL listed, tested to CSA standards and CE labeled; FCC approved

OPTIONS & ACCESSORIES

- Radio control (refer to following page)
- Remote Strobe (see SI-0738Z)
- Auxiliary Speaker
- Individual Lane Speakers
- Backstroke Flagpole Mounting Bracket
- Tripod

FOR ADDITIONAL INFORMATION

- Manual: See ED-12935

WWW.DAKTRONICS.COM E-MAIL: SALES@DAKTRONICS.COM

201 Daktronics Drive, PO Box 5128, Brookings, SD 57006
Phone: 1.800.325.8766 or 605.692.0200 Fax: 605.697.4746

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS

HS-200 COMPONENTS
1. **360° Strobe Light**
2. **Carrying Handle**
3. **Durable Aluminum Case**
4. **Internal 40 W Speaker**
5. **LED Status Indicators**
6. **Microphone**
7. **Volume Control Knobs**
8. **Speaker Connections**
9. **Power Jack**
10. **Start Output**

Has the Ability
to Add More 40 watt Speakers

RADIO CONTROL OPTION (HS-200R)
The wireless microphone system allows the freedom to direct and start events without being tethered to the horn start unit. Choose between 8 radio channels to find the clearest available signal. LED indicators on the HS-200R show the selected channel, the voice activation and interference (noise). Existing horn start units may be retrofitted with the radio option, and an additional standard wired microphone may also be connected.

1. **Antenna (Receiver)**
2. **Channel Selection & Status LEDs**
3. **Belt Pack (Transmitter)**

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International Sports Timing
PRODUCT SPECIFICATIONS
SWIMSTART Electronic Start System

Introduction

The International Sports Timing SWIMSTART Electronic Start System is a compact, rugged tone and strobe start with an internal rechargeable battery. All components are solid state for outstanding durability. Like all products from IST, SWIMSTART Electronic Start Systems are covered by a five year warranty (battery warranty is two years).

I. SWIMSTART Electronic Start System

A. Physical

1. Overall size is 12.5" in height by 8" in width by 4" deep, not including speaker.
2. Total weight is 22 pounds with battery.
3. Case consists of an aluminum extrusion coated with a matte black anodized finish. End caps flare at bottom to form no-tip feet. Top mounted handle provides easy portability.
4. Two latching straps on back of case allow unit to be attached to backstroke flag pole.
5. Lens over 360 degree strobe is a transparent dome of shatterproof plastic.

B. Electrical

1. Unit includes a 110V to 24VAC wall transformer that should only be connected to GFI (Ground Fault Interrupt) 110V 15 amp (min.) outlet.
2. Load requirement: .2 amps.
3. Includes an internal, rechargeable 12V battery with an over/under charge protection circuit (warranty on battery is two years). Estimated use per charge: 12 hours.
4. Output to timing system can be either normally-open (for IST, Colorado or Daktronics timing systems) or normally-closed (for Omega timing systems). Cable to timing system is purchased separately.

C. Environmental

1. The operating temperature range is 0 to +55 degrees Celsius.
2. The storage temperature range is -55 to +85 degrees Celsius.
3. The operating humidity is <= 90% non-condensing.

D. Operating Features

1. Microphone includes talk and start/recall switches, 15' coiled cord and hanging clip. Unit can be used as portable public address system.
2. Speaker is 40 watt, 120 decibel and mounted on case. Case has auxiliary jack for connecting additional speaker(s).
3. Strobe is 6,000 volt xenon, covered by a dome lens for 360 degree disbursement.
4. Volume control allows volume to be adjusted to meet conditions, or turned off for training with strobe only.
5. Can be used stand-alone or connected to IST's SWIMWARE Timing System or other popular timing consoles.

D&J SPORTS INC.
The Dedicated Swimmer's Outfitter
1-800-460-SWIM

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Starting & Timing Equipment

Starting Blocks

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Starting & Timing Equipment

Start your swim meet with the best starting systems from Colorado Timing Systems or IST. The easy to use Colorado Timing Infinity Start System or the IST Swimstart Electric Start System for Swimming will have your swim meet starting off right. We also carry a selection of megaphones with horn starts that are perfect for small swim meets and dual meets.

name: A-Z

Megaphone 10 Watts 600yd.
Our price: $95.00
~~RRP: $99.00~~ save 4%
1 Buy Now

Colorado Timing Infinity Start System
Our price: $899.00
~~RRP: $918.00~~ save 2%
Buy Now

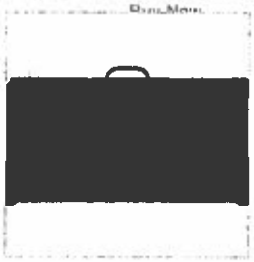
Tripod for Infinity Start System
Our price: $184.95
~~RRP: $190.99~~ save 3%
Buy Now

Megaphone 16 Watts 600yd.
Our price: $120.00
~~RRP: $175.00~~ save 31%
1 Buy Now

IST Swimclock-HI Indoor/outdoor w/o Battery
Our price: $1300.00
1 Buy Now

IST Shotclock 2 Digit Pace Clock
Our price: $710.00
1 Buy Now

IST Swimclock-HX Indoor/outdoor w/battery
Our price: $1650.00
1 Buy Now



IST Swimcount 4-digit
Our price: $1010.00
1 Buy Now

IST Swimcount 4-digit with Battery
Our price: $1330.00

IST Swimstart Electric Start System for Swimming
Our price: $840.00

IST Swimstart 25ft Cable To Timing System
Our price: $70.00

1 Buy Now

1 Buy Now

1 Buy Now

name: A-Z

Bestsellers in Starting & Timing Equipment

Colorado Timing Infinity Start System
Our price: $899.00

Tripod for Infinity Start System
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Megaphone 16 Watts 600yd.
Our price: $120.00

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Our price: $840.00

WHAT YOU WANT WHEN YOU NEED IT WITHIN YOUR BUDGET

when you spend $65, some restrictions apply see details

The Dedicated Swimmer's Outfitter

D&J INC. SPORTS

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- Fitness Swim Goggles
- Silicone Swimming Caps
- Summer Swim Team Swimwear
- Guard Rescue Tubes
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Authorize.Net Click E-Commerce Solutions

From: Kirk McCormick <kirkmccorm@msn.com>
Sent: Thursday, June 09, 2016 2:09 PM
To: Van Nimwegen, Hannah
Cc: billvaleta@q.com; bobjoanne1@q.com; robert.atkins.3@us.af.mil; wevaupel@comcast.net; r1dickerson@yahoo.com; pattycarb@msn.com; bruceh@pcisys.net
Subject: FW: Pikes peak aquatics facility

Hanna, the Dickerson's are neighbors of mine and they will be out of state next Thursday at a swim meet for their daughter. Rich sent me the e-mail below and has asked that it be presented to the Planning Commission. Can you give them a copy of this tonight? Thanks.

Kirk

From: r1dickerson@yahoo.com
To: kirkmccorm@msn.com
Subject: Pikes peak aquatics facility
Date: Thu, 9 Jun 2016 03:56:46 +0000

To Colorado Springs City Planning Commission,

My name is Rich Dickerson and my daughter is an NCAA Division 1 swimmer for the University of Wyoming. That being said it is evident that I have attended and witnessed many swim meets over her swimming career since the early age of 7. Swim meets and training sessions do create a high level of noise that is easily heard for quite a distance. A starting horn is used to start every race during a meet, these are typically an electronic horn that is very loud so all swimmers can easily hear the start of the race. If this facility is allowed to have open windows that face north towards the homes above, the home owners that face those windows will be hearing a starting horn go off every minute or two during a swim meet. I have known some meet referees who wear foam earplugs during meets due to the constant noise and volume of noise. Imagine if you will, a building filled with 100 + excited screaming children, with electronic horns and loud speakers making announcements and you will get the general idea of the volume of noise at a swim meet. Some facilities use a bull horn to communicate during meets and my research shows these can be heard for up to 600 yards with only 10 to 16 watts of power (see attachment D&J Sports inc.).
Electronic starting systems are now the norm these are the systems with the loud electronic starting buzzer or horn, and they incorporate a loud 40 watt speaker so the meet referee can communicate with all swimmers no matter where they are in the facility.
A train horn that I can easily hear from east of I25 is 96 to 110 decibels, electronic starting devices have a 40 watt speaker capable of creating up to 120 decibels (see attachment IST timing systems specs). These systems can also mimic the sound of a gun shot; if desired over the horn sound to start a race. The START 1000 MarkIII is a less powerful hand held start

system that has a 6 to 10 watt rating and can be easily heard over 800 feet. (see attachment Pro Grams Sports Systems)

With this all being said, I am not opposed to this facility but I would like it to be built with consideration for the homes in close proximity. I would be opposed to the Building of this facility with north facing windows that open and a flat roof. I am also opposed to a zoning change that would allow this facility to someday be turned into another form of commercial property such as a car lot, convenience, liquor or marijuana store.

Thank you so much for your time and kind consideration,

Rich and Mary Dickerson
325 Hummingbird Hollow Dr.
Colorado Springs, CO 80919

From: Kirk McCormick <kirkmccorm@msn.com>
Sent: Tuesday, June 14, 2016 2:41 PM
To: Van Nimwegen, Hannah
Cc: bruceh@pcisys.net; pattycarb@msn.com; bobjoanne1@q.com; billvaleta@q.com; wevaupel@comcast.net; r1dickerson@yahoo.com; robert.atkins.3@us.af.mil
Subject: Swim Facility Noise.
Attachments: Swim noise.pdf

Hannah, I'm not sure these attachments came through in the e-mail I previously provided you from Mr. Dickerson. The highlights are that the horns and electronic sound buzzers that are used in these types of facilities have a range of over 800 feet. our homes are less than 200 feet away from the open windows that are proposed. These electronic beepers are used during practices that allows coaches to start athletes with as little as 3 seconds between beeps. The speakers are 40 watts and emit 120 decibels.

Megaphones are also common in these facilities and have a noise range of 600 yards.

Mr. Dickerson also explained to me in a handwritten note that coaches commonly use whistles in these facilities, and the whistles produce over 100 decibels.

Please provide the Commissioners with this information right away. Given the extreme noise levels anticipated, I'm at a loss to understand why City Planning is recommending this building to have windows that open and face directly towards our homes?

Kirk

Categories

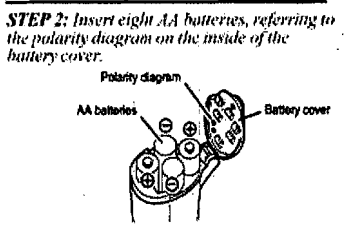
- Electronic Starter Systems
- Outdoor Sports Wristwatches
- Printers- Supplies- Accessories
- Seiko Printing Stopwatches
- Seiko Stopwatches
- Specialty Timers
- Timers & Scoreboards w/ Large LCD or LED Digits
- Ultrak Digital Countdown Timers
- Ultrak Printing Stopwatches
- Ultrak Stopwatches
- Ultrak Timing Systems

Brands

- SEIKO
- START 1000
- ULTRAK

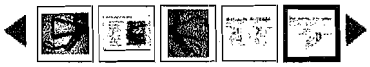
Home | Electronic Starter Systems | START 1000 "Mark III" Bullhorn Starter for Swimming, Track, Inline Skating Meets

START 1000 "Mark III" Bullhorn Starter for Swimming, Track, Inline Skating Meets



Price: $269.89
SKU: pgss_st1k_mk3
Shipping: $9.89 (Fixed shipping cost)
Quantity: 1 ADD TO CART

Buy in bulk and save



Related Products

SEIKO S141 300-Lap Memory Stopwatch for Aquatic Sports
$199.89

SEIKO S149 BASIC: 300-Lap Memory Printing Stopwatch
$374.89

ULTRAK 460 16-Lap Stopwatch Measures to 100 Hours at 1/1000 Second Resolution
$22.89

ULTRAK 460 Stopwatch RainBow Six-Pack Special 1/1000 Second Resolution 16 Lap/Split Memory
$129.89

START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
$189.89

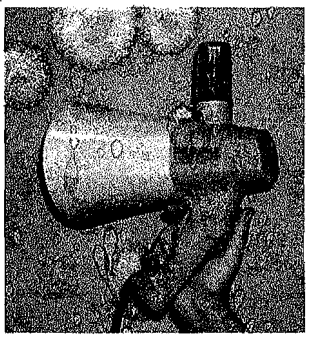
Product Description

START 1000 MARK III – *a kinder, gentler start!*

HANDHELD ELECTRONIC BULLHORN/STARTER SYSTEM

ProGrams Sports Systems has combined what we believe to be Earth's best handheld loudspeaker with a modified tone generator from a commercial fire alarm system and our own unique side-emitting LED strobe light to produce the START 1000 MARK III Electronic Starting System. Over 15 years of experience in producing earlier versions of this device – our original START 1000 Classic Swim Meet Starter System and its successor, the START 1000 Lite Handheld Starter – have led to this new product. The major features of this system are as follows:

DESCRIPTION



- **Handheld starting system powered by 8 AA batteries.**
- **Loud, light, and reliable megaphone allows starter/referee to speak to athletes and announce beginning of each race.**
- **Integrated signal button produces simultaneous electronic "beep" and ultra-bright 360° LED flash to start each race.**
- **No loud, scary pistols to frighten younger summer-league athletes.**
- **No delays caused by misfires.**
- **No annual ammunition costs.**
- **Two-year warranty.**

SYSTEM COMPONENTS

Handheld loudspeaker

► **Power output: 6W Rated / 10W Max.**

► **Range: 250 meters (over 800 feet).**

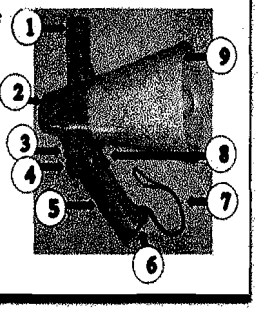
► **Powered by 8 AA batteries (over 8 hrs operating time).**

► **High durability ABS or ASA resin construction – compact and lightweight, easily carried all day with one hand.**

► **Voice amplifier with wide frequency range for enhanced audio quality.**

PARTS AND FUNCTIONS

1. 360° LED strobe
2. Mouthpiece
3. Start button
4. Volume control
5. Handle
6. Battery cover
7. Carrying strap
8. Talk trigger
9. Speaker horn



► **Speaker incorporates neodymium magnet and polyimide diaphragm to ensure efficient operation and high sound quality.**

► **Anti-bacterial treatment on mouthpiece, microphone, and handle improves hygiene and safety during use.**

Electronic beep

► MARK III tone generator incorporates powerful siren-driver circuit board from modified commercial fire alarm system.

► Rated sound-level output at ten feet: 106dB.

Side-emitting LED strobe

► A brilliant white flash from a state-of-the art light emitting diode (LED) is synchronized with the electronic beep to provide a visible starting signal.

► The powerful side-emitting LED diode used as the optical strobe for this system is mounted inside a light-diffusing cylinder surrounded by a protective lens for eye safety.

TECHNICAL SPECIFICATIONS

OUTPUT POWER	Loudspeaker rated 6W / 10W maximum
POWER SOURCE	Eight (8) AA batteries (to supply12 V DC)
SIGNAL	Simultaneous start pulse & 360° LED strobe flash
BATTERY LIFE	8 hours (estimated time for Alkaline batteries)
AUDIBLE RANGE	Voice: 250 meters (over 800 feet)
START PULSE SOUND LEVEL	Acoustic signal rated 106 dB @ 10 feet
SPEAKER HORN	Neodymium magnet / Polyimide diaphragm
OPERATING TEMPERATURE	Ranges from -10°C to +40°C (14°F to 104°F)
MATERIAL	High durability ABS resin (Grey / Light Grey color)
DIMENSIONS (L x W x H)	265 x 160 x 325 millimeters (10½ x 6¼ x12¾ inches)
WEIGHTS (Mark III & Batteries)	750 grams (1 lb 10½ oz) & 195 grams (7 oz)

► The ultra-bright 360° LED optical strobe used in this system has been designed, tested, and fabricated in our own manufacturing facility.

Click to view START 1000 Mark III Owner's Manual **(PDF Document)**

SHIPPING & HANDLING

- A fixed shipping and handling fee based on the United States Postal Service (USPS) price for Flat-Rate Priority Mail Boxes will be charged for preparing and shipping your order anywhere in the United States. Your order may be shipped via USPS Priority Mail, UPS Ground Service, or FedEx Ground Service using what we consider to be the best service available for date and time of purchase and your shipping address.
- For international orders, we ask our customers to take advantage of the internet store that we operate on eBay where we can process shipments through eBay's new Global Shipping Program. Under this plan, all shipping and customs charges are calculated and collected automatically by the eBay/PayPal shopping cart. This eliminates any surprises associated with unexpected expenses such as customs duties, import charges, taxes, third-party international shipping charges, brokerage fees, fuel surcharges, processing and handling fees, etc. This also allows you to receive your order even faster because it can be delivered immediately and will not be held awaiting customs payments.

INTERNATIONAL ORDERS

As discussed above, we prefer to use the eBay Global Shipping Program to ship to international customers. Every product offered at this SOS-SWIM store can also be purchased at our ProGrams Sports Systems eBay outlet. Click the image on the right to hop over to the listing for this item on eBay.

STARTER PISTOL ISSUES:

The traditional starter's pistol is "under the gun" and is facing a growing clamor to end its use at high school athletic events. The push for a change started to grow after the May 2007 shooting death of a 15-year-old student at Toronto's C.W. Jefferys high school. A probe into school safety after the student's death raised troubling questions about safety levels in schools and the threat of weapons on school property in Canada.

This concern slowly spread throughout the United States and, in 2014, we saw a major jump in the number of orders received for swim meet starters. This appears to be the result of many cities and states issuing bans on using starting pistols at various athletic venues – leading to many spurts of interest in ordering our electronic starters all across the country. For example, in 2014 we built and shipped almost 50 of our Mark III electronic bullhorn starters to customers in New Jersey alone in anticipation of a recently issued ban on using traditional starter pistols for their swim meets.

Others have joined this movement and various local and statewide bans are now in effect or will be issued in the near future. The next panel in this listing shows the beginning of the National Federation of State High School Associations web page explaining 2014-15 Swimming and Diving Rules Changes (including a new ban on using starting pistols as sounding devices in interscholastic swimming).

As explained above, the possibility that one may have to wait for periods longer than a week or so before a starting system can be shipped makes it necessary for us to encourage our customers to place their orders early. We hope that this will help minimize many of the disappointing delays that might otherwise result from heightened and highly variable surges in the rate of receipt of orders that we expect to be processing this year.

NFHS.org

NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS | Activities & Sports | NFHS For You

Home > Sports Resource Content > Swimming and Diving Rules Changes - 2014-15

Swimming and Diving Rules Changes - 2014-15

By on November 21, 2014

rules change *Share*

3-3-4: Reorganize to list the items a competitor may wear/use and clarifies that adhesives are not allowed for swimmers and/or divers. Divers may wear tape or wraps for support and no longer limited to the wrist.

Rationale: Lists items a competitor may wear/use as it makes the rule easier to use and assists in compliance. The change also prohibits the use of adhesives, such as sprays, as they become slick when wet and can interfere with performance of others.

3-6-1, New 2, 3: Delineates more clearly unsporting conduct, which results in removal from the meet and all events in which the competitor previously qualified, and unacceptable conduct, which carries a penalty of disqualification from the event. Separates spectator conduct from athletes and coaches.

Rationale: More clearly defines what is considered unsporting conduct, with a resulting penalty of no further participation up to ejection from the competition area, and what actions are considered unacceptable conduct with a resulting penalty of disqualification from that event. Delineates in Rule 8-3-8b when a relay lead-off time shall not be eligible for use as a qualification time or record. Spectators are also separated from athletes and coaches when dealing with unsporting/unacceptable conduct.

4-3-1 NOTE, 4-2-2 NOTE, 2-7-3 NOTE: Prohibits the use of a pistol/starter's pistol as the sounding device in interscholastic swimming.

Rationale: It is inappropriate to use a pistol of any kind at a school swimming meet. Alternative sounding devices are readily available.

8-1-5: Swimmers no longer step off the starting platforms after the referee/starter gives

WARRANTY INFORMATION

Our electronic starter systems carry an unconditional two-year warranty for parts and labor. Beyond the two-year period, they can be returned for repair at our facility for a fixed fee of $69 + $10 shipping & handling.

ProGrams Sports Systems has a long history of helping athletic teams on a budget - providing an economical source of accurate and reliable equipment for all of their timing needs. After evaluating equipment available for timing various types of events and processes, we made the decision to become authorized dealers for ULTRAK and Seiko stopwatches and associated products as a way to provide extra resources for our starter-horn customers.

The ULTRAK line of stopwatches, pedometers, scoreboards, and timing systems produced by CEI represents the latest in athletic timing and measurement products. CEI's extensive selection of quality ULTRAK timing products and customer service department is second to none. ProGrams Sports Systems is proud to be an authorized ULTRAK dealer. The full manufacturer's warranty applies to all of our ULTRAK products.

We also serve as an authorized SEIKO dealer and their warranty applies to all of our SEIKO products. The SEIKO Certificate of Limited Warranty accompanies each stopwatch purchased at our eBay store. SEIKO recommends that you do not purchase their products on any website unless it is a SEIKO Authorized Internet Retailer with the emblem "SEIKO AUTHORIZED RETAILER SITE" as it appears here. Only SEIKO Authorized Retailers can provide you with access to readily available parts and factory trained technicians. Any watch not accompanied by an original proof of purchase or a valid warranty certificate will not be recognized by SEIKO Service Centers.

SEIKO
AUTHORIZED RETAILER SITE
Where genuine SEIKO watches are sold
ProGrams Sports Systems

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Electronic Starter Systems

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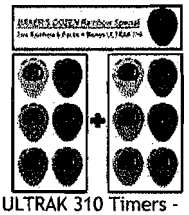
START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
$189.89
Add To Cart

ULTRAK L10-WBR: Conversion Kits for RF Wireless Operation of Multi-Lane Timer Systems
$84.89
Choose Options

ULTRAK 460 16-Lap Stopwatch Measures to 100 Hours at 1/1000 Second Resolution
$22.89
Choose Options



ULTRAK 310 Timers - RainBow Special - Baker's Dozen
$89.89
Add To Cart

All prices are in USD Copyright 2016 ProGrams Sports Systems.

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS

The OmniSport® HS-200 horn start and public address system is a complete starting solution for aquatics and track. Signal the start of a race with a distinct start tone and simultaneous flash. The HS-200 horn start can be programmed to sound a typical start tone or emulate a gunshot. Included microphone makes announcements, sends start/recall signals and changes internal settings. Smart Start and Recall features can be enabled or disabled depending on the officials' preference.

DIMENSIONS	WEIGHT	POWER
12" H x 8" W x 14" D (305 mm, 203 mm, 356 mm)	13 lb (6 kg)	120/240 VAC or rechargeable battery

KEY FEATURES

- 15 hours of battery use on full charge and 5-year life span (with regular charging after each meet)
- Internal 40 Watt speaker sounds voice and start signals
- 360° Strobe Light is easily viewable indoors and outdoors for all athletes and officials
- Smart Start detects a connection from the timing console to eliminate the possibility of a missed start
- LED indicators show ready/recall and battery status
- Dedicated outputs to auxiliary and lane speakers for maximum performance and flexibility
- Two sealed volume controls for independent control of main/auxiliary speakers and up to 10 lane speakers
- Start output provides both normally open and normally closed contacts to accept multiple timing system brands
- Practice Mode allows coaches to signal starts with as little as 3 seconds between athletes
- Color-coded jacks for quick setup

CONSTRUCTION

Durable, lightweight aluminum

PRODUCT SAFETY APPROVAL

ETL listed, tested to CSA standards and CE labeled; FCC approved

OPTIONS & ACCESSORIES

- Radio control (refer to following page)
- Remote Strobe (see SI-07387)
- Auxiliary Speaker
- Individual Lane Speakers
- Backstroke Flagpole Mounting Bracket
- Tripod

FOR ADDITIONAL INFORMATION

- Manual: See ED-12935

WWW.DAKTRONICS.COM E-MAIL: SALES@DAKTRONICS.COM

201 Daktronics Drive, PO Box 5128, Brookings, SD 57006
Phone: 1.800.325.8766 or 605.692.0200 Fax: 605.697.4744

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS

HS-200 COMPONENTS
1. **360° Strobe Light**
2. **Carrying Handle**
3. **Durable Aluminum Case**
4. **Internal 40 W Speaker**
5. **LED Status Indicators**
6. **Microphone**
7. **Volume Control Knobs**
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9. **Power Jack**
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Has the Ability
to Add More 40 watt Speakers

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3. **Belt Pack (Transmitter)**

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International Sports Timing
PRODUCT SPECIFICATIONS
SWIMSTART Electronic Start System

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   A. Physical
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      4. Two latching straps on back of case allow unit to be attached to backstroke flag pole.
      5. Lens over 360 degree strobe is a transparent dome of shatterproof plastic.
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      1. Unit includes a 110V to 24VAC wall transformer that should only be connected to GFI (Ground Fault Interrupt) 110V 15 amp (min.) outlet.
      2. Load requirement: .2 amps.
      3. Includes an internal, rechargeable 12V battery with an over/under charge protection circuit (warranty on battery is two years). Estimated use per charge: 12 hours.
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   C. Environmental
      1. The operating temperature range is 0 to +55 degrees Celsius.
      2. The storage temperature range is -55 to +85 degrees Celsius.
      3. The operating humidity is <= 90% non-condensing.
   D. Operating Features
      1. Microphone includes talk and start/recall switches, 15' coiled cord and hanging clip. Unit can be used as portable public address system.
      2. Speaker is 40 watt, 120 decibel and mounted on case. Case has auxiliary jack for connecting additional speaker(s).
      3. Strobe is 6,000 volt xenon, covered by a dome lens for 360 degree disbursement.
      4. Volume control allows volume to be adjusted to meet conditions, or turned off for training with strobe only.
      5. Can be used stand-alone or connected to IST's SWIMWARE Timing System or other popular timing consoles.

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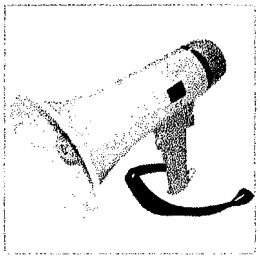
name: A-Z



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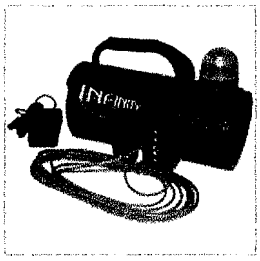

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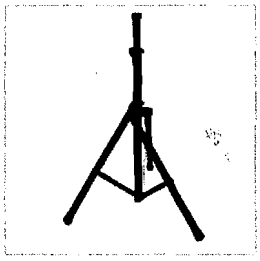

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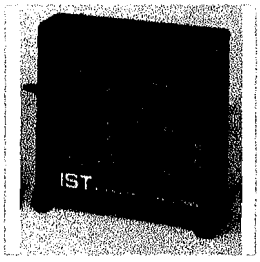

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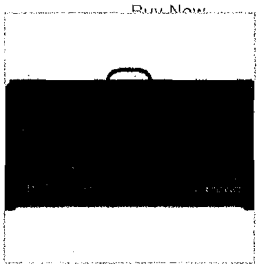

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Our price: $1010.00
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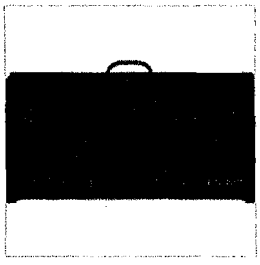

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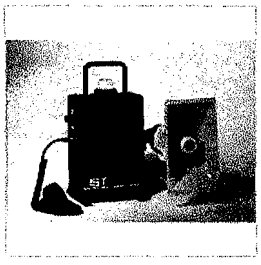

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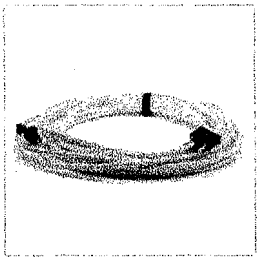

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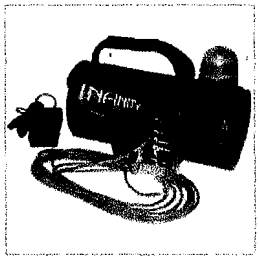

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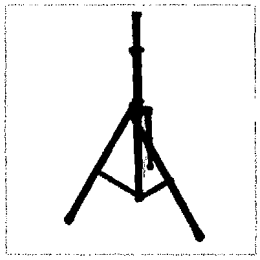

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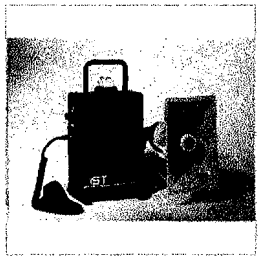

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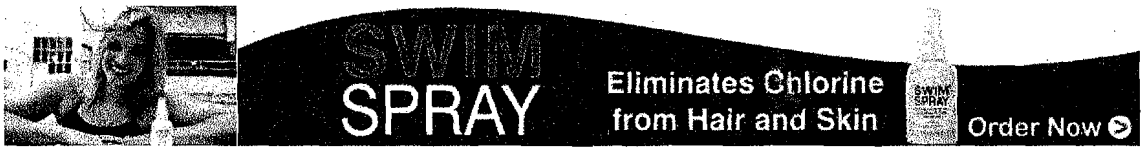

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PROXY

My name is Robert Atkins. I am a Lieutenant Colonel in the U.S. Air Force. I am currently stationed in California. I own a home at 4950 Sunbird Cliffs Drive. The proposed zoning change and proposed building with a flat roof and windows that open towards my house is contrary to what I believed would be built below me when I bought my house several years ago, which was a building with a pitched roof, and would not house a noisy swim facility that opens up towards my home.

I believe this project as proposed will decrease my quality of life when I return to Colorado and will negatively impact the value of my home. I cannot return to Colorado for the City Planning Commission Meeting on 6/16/16 and so I am hereby granting by Proxy my 3 minutes of speaking time to Mr. Kirk McCormick.

Dated June 14, 2016

Robert Atkins, Lt Col, USAF
Chief, EELV Mission Management

From: Kirk McCormick <kirkmccorm@msn.com>
Sent: Wednesday, June 15, 2016 4:06 PM
To: Van Nimwegen, Hannah
Cc: bruceh@pcisys.net; pattycarb@msn.com; bobjoanne1@q.com; billvaleta@q.com; r1dickerson@yahoo.com; robert.atkins.3@us.af.mil; wevaupel@comcast.net
Subject: Decreased Home Values
Attachments: decreasehomevalue.pdf

Hannah, attached you will find a letter from Melissa Woodley. She has sold homes in Colorado Springs for over 15 years. She sold me my home. Based on her experience she is of the opinion that if this project goes forward with a flat roof and open windows facing my house my home will decrease in value by $20,000.00. She is also of the opinion that the homes around us that are not on the ridge will experience value losses since the homes on the ridge anchor the value of the other homes.

Here is the significance of this. There are 12 homes directly on the ridge. That's a property value loss of $240,000.00. There are a remaining 40 homes in the cul-de-sac. Let's assume a conservative estimate they will suffer losses of $10,000.00 per home. That's another $400,000.00 in property value losses in our neighborhood.

The applicant has thumbed his nose at us saying he doesn't want to spend $100,000.00 to put a pitched roof on the building, nor does he want to remove the windows when there is documented HVAC alternatives as pointed out by Mr. Vaupel to deal with ventilation. And all of this is in the face of our neighborhood suffering over $600,000.00 in property damage losses

You didn't answer my question in my last e-mail, so I will I'll ask it again and ask for the courtesy of a response, how can the City Planning Department support the proposed building design given all of this information? I request you reach out to your superiors before tomorrow morning and change your recommendation.

Please send this e-mail and the attached letter to the Commissioner's right away.

Kirk

Melissa A. Woodley
Broker Associate

June 15, 2016

To Whom It Concerns:

I have been a residential realtor in Colorado Springs for over 15 years. I was Mr. McCormick's realtor in the purchase of his home in the fall of 2008. Mr. McCormick recently asked me to give him my opinion the effect of the currently proposed swimming facility will have on the value of his home.

Mr. McCormick's home will look down on the top of the proposed building, which I understand will have a commercial flat roof, as opposed to a more residential looking pitched roof. It is also my understanding that the proposed building will have windows that open directly towards the homes on the ridge, which will allow sound to flow out of the building towards the homes on the ridge, which includes Mr. McCormick.

Based on my experience I am of the opinion that when Mr. McCormick goes to sell his house, the flat roof and noise emissions of the building directly below Mr. McCormick's house will result in a loss in value of somewhere in the area of 5% which in today's market would be roughly $20,000.00 on a $400,000 home. This is quite significant. Because homes on ridges in areas similar to 4940 Sunbird Cliffs Drive anchor the value of the homes that surround them, it is reasonable to assume that the homes in the surrounding cul-de-sac and sub area will experience drops in their property values as well.

Please take into consideration the aesthetics of the roof design which will not only enhance the commercial appeal of the facility but will also greatly improve the integration of the facility into the adjacent neighborhood homes.

Sincerely,

Melissa A. Woodley, CRS, GRI, ABR
Realtor, License # FA40022723
RE/MAX Properties, Inc.

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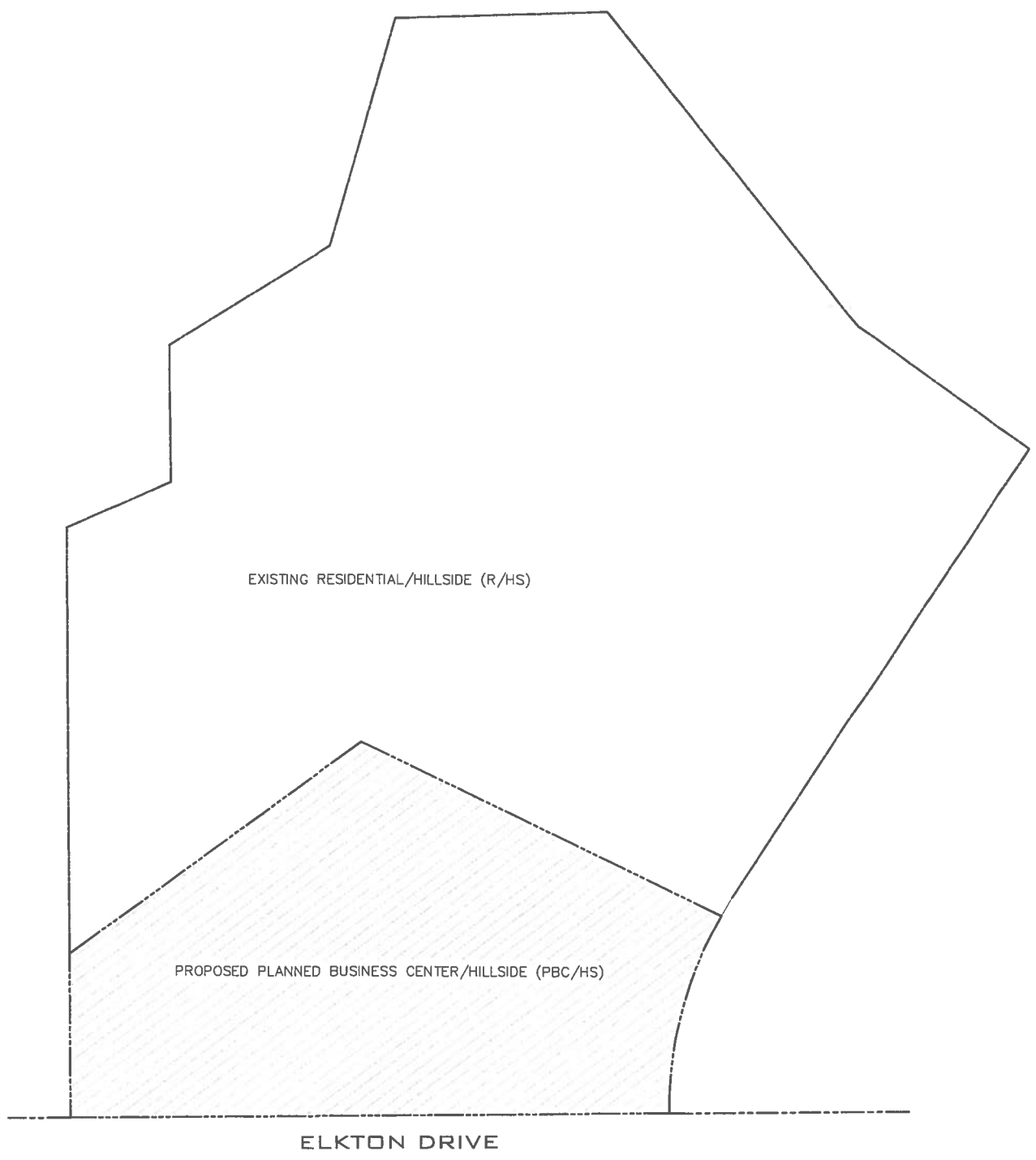
COLORADO SPRINGS, CO



SITE PLAN
SCALE: 1" = 60'-0"

0 60' 100' 200'

NORTH

LEGAL DESCRIPTION FOR PBC/HS ZONE

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 67 WEST OF THE 6th P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF ELKTON BUSINESS CAMPUS AS RECORDED UNDER RECEPTION NUMBER 98187389 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO, CLERK AND RECORDER;
THENCE ALONG THE SOUTHWESTERLY BOUNDARY THEREOF, THE FOLLOWING TWO COURSES:
(1) THENCE NORTHERLY ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 30° 50'32" (THE LONG CHORD OF WHICH BEARS N 14° 49' 34" E, A LONG CHORD DISTANCE OF 176.50 FEET), AN ARC LENGTH OF 177.64 FEET TO THE SOUTHERLY CORNER OF LOT 1 IN SAID ELKTON BUSINESS CAMPUS;
(2) THENCE N 64° 24' 26" W, A DISTANCE OF 343.38 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1;
THENCE S 53° 54' 40" W, A DISTANCE OF 309.73 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE EASTERLY BOUNDARY OF LOT 2, McCULLOUGH SUBDIVISION AS RECORDED IN PLAT BOOK Z-2 AT PAGE 66 OF SAID COUNTY RECORDS;
THENCE S 00° 23' 26" E ALONG SAID LINE, A DISTANCE OF 140.89 FEET TO A POINT ON THE NORTHERLY LINE OF ELKTON DRIVE;
THENCE N 89° 24' 18" E ALONG SAID NORTHERLY LINE OF ELKTON DRIVE, A DISTANCE OF 514.14 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.95 ACRES, MORE OR LESS.

AR DP 16-00023

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ARCHITECTURE
LAND PLANNING
DEVELOPMENT SERVICES
5913 WELFORD PL
CASTLE ROCK, COLORADO
80108
P 303.660.9570

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

DATE	△ DESCRIPTION
03/01/16	1ST OFFICIAL SUBMITTAL
04/15/16	2ND OFFICIAL SUBMITTAL

ZONE MAP

PROJECT #: 15.037
DRAWN BY: KA
DESIGNED BY: KA
CHECKED BY: SDA

EXHIBIT A

CITY OF COLORADO SPRINGS PLANNING COMMISSION

MINUTES / RECORD-OF-DECISION

R DA , A ,
A A R
R ADA A
RAD PR , RAD
A R A P P A D RD R A A
AD R D A A

PR **A**
Phillips
Markewich
Henninger
Shonkwiler
Smith
Walkowski
Gibson
Graham
McDonald

A A DA
Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

F D A DAR

DA : June 16, 2016
: 5.A.1 – 5.A.2
F CPC ZC 16-00022 – CPC DP 16-00023
PR : Pikes Peak Athletics
AFF: Hannah VanNimwegen

AFF PR A
Hannah Van Nimwegen, Planner II, Planning and Community Development gave a PowerPoint Presentation.

APP A PR A
Ms. Kristin Albers with Ireland Dean Designs, LLC representing Pikes Peak Athletics said the reason for the rezone was for parking and the building. The 1998 Concept Plan showed an outdoor pool and that was approved. The proposal is not a deviation from that other than it's indoors. Regarding noise, their pool will be indoors so it will significantly decrease any noise you'd hear from activities. Swim meets will not be frequent or large in scale. Decibels for noise levels will need to be measured from outside the building. They will add six additional evergreen trees. Their signage will not have a reader board it will only be an illuminated monument sign.

Shannin Albers – architect for the project. A challenge is the building location – there are severe grades in the area so their building area is limited. They've taken various steps for elevation change. The building is close to the street and far as possible from the residential area as they can make it. There's retaining wall in the front, it's setback and there is a retaining wall in the back. They're not building large platforms which would stand out of the natural landscape. Predominately the roof types in the area are industrial uses; flat roofs, mechanical units on top, some low pitched roofs that are metal.

Based on comments received from the neighborhood, they redesign the roof and changed it to have 35% be pitched so it will have a more residential look. They took the HVAC roof units and proposed to put them on the lower flat roof to help screen and avoid noise. But this remained a concern for the neighbors so they looked at options for the HVAC units looked at options to move them and are now proposing the two units HVAC units that serve the two-story building be located in the attic space of the pitched roof and put condensers on the ground. There won't be anything visible to the neighbors as far as that upper roof. Regarding the HVAC on pool roof they are taking those and putting them on an elevated platform on the south side of the building. This will move it as far away from the neighbors as possible with the building also providing screening for sound.

They still propose the flat roof over the pool area. It's a 100-foot span and a 75 foot pool. They cannot put columns to break up that span. A pitch roof in that area with a truss system would be extremely expensive. They propose doing a tan membrane on the flat roof so that it will be less visually obtrusive to the neighbors on the bluff above.

Regarding the windows and glazing on the north. Originally they proposed having operable on the north to let fresh air into the building. They still want the windows for natural lighting but the window will be inoperable. They have glazing to the south, nothing on the east and a limited amount on the north side.

They've worked to keep the entry to the building as far away as possible from the houses. Any outdoor public spaces are on the south side of the building away from the neighborhood. They will continue to work with the neighbors and come up with solutions but they feel they've done everything they can at this point architecturally to address concerns.

estions of the Applicant

Commissioner Walkowski clarified the north windows will not be operable, which was confirmed. Commissioner Walkowski confirmed the garage doors that open on the south side are away from the neighbors. Mr. Albers stated there's a planned outdoor patio area but it will remain on the south side away from the neighborhood.

Commissioner Walkowski asked about sound insulation. Mr. Albers said they will use 8 inch concrete cinder block which is good for sound absorption along with an interior furring over that along and a water resistive finish. So the wall will be about 12 inches thick. To keep the air inside cool so they will probably have more than what is required by code for roof insulation.

Commissioner Markewich said a number of compromises have been made to accommodate the neighbors' concerns. Regarding windows in the 2-story section, its offices and training

area as opposed to an area for a swim meet. Mr. Albers confirmed that was correct. The area that is closest to the neighbors is the weight training and strength training part of the facility. Commissioner Markewich also confirmed if the windows on the 2-story section would be operable. Mr. Albers said he didn't think any of the windows on the 2-story would be operable.

Commissioner Markewich asked for the system with the loud buzzers or beeping system to be described. Ms. Kristin Albers said she wasn't sure what they'd all they had in their packets but beepers **are** used for training but mega phones will not be used. The beepers are for the purpose of the starting a race or a starting box. The data provided to the commissioners may have had information about noise decibels but in that data the distance that noise decibels are heard from are not the same decibels that are heard 150 feet higher and 600 feet further away.

Commissioner Markewich discussed what the code said the limits are for sound decibels and asked if were they confident they would be within those standards. Ms. Albers said she was very confident they would meet them.

Commissioner Smith wanted to know how many times a year would swim meets happen and what time of day would they occur. Ms. Kristin Albers asked the owner to address that question. Ms. Albers said that in the business plan it allows for meets but his first foremost use for the facility is a training facility.

Mr. George Heidinger owner and coach of Pikes Peak Athletics said their model is a training center so they aren't focused on swim meets. They could have some 3-5 times a year and at the most 6 times. There are already numerous swim meets within the city and if they tried to compete with those they wouldn't have good participation and it wouldn't be good for the community. In general the swim meets are not part of what they are trying to do.

itizens in pport

Matt Farrell stated he was in support. He lives in the Pine Cliff area. He's in support for the opportunity for youth activity. It's a great benefit to the community, it's near the Health and Human Services corridor along Garden of the Gods, it's an area that is built to handle the number of people, the amount of traffic and it's an activity that is applicable to all ages. In their community they get a dull hum from the traffic from I-25 and if that is replaced by families and cheering it would be a change he would welcome. It's something as a city and community that we can exemplify being the Olympic City USA.

Joseph Carlson is in support. He's running for District 1 City Council seat in 2017 so this is right in his area. The proposed area is right down the street is Colorado Technical University. He thought it would be a good idea to partnership this facility and CTU. If the facility could be shared and utilized together it would be something positive.

itizens in pposition

Bruce Hutchinson, president of the Pine Cliff HOA and also part a board member and officer of CONO his remarks were based on before what he knew before today's meeting. There have been previous developments in their neighborhood and there are similarities with the current development and the Whistling Pines Gun Club but with three differences. 1.) The homes closest to the development would be about half the elevation and half the distance from the

new facility. 2.) The topology from the homes and the new facilities create a sound funnel that goes right up to the homes which is not the case with the Gun Club. 3.) The Gun Club eventually agreed to add additional noise mitigation on top of the final building design which may be a factor in why they do not have any gunshot noises reaching the homes. There are some positives regarding the development even though they'd have preferred a development that continues the same use and office esthetics as the office building east of the site. He appreciated the willingness to add conditions of record to prevent possible undesirable uses for the future and the change of the partial pitch roof designs. They appreciated the owner increasing the number of trees and their signage plan. He was also encouraged to hear some of the further changes that were mentioned today and viewed that as a very positive sign. But as a group they are still opposed due to neighbors' concerns.

Kirk McCormick lives in the area. He also had a proxy for Rob Atkins serving in the Air Force and wanted Mr. McCormick to express his views regarding the project. Mr. McCormick said this is spot zoning. The development will be about 600 feet away about and 150 feet elevation and the homes will look directly down to the facility. There are 12 homes on the ridge that are affected. They thought an office type building would be below their homes and that was how it was platted. The rezone is nothing like that. They have several problems with the project. The roof; even though they've made changes to the plan to have 30% pitched that part of the roof faces west where there are no homes. The flat roof which still contains a HVAC unit is 70 % of the area of the roof and they will look right down on that. The applicant has estimated the cost for a pitched roof to be about $100,000. Mr. McCormick spoke with a real estate broker from Remax Property and they indicated that due to that type of roof the developer was proposing the property loss could be approximately $20,000 to his home and if that was all 12 homes, its $240,000 and their homes anchor the value of the 52 homes in their col-de-sac. Those homes will suffer as well, possibly $600,000 in property loss. The other big issue is the noise. They've said there will be swim meets. The beepers go off every three seconds during training sessions emit over 100 decibels in the building and designed to reach out over 800 feet. Even with the changes to the windows, which he appreciated, windows are not sound barriers. That sound is 600 feet away and goes directly through those windows up the area into their back yards. There should be no windows in the back area at all. If they would do a pitched roof that building is worth more money and is more desirable and they would maintain their property values. He urges a vote against the project as currently designed.

Commissioner Phillips said the amount of money that could be lost in property values seemed fairly significant. He asked if Mr. McCormick had reach out to any other brokers about what property loss could be. Mr. McCormick said he had not, but would be happy to do so. He also stated he'd asked the applicant to give them a decibel studies at similar facilities because based on another family's experience whose child participates in swim meets this will be an extremely noisy facility that is extremely close to their homes and they haven't produced any of that type of information for them.

Mr. Bob Patterson lives closest to the facility. He had no objection to the facility but objects to the flat roof because all the patios will look right down on that flat roof. The prevailing wind in this area is out of the south so any noise they get this right comes right up that valley to their homes. They are really affected by this and he's really concerned about how this will affect the property values on the rim and especially his. All will be devalued. He asked for some

consideration on the design of the building. A pitched roof will cost them some money but it can be done.

Commissioner Smith said to Mr. Patterson that neither he nor have the other opponents mentioned that in 1998 a concept plan was approve and it had an outdoor pool and three tennis court which was just presented to them this morning; so his question was which would you rather have outdoor or indoor facilities. Mr. Patterson said an indoor facility. He was present for that and thought that was a bait situation to get the original concept of what was built below them as office buildings. An office building that was built is an attractive building that's a very quiet and the building that was to be built next to it was to look the same. But the economic situation of the city and the rental business has had a great effect on that happening. The building they are proposing to be built doesn't harmonize with this building the office building at all. The current designed is multi-colored building doesn't go with what is there.

Commissioner McDonald said she looked at the map of the neighborhood and it appeared there were flat roofs in the neighborhood. Mr. Patterson said he looked down where she indicated and he doesn't see any flat roofs; to the west is a flat roof but where he lives he doesn't see it.

Mr. Bill Polk is very hearing impaired and hadn't heard a lot about what was said today but he lives right above the building that is being proposed. He's not opposed to the building but is opposed to how it's being done. His big concern is the aesthetics. Looking down on the flat roof and the HVAC will devalue the properties. He was not sure how it could be changed but he felt it could be. The windows he didn't think were necessary and didn't know if they could be changed. If he would hear anything going on from the building then it would be very loud.

Commissioner Markewich told Mr. Polk about the changes for the HVAC on the roof being moved and the windows won't open on the north side. Mr. Polk said that was an improvement. Mr. Polk asked if the flat roof had been changed too. Commissioner Markewich said it was still flat, but they'd change the color. Mr. Polk said he'd still like the roof to be changed.

Claudia doesn't live in the area but offered comment by saying it would be simpler if the people built in a different area and felt they were trying to accommodate but the people aren't really happy about it.

estions of taff

No further comments from staff but clarified that Claudia lives in the Old North End and has not been a part of this process until today.

Re ttal

Ms. Kristin Albers said the part of the building that will have a flat roof is over the pool area. You cannot have columns in the pool and there is a significant span over that area and if it was a pitched roof it would have to have structure under it to hold it up. It would add significant expense. Ms. Albers says there are industrial buildings that have flat roofs in the area and she has trouble believing the neighbors don't look down on the south side of Elkton and Garden of the Gods and not see those flat roofs.

Ms. Albers stated the neighbors said the winds in this area prevail from the south and bring noise up the ridge and hear train traffic and automobile traffic. So they are already receiving noise on a constant basis.

Regarding the office building the neighbors say there is a proposed plan and an existing building with a pitched roof and that plan showed an adjacent identical building. That piece of property is still vacant is not part of their project so it could still be developed and they are not replacing the possibility of that building being built there.

Commissioner Walkowski asked what percentage of the building was the pitched roof. About 30-35% on the west third of the building and the HVAC will be off the all the roofs. The flat roof will have a parapet around it. They've cleaned up changed the color and tried to make a visual attractive. To have to span 100 feet in a building you would have to have bow trusses similar that are used in civic buildings, train stations, things like that and those raise the cost and would make the project infeasible to complete it.

Commissioner Henninger asked the owner, Mr. George Heidinger that even though the facility is a training facility would they have any open swim or neighborhood access. Mr. Heidinger said yes they have a membership element to it during certain hours.

D A D D F P A

Commissioner Henninger thanked applicant for their presentation and the neighbors for their opinions both pro and con. He liked the concept for an enclosed facility for Colorado Springs making it year round. Regarding the noise for swim meets, he's been at some and the noise is contained primarily to the inside of the building and with the way the building is designed having open doors to the south the noise will flow to the south. For the most part the building will be a quiet dormant building with people swimming laps upon laps inside the building. He is in full support of the project.

Commissioner Markewich thanked everyone for coming down. He thought it was a good way of how the business community and neighborhoods can work together because it seemed there has been a lot of compromise with changes on the developer's side such as getting several things changed based on the neighbors' concerns. They were able to get a good portion of what they wanted. That amount of compromise spoke well of the process and of staff and how they handled it. When the Whistling Gun Range came before them and the sound engineers were out there at the top of the ridge the noise was above 55 decibel limit that was allowed by code and that was just the ambient noise. So if the ambient noise at the top was more than 55 decibel limits and he felts confident that when the facility is built the noise levels at their property lines will be within city code limits and if it's not they can file a code enforcement complaint and make sure they stay within those limits. The zone change and development plan complies with both review criteria. He is in support of the project.

Commissioner Smith concurred with previous comments. It will not be a public pool. Most of the activity will be done in the day. Design and architecture are not included in their ordinances and they have no control over that. The 1998 concept plan shows outdoor pools and tennis court so he didn't think there was an issue so he would be in support of the applicant.

Commissioner McDonald said she was in agreement with comments the previous commissioners have stated and she will be in full support of the project for both the zone change and the development plan.

Commissioner Walkowski thanked the neighbors for coming out and using the forum to speak and have their issues heard. The applicant has made a number of accommodations and that is a way that the neighbors, applicants and developers to work together. For the Commission the big thing is the review criteria and one of them is will the design be harmonious with the surrounding land uses. If you look at the property it's very harmonious and compatible. It substantially complies with the comprehensive plan. So for all the reasons mentioned by other commissioners and for the review criteria he will be in support.

P A F

Motion by Commissioner Markewich and seconded by Commissioner Graham to recommend approval to City Council the change of zone district from R/HS (Estate Single-Family Residential with Hillside Overlay) to PBC/CR/HS (Planned Business Center with Conditions of Record and Hillside Overlay), based upon the finding that the zone changed complies with the review criteria outlined in City Code Section 7.5.603.B. subject to compliance with the following conditions of record:

Conditions of Record:

The following land uses shall be prohibited:

- Automotive rentals
- Automotive repair garage
- Automotive sales
- Automotive service
- Automotive wash
- Bar
- Campground
- Construction sales and services
- Drive-in or fast food restaurants
- Liquor sales
- Medical marijuana center
- Medical marijuana cultivation operation
- Medical marijuana infused product manufacturer
- Sexually oriented business
- Social Service Center

Aye: Phillips, Markewich, Henninger, Shonkwiler, Walkowski, Graham, Gibson, Smith, McDonald. No: None Motion Passed

P DP D P P A

Motion by Commissioner Markewich and seconded by Commissioner Smith to recommend approval to City Council the development plan for a swim and athletic facility based upon the

findings that the development plan meets the review criteria as set for in City Code Section 7.5.502.E subject to compliance with the following technical modifications:

Technical Modifications to the Development Plan:

1. Revise all existing and proposed zone districts from PBC/HS to PBC/CR/HS on Development Plan sheets.
2. Place the Conditions of Record on sheet one of the Development Plan.
3. Label the neighboring property to the west's subdivision name on site plan (sheet two) as "McCullough Sub."
4. An additional handicap accessible parking stall is required for the number of parking stalls provided. When added, adjust the parking count accordingly.
5. Adjust sidewalk connection from Elkton Drive to building entrance to be handicap accessible. This connection currently proposes stairs, which are not ADA compliant.
6. Provide a note stating, "Electronic message center signage prohibited."
7. Provide a note stating, "Flat roof area to be painted beige."
8. Provide a note corresponding to the northern building elevation, "All windows on northern building face to be inoperable."
9. Revise the building elevations to include the new raised building section for the remaining mechanical equipment.
10. Revise the Landscape Plan to include six additional evergreen trees along the northern property line.
11. Provide evidence the turf in the setback does not exceed the 50% maximum, or make the planting area larger. We do not include the parkway in this calculation, only the setback (this is applicable "by category"). Staff calculates the total area the same (about 12,500 sf) and the proposed turf to be about 6900 sf. Please further increase the planting / drip area in the setback.

Aye: Phillips, Markewich, Henninger, Shonkwiler, Walkowski, Graham, Gibson, Smith, McDonald. No: None Motion Passed

City Attorney Marc Smith stated since an ordinance is part of the application it will automatically go to City Council so no appeal is necessary.

Aye: Aye: Phillips, Markewich, Henninger, Shonkwiler, Walkowski, Graham, Gibson, Smith, And McDonald
No: None
Motion Passed

June 21, 2016	Eric Phillips
Date of Decision	Commission Chair

APP A F P A , A F R ARD A D R
PR R A ARD D

1. Notice Of Appeal: 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.

2. Action And Procedure By The City Council: Upon receipt of the notice of appeal required by this subsection B, the City Clerk shall schedule a public hearing before the City Council at the next regular meeting of the City Council occurring a minimum of twenty (20) days after receipt. The City Council shall hold a public hearing on appeals from the Planning Commission, an FBZ Review Board or Historic Preservation Board upon the date so scheduled or upon the date to which the same may be postponed or continued. Before the public hearing is commenced, the City Council may entertain a motion to uphold the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board or refer the matter back to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further consideration and recommendation.

3. Postponement Of Items On Appeal To The City Council: As a matter of course, any person may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, made in accord with this subsection, to the next following regular Council meeting. Request for any additional postponement shall be only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further hearing and recommendations.

4. City Council's Powers Upon Appeal: The City Council shall have the power to refer any matter appealed back to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further consideration or Council may affirm, reverse or modify the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board. City Council may hear the appeal de novo, or may limit the hearing to matters raised on appeal.

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

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

7. Filing Fee: The filing fee shall be borne by the appellant. (Ord. 80-131; Ord. 84-159; Ord. 86-66; Ord. 88-190; Ord. 89-7; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 01-127; Ord. 01-164; Ord. 03-16; Ord. 03-216; Ord. 04-280; Ord. 07-35; Ord. 09-76; Ord. 12-24)

City of Colorado Springs

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

Memorandum

File #: CPC DP 16-00023, **Version:** 2

A development plan and an appeal of the City Planning Commission's recommendation to City Council to approve a development plan for swim and athletic facility located north of the intersection of Elkton Drive and Chestnut Street.

(Quasi-Judicial)

Related File: CPC ZC 16-00022

Presenter:
Hannah Van Nimwegen, Planner II, Planning and Community Development Department
Peter Wysocki, Planning Director

Summary:
Appellant: Kirk McCormick
Applicant/Developer: Kristin Albers of Ireland Dean
Owner: Pikes Peak Athletics Training Center, LLC
Location: Northeast of the Elkton Drive and Chestnut Street intersection

The appeal was filed by Mr. Kirk McCormick, a homeowner near the proposed project. Mr. McCormick is appealing the Planning Commission's recommendation for approval of the proposed change of zone and development plan for the Pikes Peak Athletics project.

The appellant has requested the onetime, non-discretionary postponement of the appeal hearing as permitted in City Code Section 7.5.906.B.3.

Previous Council Action:
N/A

Background:
Upon Planning Commission's recommendation of approval, Mr. Kirk McCormick, a neighbor of the proposed development, appealed the recommendation and is requesting that City Council postpone the hearing to the July 26th, 2016 Council meeting. This request is supported by City Code Section 7.5.906.B.3, which allows any person to postpone the first scheduled Council hearing of an appeal to the next regular Council meeting as a matter of course.

All supporting materials will be included with the formal hearing package.

Financial Implications:

N/A

Board/Commission Recommendation:
At their meeting on June 16, 2016, the Planning Commission voted unanimously to recommend approval of the zone change and development plan applications.

Stakeholder Process:
Public notice was provided to 71 property owners within 500 feet of the site following the application submittal and prior to the June 16th, 2016 Planning Commission meeting. The site was also posted on three occasions-after the submittal of the application, prior to the Planning Commission meeting on May 19th, 2016, prior to the Planning Commission meeting on June 16th, 2016. Meetings between staff, the applicant, and neighbors were held on April 25th, 2016, May 18th, 2016, and June 22nd, 2016.

Alternatives:
Per City Code this application is being postponed to the July 26th, 2016 City Council meeting.

Proposed Motion:
Based upon City Code section 7.5.906 (B)(3), move to postpone the development plan and appeal hearings to the July 26, 2016 City Council meeting.

N/A

City Planning File #: CPC ZC 16-0002; CPC DP 16-0002;
City Planning Comission decision - 6/16/16

APPEAL STATEMENT

This is an appeal from the City Planning Commission decision of 6/16/16, concerning a proposed zoning change and development of a swim facility near the intersection of Elkton and Chestnut. This 28,000 square foot facility will be constructed within 150 from homes built in the Pine Cliff are. The most affected homes sit on a ridge and will overlook this facility, a little more than a stone's throw away.

While the applicant has made several accommodations to address the homeowners concerns, several large issues remain. First amongst these is noise. While it has been proposed that this facility will be primarily a swim facility, the owner has acknowledged that it will also host swim meets. The building is designed to have long horizontal windows along the pool area that face towards our homes. One of the home owners on the ridge, whose daughter swims for the University of Wyoming, described the noise levels to City Planning as follows:

> "My name is Rich Dickerson and my daughter is an NCAA Division 1 swimmer for the University of Wyoming. That being said it is evident that I have attended and witnessed many swim meets over her swimming career since the early age of 7. Swim meets and training sessions do create a high level of noise that is easily heard for quite a distance. A starting horn is used to start every race during a meet, these are typically an electronic horn that is very loud so all swimmers can easily hear the start of the race. If this facility is allowed to have open windows that face north towards the homes above, the home owners that face those windows will be hearing a starting horn go off every minute or two during a swim meet. I have known some meet referees who wear foam earplugs during meets due to the constant noise and volume of noise. Imagine if you will, a building filled with 100 + excited screaming children, with electronic horns and loud speakers making announcements and you will get the general idea of the volume of noise at a swim meet. Some facilities use a bull horn to communicate during meets and my research shows these can be heard for up to 600 yards with only 10 to 16 watts of power (see attachment D&J Sports inc.).
>
> Electronic starting systems are now the norm these are the systems with the loud electronic starting buzzer or horn, and they incorporate a loud 40 watt speaker so the meet referee can communicate with all swimmers no matter where they are in the facility.
>
> A train horn that I can easily hear from east of I25 is 96 to 110 decibels, electronic starting devices have a 40 watt speaker capable of creating up to 120 decibels (see attachment IST timing systems specs). These systems can also mimic the sound of a gunshot; if desired over the horn sound to start a race. The START 1000 MarkIII is a less powerful hand held start system that has a 6 to 10 watt

CITY CLERK'S OFFICE
2016 JUN 27 P 12: 00

rating and can be easily heard over 800 feet. (see attachment Pro Grams Sports Systems)
With this all being said, I am not opposed to this facility but I would like it to be built with consideration for the homes in close proximity. I would be opposed to the Building of this facility with north facing windows that open and a flat roof. I am also opposed to a zoning change that would allow this facility to someday be turned into another form of commercial property such as a car lot, convenience, liquor or marijuana store.

Thank you so much for your time and kind consideration,

Rich and Mary Dickerson
325 Hummingbird Hollow Dr.
Colorado Springs, CO 80919"

I followed this email up with another email to City Planning as follows:

"Hannah, I'm not sure these attachments came through in the e-mail I previously provided you from Mr. Dickerson. The highlights are that the horns and electronic sound buzzers that are used in these types of facilities have a range of over 800 feet. Our homes are less than 200 feet away from the open windows that are proposed. These electronic beepers are used during practices that allows coaches to start athletes with as little as 3 seconds between beeps. The speakers are 40 watts and emit 120 decibels.

Megaphones are also common in these facilities and have a noise range of 600 yards.

Mr. Dickerson also explained to me in a handwritten note that coaches commonly use whistles in these facilities, and the whistles produce over 100 decibels.

Please provide the Commissioners with this information right away. Given the extreme noise levels anticipated, I'm at a loss to understand why City Planning is recommending this building to have windows that open and face directly towards our homes?"

In response to these concerns the owner / applicant agreed to install the windows so that they won't open. The problem remains, however, that it is an accepted engineering fact that windows are not effective sound barriers, and that this facility is going to produce an extreme amount of noise that will be emitted through the windows and up to our homes on the ridge. In spite of these concerns, the owner / applicant has refused to commission a sound study.

Regarding the sound problem, the homeowners are requesting two items: (1) That sound proof windows be installed; and (2) that sound baffling be installed in areas of the building, such as the ceiling and other areas, to provide effective noise mitigation.

Another issue that has not been addressed, nor has it yet been studied by City Traffic Engineering is the effect on traffic at the intersection of Chestnut and Garden of the Gods. This

intersection is already subject to periodic back log, and when swim meets let out it is conceivable traffic could be back up on Chestnut from Garden of the Gods to Elkton.

My last concern, which is shared by my neighbors on the ridge, is the aesthetics of the building. It is proposed to have a flat roof. The architect has stated it would add an additional $100,000 to add a pitched more residential looking roof. In My email to City Planning I pointed out that this lot, which the owner is attempting to be spot zoned, was platted to have an office building with a pitched roof. I am attaching a copy of a picture of that building. That is what I and my other neighbors relied on when we bought our homes that will look down on this building: I explained this to City Planning as follows:

> "When the Elkton Partners began the development below my home years ago they presented a site plan that has three phases. Phase I is complete, and resulted in a very professional looking office building with a residential roof. Phase II will eventually be a building that looks just like it, and I'm fine with that. This is the plan that was in existence when I bought my home in 2008, and I relied on this plan at that time because I did not want a block building with a flat roof sitting below my home. I think all of my neighbors share this position. I am attaching a picture of the Elkton Partners phase I building.
>
> What is being proposed for the Pikes Peak Athletics swimming facility is a significant zoning change request. The building zoning immediately around the proposed development, which originally included the proposed development site, are zoned OC. Across the street is PIP-1. To the west is PIP-2. There is a band to the northwest that is R1-6. This requested zoning change amounts to spot zoning to accommodate the intended use. I've attached a zoning map that demonstrates this. Importantly, what this zoning change means is that if the intended business fails, the requested zoning change would allow a new business to operate, for example, as a bar; an automotive service; a liquor store; pet services; a sexually orientated business or medical marijuana. I've attached the City of Colorado Springs graph for permitted uses. If the zoning is going to change, then I think the construction of this building needs to conform to the look and other expectations of the homeowners on the ridge.
>
> As you know, Elkton Partners recently sold the parcel in front of phase II to Pikes Peak Athletics and in their Plat Approval Covenant Elkton Partners granted the owners of Pikes Peak Athletics the right to build a facility as long as Elkton Partners approved of the plan. The Platt Approval Covenant requires Elkton Partners approval of the design. Has that permission been granted?
>
> As currently proposed, the Pikes Peak Athletics building is completely incompatible with the architectural guidelines for the development of all of the land that was owned and platted by Elkton Partners and that Elkton Partners has already started to develop. This building will stick out like a sore thumb, is unsightly compared to Elkton Partners phase I-III, and is inconsistent with what

> was represented to me when I bought my property. I object strongly to any building that does not have a residential roof and reflect the architectural imprint established by Elkton Partners."

I was joined in this by William Vaupel in written comments. William is an engineer and lives two houses away from me. I was joined in this at the City Planning Commission hearing by Bob Patterson, a custom Home Builder for over 40 years, Bill Poage, who is now in his 80's and a former School District Superintendent, and Rob Atkins, a Lt. Colonel in the U.S. Air Force.

City Planning pointed out that years ago there was a concept drawing that showed an HOA swimming pool. But that was never included in the final platting, and was not available for me or my neighbors to look at when we bought our homes.

While it is recognized that there will be additional cost in order to construct this building with a pitched roof, I presented evidence that the value of my home will drop by $20,000.00 at time of resale. There are 12 homes on the ridge. There are an additional 40 homes in our cul de sac whose home values are anchored by the values of our homes. Conservatively, the decision to construct the swim facility with a flat roof will cause a diminution in home values on our neighborhood of between $500,000 and $600,000.

Thank you for your consideration,

6/27/16

Kirk R. McCormick

4940 Sunbird Cliffs Drive

CITY PLANNING COMMISSION AGENDA

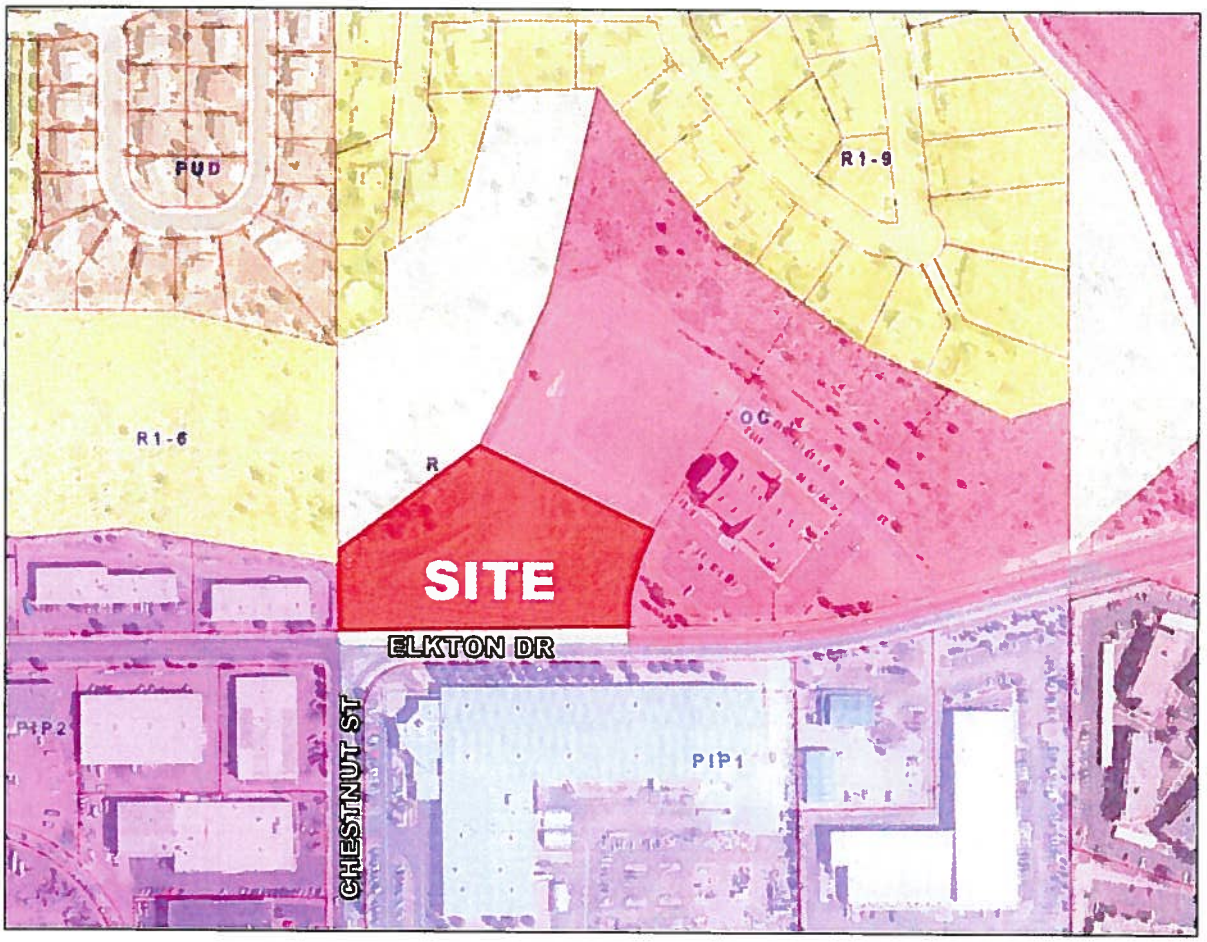
STAFF: HANNAH VAN NIMWEGEN

FILE NO(S):
CPC ZC 16-00022 – QUASI-JUDICIAL
CPC DP 16-00023 – QUASI-JUDICIAL

PROJECT: PIKES PEAK ATHLETICS

APPLICANT: IRELAND DEAN; KRISTIN ALBERS

OWNER: PPA LANDCO, LLC; GEORGE HEIDINGER



Categories

- Electronic Starter Systems
- Outdoor Sports Wristwatches
- Printers- Supplies- Accessories
- Seiko Printing Stopwatches
- Seiko Stopwatches
- Specialty Timers
- Timers & Scoreboards w/ Large LCD or LED Digits
- Ultrak Digital Countdown Timers
- Ultrak Printing Stopwatches
- Ultrak Stopwatches
- Ultrak Timing Systems

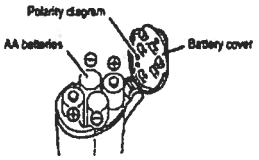
Brands

- SEIKO
- START 1000
- ULTRAK

START 1000 "Mark III" Bullhorn Starter for Swimming, Track, Inline Skating Meets

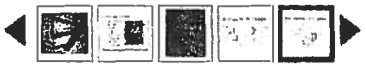
INSTALLING BATTERIES

STEP 2: Insert eight AA batteries, referring to the polarity diagram on the inside of the battery cover.



Price: $269.89
SKU: pgss_st1k_mk3
Shipping: $9.89 (Fixed shipping cost)
Quantity: 1 ADD TO CART

Buy in bulk and save



Related Products

SEIKO S141 300-Lap Memory Stopwatch for Aquatic Sports
$199.89

SEIKO S149 BASIC: 300-Lap Memory Printing Stopwatch
$374.89

ULTRAK 460 16-Lap Stopwatch Measures to 100 Hours at 1/1000 Second Resolution
$22.89

ULTRAK 460 Stopwatch RainBow Six-Pack Special 1/1000 Second Resolution 16 Lap/Split Memory
$129.89

START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
$189.89

Product Description

START 1000 MARK III – *a kinder, gentler start!*

HANDHELD ELECTRONIC BULLHORN/STARTER SYSTEM

ProGrams Sports Systems has combined what we believe to be Earth's best handheld loudspeaker with a modified tone generator from a commercial fire alarm system and our own unique side-emitting LED strobe light to produce the START 1000 MARK III Electronic Starting System. Over 15 years of experience in producing earlier versions of this device – our original START 1000 Classic Swim Meet Starter System and its successor, the START 1000 Lite Handheld Starter – have led to this new product. The major features of this system are as follows:

DESCRIPTION

- **Handheld starting system powered by 8 AA batteries.**
- **Loud, light, and reliable megaphone allows starter/referee to speak to athletes and announce beginning of each race.**
- **Integrated signal button produces simultaneous electronic "beep" and ultra-bright 360° LED flash to start each race.**
- **No loud, scary pistols to frighten younger summer-league athletes.**
- **No delays caused by misfires.**
- **No annual ammunition costs.**
- **Two-year warranty.**

SYSTEM COMPONENTS

Handheld loudspeaker

► **Power output: 6W Rated / 10W Max.**

► **Range: 250 meters (over 800 feet).**

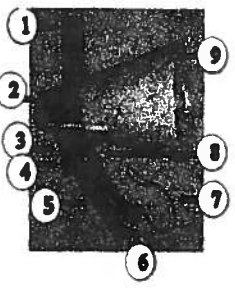
► **Powered by 8 AA batteries (over 8 hrs operating time).**

► **High durability ABS or ASA resin construction – compact and lightweight, easily carried all day with one hand.**

► **Voice amplifier with wide frequency range for enhanced audio quality.**

PARTS AND FUNCTIONS

1. 360° LED strobe
2. Mouthpiece
3. Start button
4. Volume control
5. Handle
6. Battery cover
7. Carrying strap
8. Talk trigger
9. Speaker horn



► **Speaker incorporates neodymium magnet and polyimide diaphragm to ensure efficient operation and high sound quality.**

► **Anti-bacterial treatment on mouthpiece, microphone, and handle improves hygiene and safety during use.**

Electronic beep

► **MARK III tone generator incorporates powerful siren-driver circuit board from modified commercial fire alarm system.**

► **Rated sound-level output at ten feet: 106dB.**

Side-emitting LED strobe

► **A brilliant white flash from a state-of-the art light emitting diode (LED) is synchronized with the electronic beep to provide a visible starting signal.**

► **The powerful side-emitting LED diode used as the optical strobe for this system is mounted inside a light-diffusing cylinder surrounded by a protective lens for eye safety.**

TECHNICAL SPECIFICATIONS

OUTPUT POWER	Loudspeaker rated 6W / 10W maximum
POWER SOURCE	Eight (8) AA batteries (to supply12 V DC)
SIGNAL	Simultaneous start pulse & 360° LED strobe flash
BATTERY LIFE	8 hours (estimated time for Alkaline batteries)
AUDIBLE RANGE	Voice: 250 meters (over 800 feet)
START PULSE SOUND LEVEL	Acoustic signal rated 106 dB @ 10 feet
SPEAKER HORN	Neodymium magnet / Polyimide diaphragm
OPERATING TEMPERATURE	Ranges from -10°C to +40°C (14°F to 104°F)
MATERIAL	High durability ABS resin (Grey / Light Grey color)
DIMENSIONS (L x W x H)	265 x 160 x 325 millimeters (10½ x 6¼ x12¾ inches)
WEIGHTS (Mark III & Batteries)	750 grams (1 lb 10½ oz) & 195 grams (7 oz)

► **The ultra-bright 360° LED optical strobe used in this system has been designed, tested, and fabricated in our own manufacturing facility.**

Click to view START 1000 Mark III Owner's Manual **(PDF Document)**

SHIPPING & HANDLING

- **A fixed shipping and handling fee based on the United States Postal Service (USPS) price for Flat-Rate Priority Mail Boxes will be charged for preparing and shipping your order anywhere in the United States. Your order may be shipped via USPS Priority Mail, UPS Ground Service, or FedEx Ground Service using what we consider to be the best service available for date and time of purchase and your shipping address.**
- **For international orders, we ask our customers to take advantage of the internet store that we operate on eBay where we can process shipments through eBay's new Global Shipping Program. Under this plan, all shipping and customs charges are calculated and collected automatically by the eBay/PayPal shopping cart. This eliminates any surprises associated with unexpected expenses such as customs duties, import charges, taxes, third-party international shipping charges, brokerage fees, fuel surcharges, processing and handling fees, etc. This also allows you to receive your order even faster because it can be delivered immediately and will not be held awaiting customs payments.**

INTERNATIONAL ORDERS

As discussed above, we prefer to use the eBay Global Shipping Program to ship to international customers. Every product offered at this SOS-SWIM store can also be purchased at our ProGrams Sports Systems eBay outlet. Click the image on the right to hop over to the listing for this item on eBay.

STARTER PISTOL ISSUES:

The traditional starter's pistol is "under the gun" and is facing a growing clamor to end its use at high school athletic events. The push for a change started to grow after the May 2007 shooting death of a 15-year-old student at Toronto's C.W. Jefferys high school. A probe into school safety after the student's death raised troubling questions about safety levels in schools and the threat of weapons on school property in Canada.

This concern slowly spread throughout the United States and, in 2014, we saw a major jump in the number of orders received for swim meet starters. This appears to be the result of many cities and states issuing bans on using starting pistols at various athletic venues – leading to many spurts of interest in ordering our electronic starters all across the country. For example, in 2014 we built and shipped almost 50 of our Mark III electronic bullhorn starters to customers in New Jersey alone in anticipation of a recently issued ban on using traditional starter pistols for their swim meets.

Others have joined this movement and various local and statewide bans are now in effect or will be issued in the near future. The next panel in this listing shows the beginning of the National Federation of State High School Associations web page explaining 2014-15 Swimming and Diving Rules Changes (including a new ban on using starting pistols as sounding devices in interscholastic swimming).

As explained above, the possibility that one may have to wait for periods longer than a week or so before a starting system can be shipped makes it necessary for us to encourage our customers to place their orders early. We hope that this will help minimize many of the disappointing delays that might otherwise result from heightened and highly variable surges in the rate of receipt of orders that we expect to be processing this year.

NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS | Activities & Sports | NFHS For You

Home > Sports Resource Content > Swimming and Diving Rules Changes - 2014-15

Swimming and Diving Rules Changes - 2014-15

By on November 21, 2014

rules change *Share*

3-3-4: Reorganize to list the items a competitor may wear/use and clarifies that adhesives are not allowed for swimmers and/or divers. Divers may wear tape or wraps for support and no longer limited to the wrist.

Rationale: Lists items a competitor may wear/use as it makes the rule easier to use and assists in compliance. The change also prohibits the use of adhesives, such as sprays, as they become slick when wet and can interfere with performance of others.

3-6-1, New 2, 3: Delineates more clearly unsporting conduct, which results in removal from the meet and all events in which the competitor previously qualified, and unacceptable conduct, which carries a penalty of disqualification from the event. Separates spectator conduct from athletes and coaches.

Rationale: More clearly defines what is considered unsporting conduct, with a resulting penalty of no further participation up to ejection from the competition area, and what actions are considered unacceptable conduct with a resulting penalty of disqualification from that event. Delineates in Rule 8-3-8b when a relay lead-off time shall not be eligible for use as a qualification time or record. Spectators are also separated from athletes and coaches when dealing with unsporting/unacceptable conduct.

4-3-1 NOTE, 4-2-2 NOTE, 2-7-3 NOTE: Prohibits the use of a pistol/starter's pistol as the sounding device in interscholastic swimming.

Rationale: It is inappropriate to use a pistol of any kind at a school swimming meet. Alternative sounding devices are readily available.

8-1-5: Swimmers no longer step off the starting platforms after the referee/starter gives

WARRANTY INFORMATION

Our electronic starter systems carry an unconditional two-year warranty for parts and labor. Beyond the two-year period, they can be returned for repair at our facility for a fixed fee of $69 + $10 shipping & handling.

ProGrams Sports Systems has a long history of helping athletic teams on a budget - providing an economical source of accurate and reliable equipment for all of their timing needs. After evaluating equipment available for timing various types of events and processes, we made the decision to become authorized dealers for ULTRAK and Seiko stopwatches and associated products as a way to provide extra resources for our starter-horn customers.

The ULTRAK line of stopwatches, pedometers, scoreboards, and timing systems produced by CEI represents the latest in athletic timing and measurement products. CEI's extensive selection of quality ULTRAK timing products and customer service department is second to none. ProGrams Sports Systems is proud to be an authorized ULTRAK dealer. The full manufacturer's warranty applies to all of our ULTRAK products.

We also serve as an authorized SEIKO dealer and their warranty applies to all of our SEIKO products. The SEIKO Certificate of Limited Warranty accompanies each stopwatch purchased at our eBay store. SEIKO recommends that you do not purchase their products on any website unless it is a SEIKO Authorized Internet Retailer with the emblem "SEIKO AUTHORIZED RETAILER SITE" as it appears here. Only SEIKO Authorized Retailers can provide you with access to readily available parts and factory trained technicians. Any watch not accompanied by an original proof of purchase or a valid warranty certificate will not be recognized by SEIKO Service Centers.

SEIKO
AUTHORIZED RETAILER SITE
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START 1000 Magnum v3.03 Electronic Starter Pistol - Inline Skating Swimming Track
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$84.89
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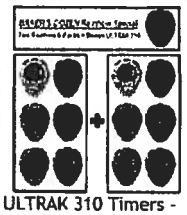
Choose Options



ULTRAK 310 Timers - RainBow Special - Baker's Dozen
$89.89
Add To Cart

All prices are in USD Copyright 2016 ProGrams Sports Systems.

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS

The OmniSport® HS-200 horn start and public address system is a complete starting solution for aquatics and track. Signal the start of a race with a distinct start tone and simultaneous flash. The HS-200 horn start can be programmed to sound a typical start tone or emulate a gunshot. Included microphone makes announcements, sends start/recall signals and changes internal settings. Smart Start and Recall features can be enabled or disabled depending on the officials' preference.

DIMENSIONS	WEIGHT	POWER
12" H x 8" W x 14" D (305 mm, 203 mm, 356 mm)	13 lb (6 kg)	120/240 VAC or rechargeable battery

KEY FEATURES

- 15 hours of battery use on full charge and 5-year life span (with regular charging after each meet)
- Internal 40 Watt speaker sounds voice and start signals
- 360° Strobe Light is easily viewable indoors and outdoors for all athletes and officials
- Smart Start detects a connection from the timing console to eliminate the possibility of a missed start
- LED indicators show ready/recall and battery status
- Dedicated outputs to auxiliary and lane speakers for maximum performance and flexibility
- Two sealed volume controls for independent control of main/auxiliary speakers and up to 10 lane speakers
- Start output provides both normally open and normally closed contacts to accept multiple timing system brands
- Practice Mode allows coaches to signal starts with as little as 3 seconds between athletes
- Color-coded jacks for quick setup

CONSTRUCTION

Durable, lightweight aluminum

PRODUCT SAFETY APPROVAL

ETL listed, tested to CSA standards and CE labeled; FCC approved

OPTIONS & ACCESSORIES

- Radio control (refer to following page)
- Remote Strobe (see SL-07387)
- Auxiliary Speaker
- Individual Lane Speakers
- Backstroke Flagpole Mounting Bracket
- Tripod

FOR ADDITIONAL INFORMATION

- Manual: See ED-12935

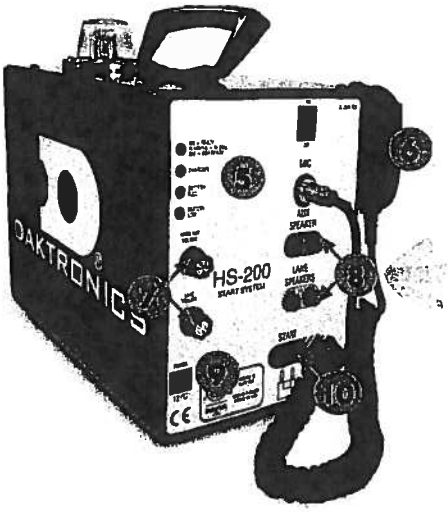
WWW.DAKTRONICS.COM E-MAIL: SALES@DAKTRONICS.COM

201 Daktronics Drive, PO Box 5128, Brookings, SD 57006
Phone: 1.800.325.8766 or 605.692.0200 Fax: 605.697.4744

DAKTRONICS OMNISPORT HS-200 PRODUCT SPECIFICATIONS

HS-200 COMPONENTS

1. **360° Strobe Light**
2. **Carrying Handle**
3. **Durable Aluminum Case**
4. **Internal 40 W Speaker**
5. **LED Status Indicators**
6. **Microphone**
7. **Volume Control Knobs**
8. **Speaker Connections**
9. **Power Jack**
10. **Start Output**

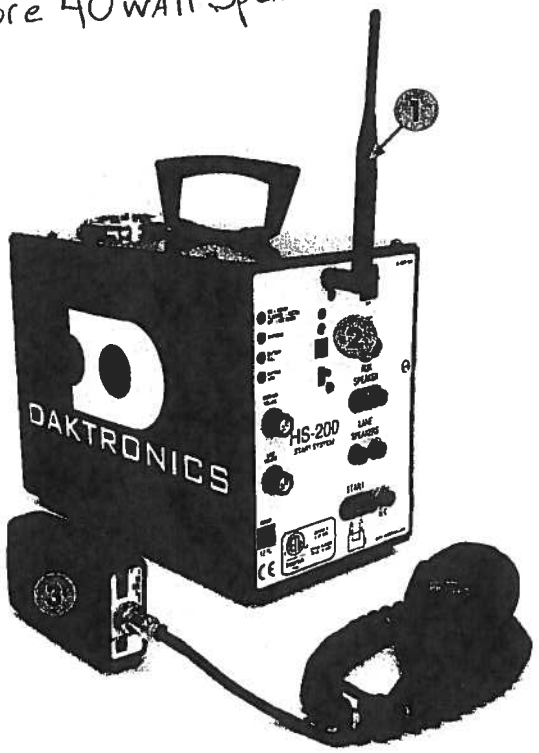


Has the Ability
to Add More 40 watt Speakers

RADIO CONTROL OPTION (HS-200R)

The wireless microphone system allows the freedom to direct and start events without being tethered to the horn start unit. Choose between 8 radio channels to find the clearest available signal. LED indicators on the HS-200R show the selected channel, the voice activation and interference (noise). Existing horn start units may be retrofitted with the radio option, and an additional standard wired microphone may also be connected.

1. **Antenna (Receiver)**
2. **Channel Selection & Status LEDs**
3. **Belt Pack (Transmitter)**



OmniSport® is a trademark of Daktronics, Inc.
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International Sports Timing
PRODUCT SPECIFICATIONS
SWIMSTART Electronic Start System

Introduction

The International Sports Timing SWIMSTART Electronic Start System is a compact, rugged tone and strobe start with an internal rechargeable battery. All components are solid state for outstanding durability. Like all products from IST, SWIMSTART Electronic Start Systems are covered by a five year warranty (battery warranty is two years).

I. SWIMSTART Electronic Start System
   A. Physical
      1. Overall size is 12.5" in height by 8" in width by 4" deep, not including speaker.
      2. Total weight is 22 pounds with battery.
      3. Case consists of an aluminum extrusion coated with a matte black anodized finish. End caps flare at bottom to form no-tip feet. Top mounted handle provides easy portability.
      4. Two latching straps on back of case allow unit to be attached to backstroke flag pole.
      5. Lens over 360 degree strobe is a transparent dome of shatterproof plastic.
   B. Electrical
      1. Unit includes a 110V to 24VAC wall transformer that should only be connected to GFI (Ground Fault Interrupt) 110V 15 amp (min.) outlet.
      2. Load requirement: .2 amps.
      3. Includes an internal, rechargeable 12V battery with an over/under charge protection circuit (warranty on battery is two years). Estimated use per charge: 12 hours.
      4. Output to timing system can be either normally-open (for IST, Colorado or Daktronics timing systems) or normally-closed (for Omega timing systems). Cable to timing system is purchased separately.
   C. Environmental
      1. The operating temperature range is 0 to +55 degrees Celsius.
      2. The storage temperature range is -55 to +85 degrees Celsius.
      3. The operating humidity is <= 90% non-condensing.
   D. Operating Features
      1. Microphone includes talk and start/recall switches, 15' coiled cord and hanging clip. Unit can be used as portable public address system.
      2. Speaker is 40 watt, 120 decibel and mounted on case. Case has auxiliary jack for connecting additional speaker(s).
      3. Strobe is 6,000 volt xenon, covered by a dome lens for 360 degree disbursement.
      4. Volume control allows volume to be adjusted to meet conditions, or turned off for training with strobe only.
      5. Can be used stand-alone or connected to IST's SWIMWARE Timing System or other popular timing consoles.

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Pool Storage

Swim Pace Clocks & Lap Counters

Starting & Timing Equipment

Starting Blocks

Water Polo Goals

Home Pool Equipment Starting & Timing Equipment

Starting & Timing Equipment

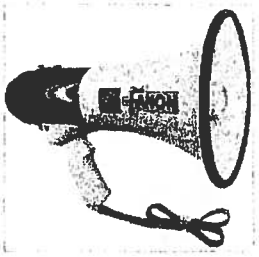
Start your swim meet with the best starting systems from Colorado Timing Systems or IST. The easy to use Colorado Timing Infinity Start System or the IST Swimstart Electric Start System for Swimming will have your swim meet starting off right. We also carry a selection of megaphones with horn starts that are perfect for small swim meets and dual meets.

name: A-Z

Megaphone 10 Watts 600yd.
Our price: $95.00
~~RRP: $99.00~~ save 4%
1 Buy Now

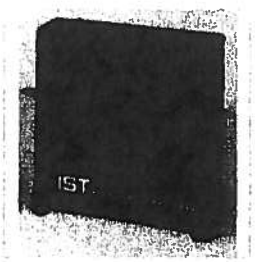
Colorado Timing Infinity Start System
Our price: $899.00
~~RRP: $918.00~~ save 2%
Buy Now

Tripod for Infinity Start System
Our price: $184.95
~~RRP: $190.00~~ save 3%
Buy Now



Megaphone 16 Watts 600yd.
Our price: $120.00
~~RRP: $175.00~~ save 31%
1 Buy Now

IST Swimclock-HI Indoor/outdoor w/o Battery
Our price: $1300.00
1 Buy Now



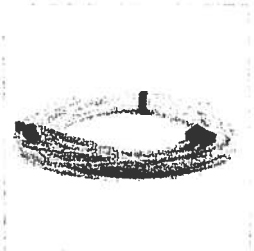
IST Shotclock 2 Digit Pace Clock
Our price: $710.00
1 Buy Now

IST Swimclock-HX Indoor/outdoor w/battery
Our price: $1650.00
1 Buy Now

IST Swimcount 4-digit
Our price: $1010.00
1 Buy Now

IST Swimcount 4-digit with Battery
Our price: $1330.00

IST Swimstart Electric Start System for Swimming
Our price: $840.00



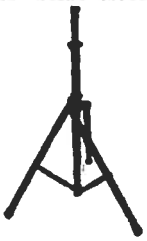
IST Swimstart 25ft Cable To Timing System
Our price: $70.00

1 Buy Now 1 Buy Now 1 Buy Now

name: A-Z

Bestsellers in Starting & Timing Equipment

Colorado Timing Infinity Start System
Our price: $899.00



Tripod for Infinity Start System
Our price: $184.95

Megaphone 16 Watts 600yd.
Our price: $120.00

IST Swimstart Electric Start System for Swimming
Our price: $840.00

WHAT YOU WANT
WHEN YOU NEED IT
WITHIN YOUR BUDGET

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when you spend $65, some restrictions apply see details

The Dedicated Swimmer's Outfitter

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- Swim Team Towels
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HS
P.P1
LR
P.P1
LR
N Chestnut St
Popes Bluff Trl

Melissa A. Woodley
Broker Associate

June 15, 2016

To Whom It Concerns:

I have been a residential realtor in Colorado Springs for over 15 years. I was Mr. McCormick's realtor in the purchase of his home in the fall of 2008. Mr. McCormick recently asked me to give him my opinion the effect of the currently proposed swimming facility will have on the value of his home.

Mr. McCormick's home will look down on the top of the proposed building, which I understand will have a commercial flat roof, as opposed to a more residential looking pitched roof. It is also my understanding that the proposed building will have windows that open directly towards the homes on the ridge, which will allow sound to flow out of the building towards the homes on the ridge, which includes Mr. McCormick.

Based on my experience I am of the opinion that when Mr. McCormick goes to sell his house, the flat roof and noise emissions of the building directly below Mr. McCormick's house will result in a loss in value of somewhere in the area of 5% which in today's market would be roughly $20,000.00 on a $400,000 home. This is quite significant. Because homes on ridges in areas similar to 4940 Sunbird Cliffs Drive anchor the value of the homes that surround them, it is reasonable to assume that the homes in the surrounding cul-de-sac and sub area will experience drops in their property values as well.

Please take into consideration the aesthetics of the roof design which will not only enhance the commercial appeal of the facility but will also greatly improve the integration of the facility into the adjacent neighborhood homes.

Sincerely,

Melissa A. Woodley, CRS, GRI, ABR
Realtor, License # FA40022723
RE/MAX Properties, Inc.

RE/MAX Properties, Inc.
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Colorado Springs, Colorado 80906
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DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 13 SOUTH, RANGE 67 WEST OF THE 6th P.M., IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF ELKTON BUSINESS CAMPUS AS RECORDED UNDER RECEPTION NUMBER 98187389 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO, CLERK AND RECORDER;
THENCE ALONG THE SOUTHWESTERLY BOUNDARY THEREOF, THE FOLLOWING TWO COURSES:
(1) THENCE NORTHERLY ALONG THE ARC OF A 330.00 FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 30° 50'32" (THE LONG CHORD OF WHICH BEARS N 14° 49' 34" E, A LONG CHORD DISTANCE OF 176.50 FEET), AN ARC LENGTH OF 177.64 FEET TO THE SOUTHERLY CORNER OF LOT 1 IN SAID ELKTON BUSINESS CAMPUS;
(2) THENCE N 64° 24' 26" W, A DISTANCE OF 343.38 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 1;
THENCE S 53° 54' 40" W, A DISTANCE OF 309.73 FEET TO A POINT ON THE NORTHERLY PROLONGATION OF THE EASTERLY BOUNDARY OF LOT 2, McCULLOUGH SUBDIVISION AS RECORDED IN PLAT BOOK Z-2 AT PAGE 66 OF SAID COUNTY RECORDS;
THENCE S 00° 23' 26" E ALONG SAID LINE, A DISTANCE OF 140.89 FEET TO A POINT ON THE NORTHERLY LINE OF ELKTON DRIVE;
THENCE N 89° 24' 18" E ALONG SAID NORTHERLY LINE OF ELKTON DRIVE, A DISTANCE OF 514.14 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 2.95 ACRES, MORE OR LESS.

CONTACTS

OWNER/DEVELOPER:
PPA LANDOCO, LLC
125 IRON DUKE
COLORADO SPRINGS, CO. 80906
MR. GEORGE HEIDINGER

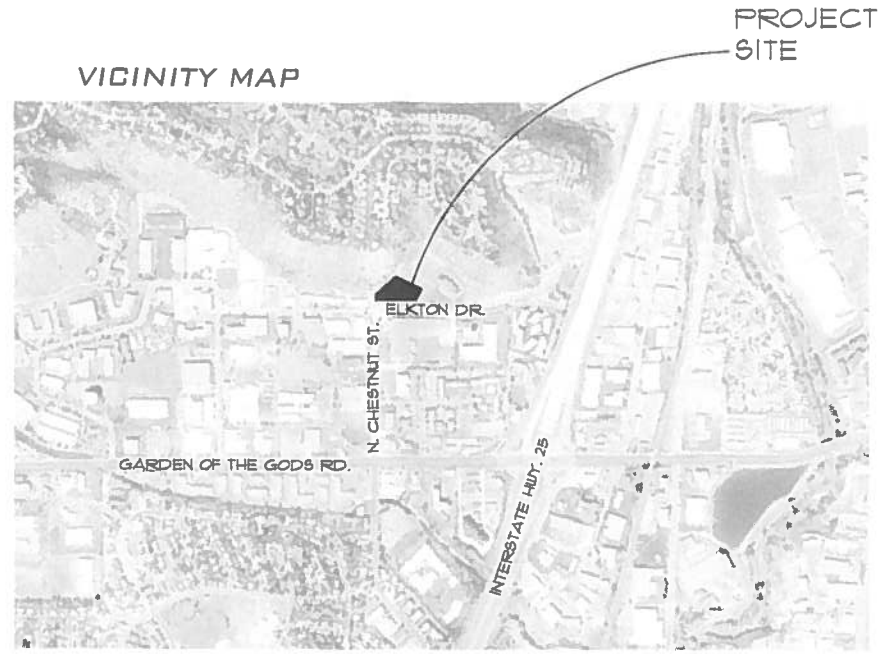
SURVEYOR:
ROCKY MOUNTAIN LAND SERVICES
1623 SOUTH TEJON STREE
COLORADO SPRINGS, CO
(719) 630-0559
CHRISTOPHER THOMPSON

ARCHITECT/PLAN PREPARER:
IRELAND DEAN DESIGNS
6912 WELFORD PLACE
CASTLE ROCK, CO. 80108
(720) 878-6534
SHANNIN ALBERS

LANDSCAPE ARCHITECT:
HIGHER GROUND DESIGNS, INC.
3610 REBECCA LN., STE. 111
COLORADO SPRINGS, CO 80917
(719) 477-1646
JOHN MACKAY

CIVIL ENGINEER:
WESTWORKS ENGINEERING
1023 W. COLORADO AVENUE
COLORADO SPRINGS, CO. 80904
(719) 685-1670 X20
CHAD KUZBEK

VICINITY MAP



NORTH SCALE 1" = 10,000'

SHEET INDEX

DP - 1 of 9	COVER SHEET
DP - 2 of 9	SITE PLAN
DP - 3 of 9	ARCHITECTURAL ELEVATIONS
DP - 4 of 9	SITE DETAILS
DP - 5 of 9	LANDSCAPE DATA
DP - 6 of 9	LANDSCAPE PLAN
DP - 7 of 9	GRADING PLAN
DP - 8 of 9	UTILITY PLAN
DP - 9 of 9	PHOTOMETRIC PLAN

SITE NOTES

1. TAX SCHEDULE NUMBER: 73244-00-038
2. CONCEPT PLAN ON FILE AT CITY: ELKTON HEIGHTS, 1998
3. PROPERTY CURRENTLY UNDEVELOPED, VACANT
4. PROPOSED USE IS AN ATHLETIC/AQUATIC TRAINING FACILITY
5. CURRENT ZONE DISTRICT: (RHS) LARGE LOT RESIDENTIAL/HILLSIDE
6. PROPOSED ZONE DISTRICT: (PBC/HS) PLANNED BUSINESS CENTER/HILLSIDE
7. SCHEDULE OF DEVELOPMENT BUILD OUT: 2016
8. FEMA FLOODPLAIN MAP NUMBER: 08041C0514 F EFFECTIVE DATE MARCH 17, 1997. PANEL 514 OF 1300, EL PASO COUNTY, COLORADO. THIS SITE IS NOT LOCATED WITHIN A DESIGNATED FLOODPLAIN.
9. A GEOLOGIC HAZARDS EVALUATION AND GEOTECHNICAL INVESTIGATION WAS PREPARED BY CTL THOMPSON INC, ON DECEMBER 4, 2015 AND AMENDED IN APRIL 2016, BY TIMOTHY A. MITCHELL, P.E. COPIES OF THE REPORT AND APPLICATION FOR GEOLOGIC HAZARD HAVE BEEN INCLUDED WITH THIS DEVELOPMENT PLAN APPLICATION.
10. PROPOSED DEVELOPMENT IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED CONCEPT PLAN.
11. THIS SITE IS TO BE PLATTED AS ELKTON BUSINESS CAMPUS FILING NO. 2,

SITE ANALYSIS

LOT 1	128,373.13 SF = 2.95 AC
EXISTING USE	VACANT LAND
PROPOSED USE	PERSONAL IMPROVEMENT SERVICE
USER/TENANT	AQUATIC TRAINING FACILITY
LANDSCAPE AREA	57,600 SF = 45%
PAVING/HARDSCAPE AREA	50,468 SF = 39%
BUILDING FLOOR PRINT 1ST FLOOR AREA 2ND FLOOR AREA TOTAL BLDG AREA	20,478 SF = 16% 20,478 SF 8,412 SF 28,890 SF
BUILDING HEIGHT - PROPOSED	30'-0"
BUILDING HEIGHT - ALLOWED	45'-0"
PARKING REQUIRED 1 PER 250 SF	28,890 SF TOTAL BUILDING REQUIRED MAX 116 STALLS
PARKING PROVIDED	119 STANDARD 4 HANDI CAP 123 TOTAL
ZONING EXISTING:	LARGE LOT RESIDENTIAL (R/HS)
ZONING PROPOSED:	PLANNED BUSINESS CENTER/HILLSIDE (PBC/HS)

AR DP 16-00023

IRELAND DEAN DESIGNS, LLC
ARCHITECTURE
LAND PLANNING
DEVELOPMENT SERVICES
6912 WELFORD PL
CASTLE ROCK, COLORADO 80108
P 303 660-9970

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

DATE	DESCRIPTION
03/01/16	1ST OFFICIAL SUBMITTAL
04/15/16	2ND OFFICIAL SUBMITTAL

COVER SHEET

PROJECT #: 15.037
DRAWN BY: KA
DESIGNED BY: KA
CHECKED BY: SDA

FIGURE 1

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

GENERAL NOTES

1. ALL SIGNS REQUIRE A SUBMITTAL AND APPROVAL OF A SIGN PERMIT THROUGH THE CITY OF COLORADO SPRINGS.

LEGEND

- HANDI CAP RAMP
- SETBACKS
- PROPERTY LINE
- GUARD RAIL
- RETAINING WALL
- MONUMENT SIGN
- LIGHT POLE
- BLDG MOUNT LIGHT
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- TRAFFIC ARROWS
- PARKING COUNT
- BUILDING FOOTPRINT

SITE ANALYSIS

LOT 1	128,373.13 SF = 2.95 AC
EXISTING USE	VACANT LAND
PROPOSED USE	PERSONAL IMPROVEMENT SERVICE
USER/TENANT	AQUATIC TRAINING FACILITY
LANDSCAPE AREA	57,600 SF = 45%
PAVING/HARDSCAPE AREA	50,468 SF = 39%
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BUILDING HEIGHT – ALLOWED	45'-0"
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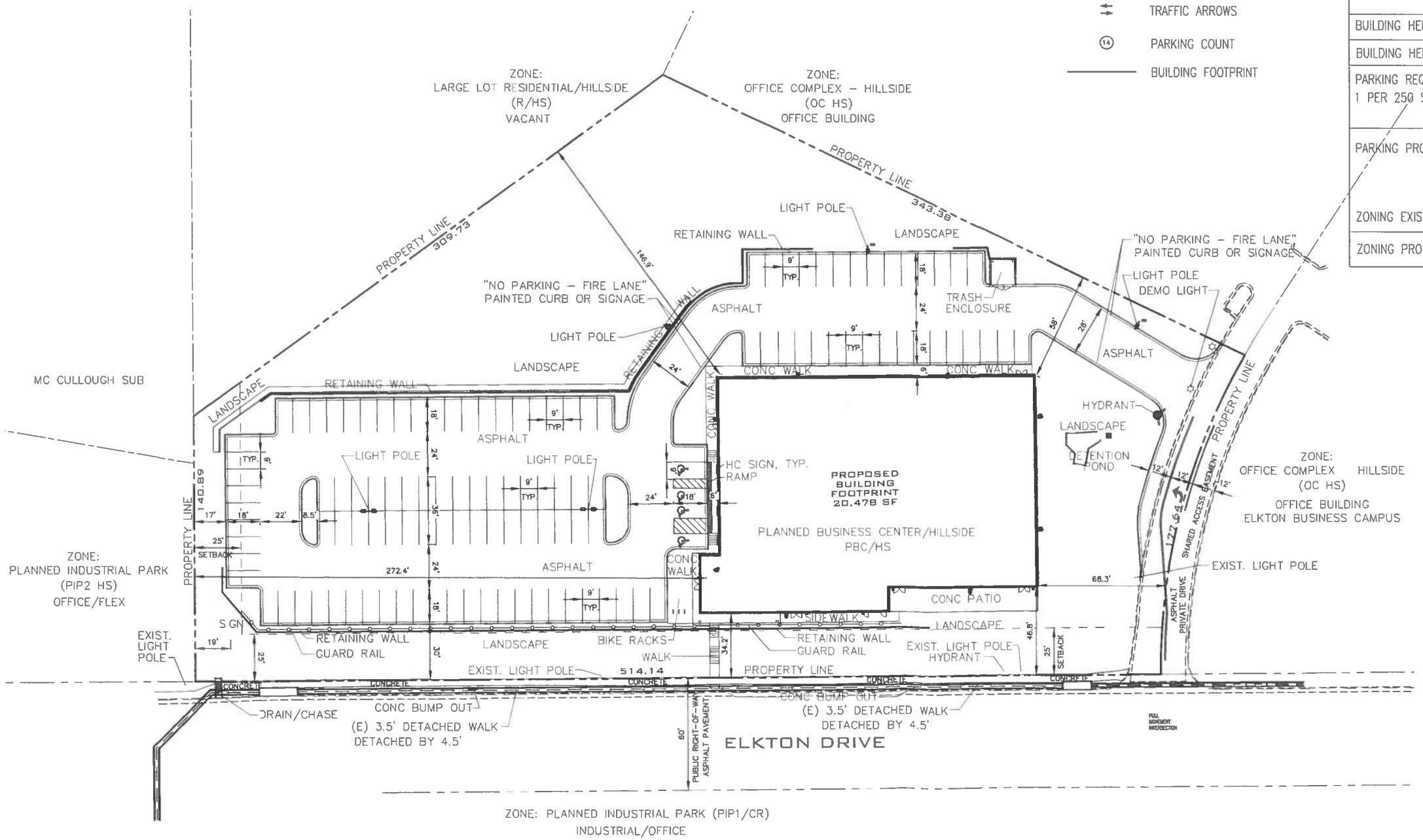
PARKING PROVIDED	119 STANDARD 4 HANDI CAP 123 TOTAL
ZONING EXISTING:	LARGE LOT RESIDENTIAL (R)
ZONING PROPOSED:	PLANNED BUSINESS CENTER (PBC)



SITE PLAN
SCALE: 1" = 30'-0"

0 30' 100'
10' 60'

AR DP 16-00023

FIGURE 1

IRELAND DEAN DESIGNS, LLC
ARCHITECTURE
LAND PLANNING
DEVELOPMENT SERVICES
4913 WELFORD PL
CASTLE ROCK, COLORADO 80108
P 303 660 0870

DEVELOPMENT PLAN
PIKES PEAK ATHLETICS
COLORADO SPRINGS, CO

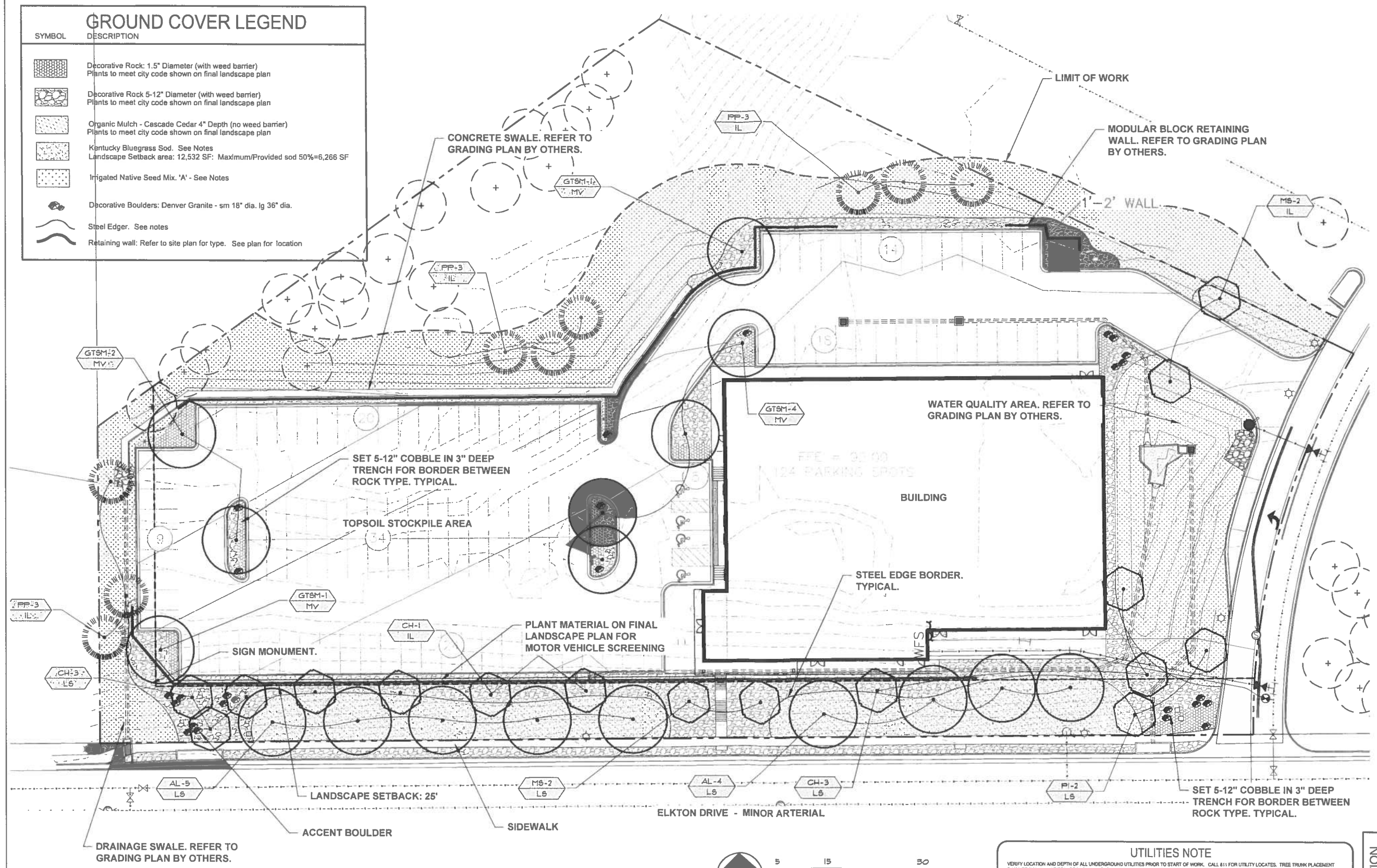
DATE	DESCRIPTION
03/01/16	1ST OFFICIAL SUBMITTAL
04/15/16	2ND OFFICIAL SUBMITTAL

SITE PLAN

PROJECT #: 15.037
DRAWN BY: KA
DESIGNED BY: KA
CHECKED BY: SDA

GROUND COVER LEGEND

SYMBOL	DESCRIPTION
	Decorative Rock: 1.5" Diameter (with weed barrier) Plants to meet city code shown on final landscape plan
	Decorative Rock 5-12" Diameter (with weed barrier) Plants to meet city code shown on final landscape plan
	Organic Mulch - Cascade Cedar 4" Depth (no weed barrier) Plants to meet city code shown on final landscape plan
	Kentucky Bluegrass Sod. See Notes Landscape Setback area: 12,532 SF: Maximum/Provided sod 50%=6,266 SF
	Irrigated Native Seed Mix. 'A' - See Notes
	Decorative Boulders: Denver Granite - sm 18" dia. lg 36" dia.
	Steel Edger. See notes
	Retaining wall: Refer to site plan for type. See plan for location



PRELIMINARY LANDSCAPE PLAN

DEVELOPMENT PLAN

UTILITIES NOTE

VERIFY LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES PRIOR TO START OF WORK. CALL 811 FOR UTILITY LOCATES. TREE TRUNK PLACEMENT SHALL BE 8' MINIMUM DISTANCE FROM ANY GAS OR ELECTRIC AND 10' FROM GAS MAINS RATED AT 150PSI. FOR SANITARY SEWER AND WATER MAINLINES TREES SHALL NOT BE LOCATED WITHIN EASEMENTS AND WITHIN 10' OF ANY MAINLINE. ANY CONFLICT BETWEEN TREE LOCATIONS AND UTILITIES SHOWN ON PLANS SHALL BE RESOLVED WITH GENERAL CONTRACTOR PRIOR TO PLANTING. ALL ELECTRICAL VAULTS AND TRANSFORMERS SHALL BE KEPT CLEAR FROM PLANT MATERIAL PER COLORADO SPRINGS UTILITIES GUIDELINES "LANDSCAPING AROUND ELECTRICAL EQUIPMENT". SEE COLORADO SPRINGS UTILITIES CONSTRUCTION STANDARD DRAWINGS 18-302 FOR SPECIFIC CLEARANCE REQUIREMENTS. ALL SHRUBS TO BE LOCATED 7' CLEAR OF ALL FIRE HYDRANTS AT MATURE SIZE.

DOCUMENT DISCLAIMER NOTE

IRRESPECTIVE OF ANY OTHER TERM IN THIS DOCUMENT, LANDSCAPE ARCHITECT SHALL NOT CONTROL OR BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SCHEDULES, SEQUENCES OR PROCEDURES, OR FOR CONSTRUCTION SAFETY OR ANY OTHER RELATED PROGRAMS, OR FOR ANOTHER PARTIES' ERRORS OR OMISSIONS OR FOR ANOTHER PARTIES' FAILURE TO COMPLETE THEIR WORK OR SERVICES IN ACCORDANCE WITH LANDSCAPE ARCHITECT'S DOCUMENTS.

AR DP 16-00023

HIGHER GROUND DESIGNS
LANDSCAPE ARCHITECTURE & IRRIGATION DESIGN
3610 REBECCA LANE, STE. 111
COLORADO SPRINGS, CO 80917
Phone 719-477-1648
Fax 719-388-1122

PIKES PEAK ATHLETICS CENTER
COLORADO SPRINGS, CO

PREPARED FOR:

THIS DOCUMENT IS FOR APPROVAL/BID ONLY. ALL PLANS, DETAILS AND NOTES IN THIS DOCUMENT SHALL NOT BE USED FOR ANY OTHER CONSTRUCTION. THESE DRAWINGS ARE THE PROPERTY OF HIGHER GROUND DESIGNS, INC. AND SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT WRITTEN AUTHORIZATION BY HIGHER GROUND DESIGNS, INC

FOR APPROVAL ONLY

NOT FOR CONSTRUCTION

JOB NUMBER 592-15

REVISIONS	
4-15-16	PER COMMENTS

ORIGINAL DATE 3-1-16
DRAWN BY JM
DESCRIPTION PRELIMINARY LANDSCAPE PLAN
SHEET NO. LP-02
6 of 9

FIGURE 1

D P P A R R R A

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)

APP A F P A , A F R ARD A D R
PR R A ARD D

1. Notice Of Appeal: 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.

2. Action And Procedure By The City Council: Upon receipt of the notice of appeal required by this subsection B, the City Clerk shall schedule a public hearing before the City Council at the next regular meeting of the City Council occurring a minimum of twenty (20) days after receipt. The City Council shall hold a public hearing on appeals from the Planning Commission, an FBZ Review Board or Historic Preservation Board upon the date so scheduled or upon the date to which the same may be postponed or continued. Before the public hearing is commenced, the City Council may entertain a motion to uphold the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board or refer the matter back to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further consideration and recommendation.

3. Postponement Of Items On Appeal To The City Council: As a matter of course, any person may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, made in accord with this subsection, to the next following regular Council meeting. Request for any additional postponement shall be only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further hearing and recommendations.

4. City Council's Powers Upon Appeal: The City Council shall have the power to refer any matter appealed back to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further consideration or Council may affirm, reverse or modify the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board. City Council may hear the appeal de novo, or may limit the hearing to matters raised on appeal.

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

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

7. Filing Fee: The filing fee shall be borne by the appellant. (Ord. 80-131; Ord. 84-159; Ord. 86-66; Ord. 88-190; Ord. 89-7; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 01-127; Ord. 01-164; Ord. 03-16; Ord. 03-216; Ord. 04-280; Ord. 07-35; Ord. 09-76; Ord. 12-24)

Memorandum

File #: CPC AP 16-00071, **Version:** 3

An appeal of the City Planning Commission's decision to grant the appeal of the Notice of Violation & Order to Abate served on the property owner of 2215 North Farragut Avenue or violation of fence height.

(Quasi-Judicial)

Presenter:
Dennis Wolf, Land Use Inspector, Planning and Community Department
Peter Wysocki, Planning and Community Development Director

Summary:
Appellant: Leland Pilger (owner of the property adjoining the property with the fence)
Owner: Devon Bowen (owner of the property on which the fence is constructed)
Location: 2215 Farragut Avenue (property with the fence)

An appeal has been filed by Mr. Leland Pilger regarding the City Planning Commission's decision to grant the appeal of the Violation and Order to Abate Fence Height at 2215 Farragut Avenue.

The subject property is located west of North Union Boulevard and north of Constitution Avenue.

Previous Council Action:
N/A

Background:
The property in question is 2215 Farragut Avenue with an existing zoning classification of R1-6000. As is much of the surrounding area, the structure is a 2-story single family residence constructed in the early 1950's. This property is in the Belleville Addition and annexed into the city in 1950. The property owner constructed a 6' fence about 18"+/- from the top of a retaining wall which is about 4' tall and tappers off to a common height between the 2 properties near the front property pin. The retaining wall has been identified as the property line between the north side of 2211 and south side of 2215 Farragut. The action and notice taken by the city inspector was a result of a complaint by the property owner of 2211 Farragut.

Applying the zoning regulation language for fence measurement the fence was determined to be ten feet (10') +/- at the highest point between the two houses. A voluntary request for compliance notice was mailed to the property owner on January 28, 2015. On or about February 16, 2015, an onsite meeting was held with the property owner to discuss the height issues noted in the communication

sent on January 28, 2015. Height measurements were conducted along the retaining wall from the front property line to the approximate rear of the house along the south property line. The fence height was determined to be ten feet (10') starting at approximately 20' from the back of the sidewalk continuing for a distance of approximately 25' feet. Measurements were taken along the front property line and at the points measured were found to be in compliance.

Mr. Leland Pilger, the original complainant has filed the appeal based on the City Planning Commission's decision on June 16th to uphold the appeal request of the owner of the fence to keep his fence as constructed.

Mr. Pilger's appeal statement is attached outlining his reasons for appeal. The Planning Commission staff report and minutes are attached for a detailed history and summary of the case to date.

In the Planning Commission staff report, the Council will note that City staff initially recommended to the Planning Commission to uphold the Notice and Order to Abate the excessive fence height. Staff's recommendation was based on long-standing interpretation and enforcement on how to measure fence height when erected atop of retaining walls.

Financial Implications:
N/A

Board/Commission Recommendation:
At their meeting on June 16, 2016, the Planning Commission voted 8-1 (with Commissioner McDonald voting in opposition) to grant the appeal of the Notice of Violation & Order to Abate fence height at 2215 Farragut Avenue.

Commissioners voting in favor of granting the appeal related to the fence height felt that the previous ambiguity of City Code pertaining to fences installed on top of retaining walls was a substantial justification for granting the appeal. Furthermore, the Commissioners felt that the ambiguity was a cause for subjective administrative interpretation and confusion to residents.

Stakeholder Process:
No Stakeholder process required. Notice and Order issued as a result of a complaint. Notice and posting was completed for the City Planning Commission Hearing and the City Council Hearing.

Alternatives:
1. Deny the appeal, uphold the decision of City Planning Commission;
2. Approve the appeal, reversing the decision of the City Planning Commission; or
3. Refer the matter back to the City Planning Commission.

Proposed Motion:
CPC AP 16-00071 - Appeal of the City Planning Commission's decision to grant the appeal of the Notice of Violation & Order to Abate fence height at 2215 Farragut Avenue

Should the Council wish to deny the appeal and uphold the Planning Commission decision, the following motion is recommended:

Based on the appeal review criteria contained in City Code section 7.5.906 (A)(4) not being

established, deny the appeal, upholding the City Planning Commission's decision to overturn the City's Zoning Enforcement Officer's Notice of Violation & Order to Abate fence height, which was served on the property owner of 2215 North Farragut Avenue.

Should the Council wish the grant the appeal and uphold the Notice of Violation and Order to Abate, the following motion is recommended:

Based on the appeal review criteria contained in City Code section 7.5.906 (A)(4) being established, grant the appeal, overturning the City Planning Commission's decision not to uphold the City's Zoning Enforcement Officer's Notice of Violation & Order to Abate fence height, which was served on the property owner of 2215 North Farragut Avenue.

N/A

powered by Legistar™

CITY OF COLORADO SPRINGS

INTEROFFICE MEMORANDUM

DATE: June 27, 2016

TO: Peter Wysocki, Director of Planning

FROM: Sarah Johnson, City Clerk

SUBJECT: Notice of Appeal

ITEM NO. 6.A. CPC AP 16-00071

An appeal has been filed by Leland Pilger, regarding the Planning Commission action of June 16, 2016 per attached copy.

I am scheduling the public hearing on this appeal for the City Council meeting of July 12, 2016. Please provide me a vicinity map.

CC: Dennis Wolf

Devon K. Bowen
2215 Farragut
Colorado Springs, CO 80907

Leland Pilger
2211 Farragut
Colorado Springs, CO 80907

- File #CPC AP 16-00071 6/16/2016
- Statement of Appeal
- Description of the Appeal: I, Leland Pilger, am appealing the decision from commissioners to accept the appeal from Devon Bowen for his fence. The administrative decision is incorrect because it is against the express language and intent of the previous site standard 7.4.102 and the new ordinance 16-19. Also the City Planning Commision made an erroneous decision because they were led to believe some members would be adversely affected by the fence/retaining wall Zonning Ordinance.
- Old site standard 7.4.102 from Section A: Fences or walls over six feet(6ft) are considered an accessory structures and must meet accessory structure setback requirements and receive a building permit for construction. Fence height shall be measured from the top of the fence to the natural grade on both sides: if the height on the two sides varies then the higher of the two(2) measurements shall be used in the determining the height of the fence. On or about January 27, 2015 Leland Pilger spoke to Devon Bowen at the beginning of his construction of fence to let him know that it was not meeting code to build on top of retaining wall without a backset. On or about January 27, 2015, Devon Bowen started constructing, in the front yard setback area along the southern property line including the side yard setback area, a fence which exceeds the height limit established in 7.4.102 A and now Zoning Ordinance 16-19.
- New Ordinance 16 19 1. 1. If the height of the two sides varies, then the larger of the two measurements shall be used in determining the height of the fence.
- 2. If the fence is located within three feet of the face of a retaining wall, the height of the fence is measured from the top of the fence to the finished grade at the bottom of the retaining wall.
- Measurement of the fence from top to the finished grade is 10 feet.
- Impacts and Issues with the property- The fence is the issue that has caused damage to the retaining wall. The retaining wall has a offset crack from top to bottom as well as leaning over towards the south. (as seen in photograph) The crack and leaning of the retaining wall will continue until it no longer retains the higher elevation soil/yard at 2215 N. Farragut Ave. The owner of 2215 Farragut has put concrete blocks and soil against the lower portion of the fence which adds to the

CITY CLERK'S OFFICE
2016 JUN 27 P 12: 11

pressure and leverage exerted by the tall fence posts which are poured in concrete and against the old retaining wall.

- Photograph from Google maps dated 6/25/ 2013 without fence shows no leaning to the south or the present offset crack.
- Two photographs taken by Leland Pilger dated 6/25/2016 shows the offset crack and leaning of retaining wall.
- The 10 ft. fence built on retaining wall has caused light and breeze reduction for the two north facing bedroom windows of 2211 N. Farragut as shown by the two photographs dated 6/26/2016.
- Along with the light reduction it has given a closed in confined atmosphere to the two north facing bedrooms and the outside narrow walkway.

Leland Pilger
Leland Pilger
2211 Farragut
Colorado Springs, CO
80907

CHAPTER 7 PLANNING, DEVELOPMENT AND BUILDING

ARTICLE 4 SITE DEVELOPMENT STANDARDS

PART 1 GENERAL STANDARDS

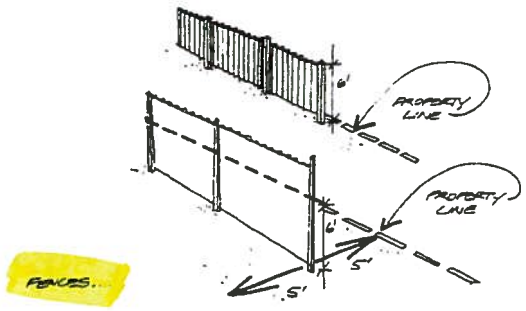
SECTION:

7.4.101: Purpose
7.4.102: General Standards

7.4.101: **PURPOSE:** These standards shall ensure that new or modified development will produce a stable, desirable character which is harmonious with existing and future development and is consistent with the City's Comprehensive Plan. (Ord. 94-107; Ord. 01-42)

7.4.102: **GENERAL STANDARDS:** These standards shall apply to all new construction or modifications to an existing structure which is fifty percent (50%) or more of the existing floor area. No permit shall be approved unless it conforms to all of the applicable standards listed in this section.

A. Fences: Except in a TND and HS overlay zone, fences or walls six feet (6') or under in height may be placed anywhere on the property except within established preservation areas. Fences within preservation areas are subject to development plan approval to establish appropriate locations. All fences must comply with the corner visibility regulations described in this section. Fences or walls over six feet (6') are considered accessory structures and must meet accessory structure setback requirements and receive a building permit for construction. Fence height shall be measured from the top of the fence to the natural grade on both sides; if the height on the two (2) sides varies then the higher of the two (2) measurements shall be used in determining the height of the fence. See article 3, part 9 of this chapter for fence heights in front yard setback areas in the TND zone. Alternate requirements for fencing may be included as a part of an FBZ regulating plan.



Contact the Utility Notification Center of Colorado (UNCC), "Call Before You Dig", at 1-800-922-1987 or contact the UNCC online at www.uncc.org. Call before you design to determine the existence of utility facilities or utility easements, Colorado Springs Utilities at 719-668-7221.

B. Screening: In various sections of this Code, opaque screening is required to improve compatibility between land uses and minimize visual impacts of outdoor storage. Opaque screening may include masonry walls, solid wood fencing, chainlink fencing with permahedge inserts, chainlink fencing with opaque slats or a limited use of solid evergreen plantings. The specific type of screening materials shall be determined in conjunction with the review of a development plan where one is required.

C. Height Exceptions:

1. Place Of Public Assembly: When located in a residential zone, hospitals, churches, schools, and other places of public assembly may exceed the height limitations if the side and rear building setback requirements are increased by an additional foot more than that which is required for each foot that the height of such building exceeds the maximum height requirements.

2. Ornamental Features: Church spires, church towers, cupolas, flagpoles, chimneys, flues,

FENCE **or WALL**: A structure made of wood, **brick, stone, stucco, concrete, wrought iron, chain link, plastic, composite, vinyl** or other **similar** material that provides screening or encloses an area, most often a front or back yard. **Walls include both freestanding walls and retaining walls.**

Section 2. Section 102 (General Standards) of Part 1 (General Standards) of Article 4 (Site Development Standards) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.4.102: General Standards

* * *

A. Fences **or Walls**: Except in a TND and HS overlay zone, fences or walls six feet (6') or under in height may be placed anywhere on the property except within established preservation areas. Fences within preservation areas are subject to development plan approval to establish appropriate locations. All fences must comply with the corner visibility regulations described in this section. Fences or walls over six feet (6') are considered accessory structures and must meet accessory structure setback **and height** requirements **identified in Section 7.3.105.A** ~~and receive a building permit for construction~~. Fence height shall be measured from the top of the fence **including fence poles, posts, and finials** to the ~~natural~~ **finished** grade on both sides **of the fence**~~; if the height on the two (2) sides varies then the higher of the two (2) measurements shall be used in determining the height of the fence. See article 3, part 9 of this chapter for fence heights in front yard setback areas in the TND zone. Alternate requirements for fencing may be included as a part of an FBZ regulating plan~~.

1. If the height of the two (2) sides varies, then the larger of the two (2) measurements shall be used in determining the height of the fence.

2. If the fence is located within three feet (3') of the face of a retaining wall, the height of the fence is measured from the top of the fence to the finished grade at the bottom of the retaining wall.

3. The finished grade of the fence area shall not be altered to artificially comply with these regulations.

4. An additional 12 inches (12") of height is permitted for fence posts, poles, and finials when spaced 8 feet (8') or more from each other.

09/20

Maps

Farragut Ave, Colorado Springs, Colorado, Unite

Share

2A 2215 Farragut

2211 Farragut

2B

6/1/2013

3

4

5

6

7

P A A DA

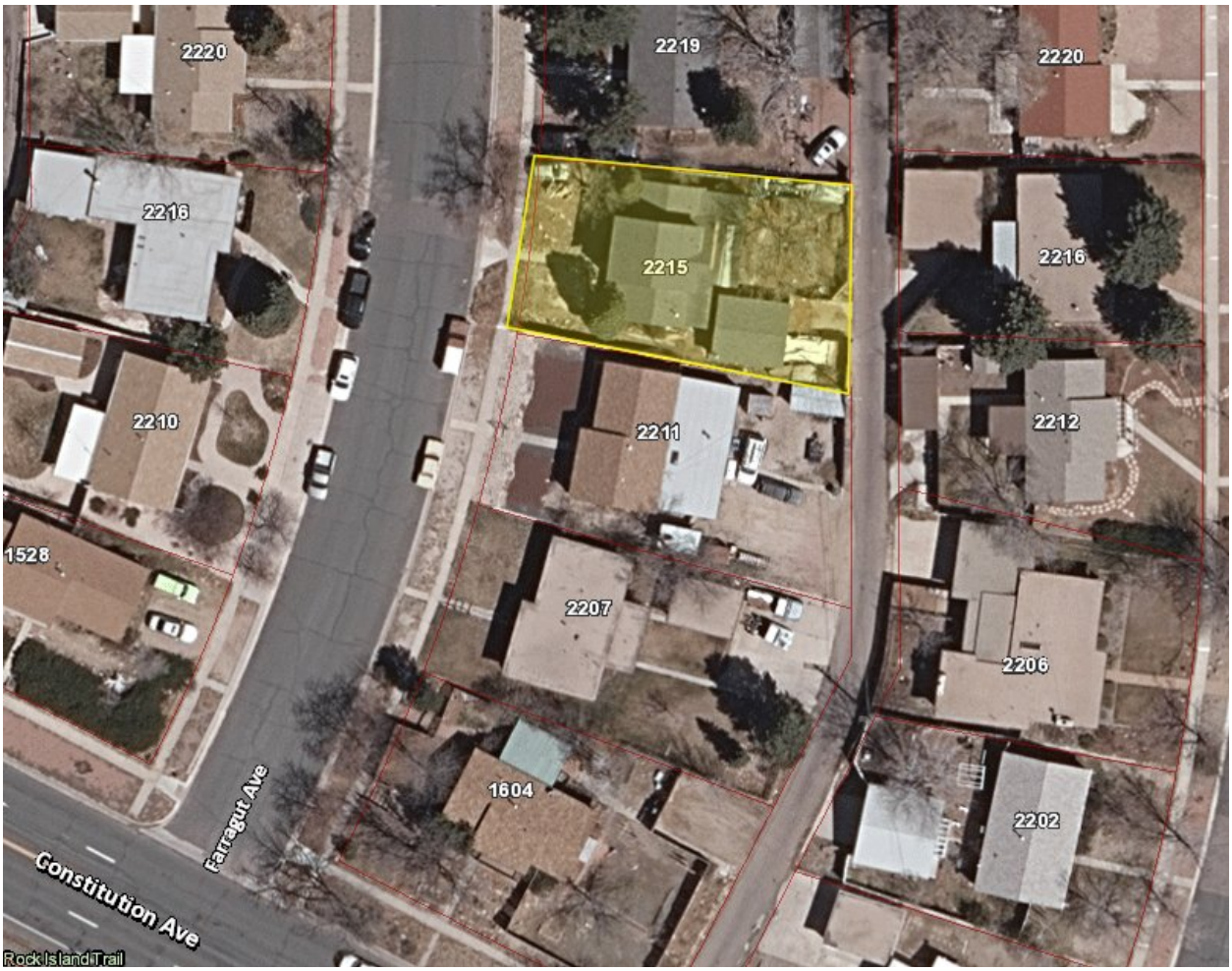
AFF D F

F
P AP

PR APP A F F A RD R A A FARRA A

APP A A ,

R D



PR AR

1. Project Description: A request to appeal the Notice of Violation & Order to Abate served on the property owner of 2215 North Farragut Avenue on/or about May 4, 2016 for violations of an over height fence along the south property line (fence installed within 3 feet of a retaining wall where height of the fence is measured from the grade level at the bottom of the wall to the top of the fence) and the construction of an approximately eight foot' (8') tall pergola/arbor (accessory structure) within the front yard setback area where no accessory structures over six feet (6') are allowed. This property is zoned R1-6000, Single Family Residential. **F R**

2. Applicant's Project Statement: Appeal of Notice of Order issued May 4, 2016 for 2215 North Farragut Avenue. Summary of the appeal statement:

   - The applicant states Ordinance 16-19 does not apply to the six foot high fence because it was constructed before the ordinance was adopted and city staff misinterpreted City Code Section 7.4.101 in that the fence is not constructed on the property line, but constructed inside of the property line.

   - City Staff does not have any evidence concerning the natural grade of the adjacent property.

   - Ordinance 16-19 does not apply to the pergola/arbor in the front of the property because it was constructed before the ordinance was adopted.

   - City staff misinterpreted City Code Section 7.3.105 that the pergola/arbor as constructed does not constitute a structure or accessory structure under the City Code and City staff is engaging in selective enforcement of the this pergola/arbor. (**F R**

3. Community Development Department's Recommendation: To uphold the notice and order issued to the property owner on May 4, 2016.

A R D

1. Site Address: 2215 Farragut Avenue
2. Existing Zoning/Land Use: R1-6000 (Single Family Residential) (lot size of 6739 sq. ft.)
3. Surrounding Zoning/Land Use: North: R-1-6000 SFR
   South: R-1-6000 SFR
   East: R-1-6000 SFR
   West: R-1-6000 SFR
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation – The property was annexed in 1950 as part of Belleville Addition
6. Master Plan/Designated Master Plan Land Use: There is no master plan for this property
7. Subdivision: Belleville Addition to Colorado Springs
8. Zoning Enforcement Action: Non-compliance with §7.4.102 A and Ordinance 16-19
9. Physical Characteristics: The lots in this area are generally "stair stepped" lots with a higher elevation to the north and going down in elevation to the south. Many lots utilize retaining walls on the south side of the lots.

A D R PR A D

No Stakeholder process required. Notice and Order issued as a result of a complaint.

A A F R R R A A R PR P A A R P A F R A

1. Review Criteria / Background:
   A complaint was received in January 2015 alleging that the property owner of 2215 Farragut Avenue had constructed a six foot (6') fence on top of a retaining wall along the south side of his property and was working to construct a portion of fence on a rock wall he had constructed along this front property line parallel to the street. A field inspection of this property was conducted and it was determined that a fence was constructed about one foot (1') north of the retaining wall beginning at the front property

continuing for approximately 58' feet along the property line between 2215 and 2211 Farragut Avenue. The grade of the front property line near the sidewalk starts at zero grade and increases in grade to a height of approximately four feet (4'). (**F R photo histor**

Applying the zoning regulation language for fence measurement the fence was determined to be ten feet (10') +/- at the highest point between the two houses. A voluntary request for compliance notice was mailed to the property owner on January 28, 2015. On or about February 16, 2015, an onsite meeting was held with the property owner to discuss the height issues noted in the communication sent on January 28, 2015. Height measurements were conducted along the retaining wall from the front property line to the approximate rear of the house along the south property line. The fence height was determined to be ten feet (10') starting at approximately 20' from the back of the sidewalk continuing for a distance of approximately 25' feet. Measurements were taken along the front property line and at the points measured were found to be in compliance.

During this meeting with the property owner, the pergola/arbor constructed within the front yard setback was also brought to the attention of the property owner. On June 15, 2015 the property owner and his agent had a pre-application meeting with planning staff and requested the city obtain clarification as to the method employed by the land use inspector for determining fence height since the fence was not constructed on the retaining wall but on the property owners private property next to the retaining wall. A meeting between the Planning Manager and the Department Director occurred on June 23, 2015 whereby a formal request to the Planning Commission was made to clarify how a fence is measured resulting in the Planning Department making clarification to the zoning code. A stay of enforcement occurred until a decision was rendered. The Planning Commission and the City Council conducted hearings, and on February 24, 2016, approved Ordinance 16-19. On or about March 24, 2016, a field inspection of the 2215 Farragut Avenue property was conducted and conditions were noted to be the same as previous inspections that found the fence height and the pergola/arbor to be in violation of city zoning ordinance allowances. On March 25, 2016, notice of the findings of the Planning Commission and the City Council were mailed to the property owner and voluntary compliance was requested based upon the confirmation of the method for measuring fence height and the definition amendment clarifying arbors and pergolas are, in fact, accessory structures and not allowed in the front yard setback area. The Notice and Order was issued on May 4, 2016.

2. Conformance with the City Comprehensive Plan:
   Not applicable to a notice and order

3. Conformance with the Area's Master Plan:
   There is no master plan for this area.

AFF R DA

P AP APP A F F A RD R A A

Deny the appeal and uphold the notice and order to abate issued to the property owner on May 4, 2016.

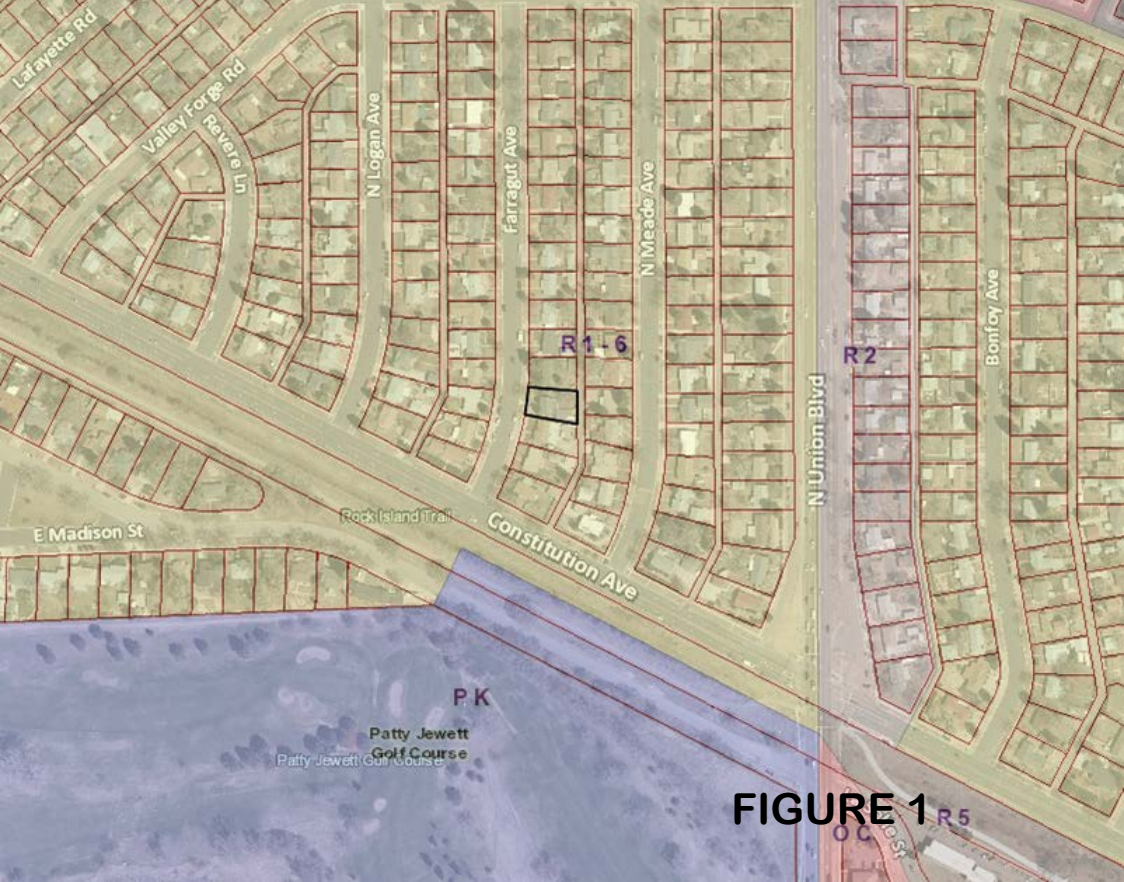

Lafayette Rd
Valley Forge Rd
Revere Ln
N Logan Ave
Farragut Ave
N Meade Ave
N Union Blvd
Bonfoy Ave
R1 - 6
R2
E Madison St
Rock Island Trail
Constitution Ave
P K
Patty Jewett
Golf Course
Patty Jewett Golf Course
R5
O C

FIGURE 1

RECEIVED

MAY 16 2016

LAND USE REVIEW

CITY OF COLORADO SPRINGS

LAND USE REVIEW DIVISION
PLANNING & DEVELOPMENT TEAM

APPLICATION FORM FOR APPEAL OF ADMINISTRATIVE DECISION

Appellant: Devon K Bowen by Attorney Telephone (719) 337-4750 Fax (719) 578-8836

Address: ~~2215 Farragut~~ 111 S. Tejon Ste 202 Zip Code 80903 e-mail williamlouislaw@gmail.com

Premises Involved:

City Planning File Number (if applicable): _____

Address: 2215 Farragut - 80907

Direction from nearest street intersection Less than 100 yards north of intersection of Constitution and Farragut - City staff have been there numerous times

Tax Schedule No. 6405110027 __ - __ __ __ __ __ Acreage _____

(The tax schedule number can be obtained from the El Paso County Tax Assessor located at 27 E. Vermijo Avenue on the 2nd Floor; phone: 520-6600 or at their web site http://www.land.elpasoco.com)

Date of Receipt of Notice and Order or Date of Final Administrative Decision May 4, 2016 (City staff knows this)

Appeal of Decision Regarding:

Development/Landscape Plan _____ Subdivision Plat _____ Notice and Order XXX

Hillside Site Plan _____ Administrative Relief _____ Non-Conforming Use _____

Sexually Oriented Business _____ Temporary Use Permit _____ Relocation payments _____

Similar Use Determination _____ Property Boundary Adjustment _____

Preservation Area Boundary Adjustment _____ Building Permit to Unplatted Land _____

Building Permit prior to Platting _____ Historic Preservation Board Determination _____

Home Occupation Permit _____ Human Service Establishment _____

Other: _____

OFFICAL CITY PLANNING USE:

Fee Receipt # _____ Date Application Accepted _____

Completed Form _____ Intake Staff _____

Appeal Statement (2) _____ Vicinity Map _____

Authorization _____ Copy of Notice and Order (if applicable) _____

Applicant informed of Poster Pickup Date? Yes ___ No ___ If Yes, Date of Poster Pickup _____

Notification Options: Waive Notification _____ Adjacent _____ 500' _____ 1,000' _____

Assigned to: _____ (Notice to be sent at time of CPC/CC Hearing only)

OWNER/APPLICANT AUTHORIZATION:

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

Devon K Bowen by Attorney at Law - William H. Louis

Signature of Appellant 05/15/16 Date

Appeal of Administrative Decision (appeal.doc) Last Modified: 01/01/2010

FIGURE 2 CPCAP 16-00071

STATEMENT OF APPEAL

I. Description of the Appeal: My client, Devon K. Bowen, is appealing the Notice of Order issued May 4, 2016 on the following grounds:

A. Fence

1. Ordinance 16-19 does not apply to the fence because it was constructed before the ordinance was adopted.

2. City staff misinterpreted City Code Section 7.4.101 in that the fence is six feet high and is not constructed on, but constructed inside of, the property line. Furthermore, City staff does not have any evidence of whatsoever kind or nature concerning the natural grade of the adjacent property.

B. Pergola

1. Ordinance 16-19 does not apply to the pergola because it was constructed before the ordinance was adopted.

2. City staff misinterpreted City Code Section 7.3.105 in that pergola, also known as an arbor, in that the pergola as constructed does not constitute a structure or accessory structure under the Code.

3. City staff acted arbitrarily and capriciously and is engaging in selective enforcement concerning Mr. Bowen's pergola.

II. Justification Based on Section 7.5.906

A. This is an appeal under Section 7.5.906 9 (A)(2)(a)(2)

B. 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

FIGURE 2

show that the burdens placed on the appellant outweigh the benefits accrued by the community.

1. This is a neighbor dispute based on an ongoing feud that has nothing to do with land use issues. The complainant's property is not occupied. Upon best information and belie, it is being used as an indoor and outdoor storage facility. In contrast, the alleged violations on my client's property have existed for a number of years and are improvements to my client's property, but also to the neighborhood. In contrast, the complainant's property is an eyesore, especially in the back of the property.

2. The pergola is constructed entirely within my client's property; however, it is right on the line between the sidewalk and my client's property. It is well-constructed and maintained and, therefore, constitutes no danger of collapse. It occupies little space and so is not out of proportion with the rest of the neighborhood. It complements the area; it does not detract from it.

3. The benefits of making certain that staff correctly interprets and applies the code and the ordinances outweighs any negative impacts associated therewith.

4. The neighborhood is of marginal quality. My client appears to be one of the few people making an investment to improve the aesthetic quality of his property and, therefore, the neighborhood. Maintaining the improvements in their "as is" condition far outweighs the benefits of removal.

5. The improvements pose no threat or danger to the public health, safety or welfare.

FIGURE 2

CITY OF COLORADO SPRINGS, STATE OF COLORADO Manager – Land Use, Planning and Development Address: 30 S. Nevada Ave. Suite 105, Mail Code 155 Colorado Springs, CO 80901	
TO: **DEVON K BOWEN and OCCUPANTS OR OTHER PERSON WITH AN INTEREST IN THE PROPERTY KNOWN AS:** 2215 FARRAGUT AVE Colorado Springs, CO 80907 **RESPONDENT**	**Tax Schedule Number** **6405110027**
NOTICE OF VIOLATION AND ORDER TO ABATE	

WHEREAS, it has been made to appear to the Manager – Land Use Review, Planning and Community Development, City of Colorado Springs, State of Colorado that Devon K Bowen, 2215 Farragut Ave, Colorado Springs, CO 80907 ("Respondent"), has violated Ordinance 16-19, an ordinance amending section 201 (Definitions Enumerated) of part 2 (Definitions) of article 2 (Basic provisions, definitions and land use types and classifications) and section 102 (general standards) of part 1 (general standards) of article 4 (site development standards) of chapter 7 (planning, development and building) of the code of the City of Colorado Springs 2001, as amended, pertaining to fences and accessory structures, as amended ("City Code") §7.2.201 in the following particulars:

I. The property at the approximate location of 2215 Farragut Avenue, Colorado Springs, CO 80907 is zoned R-1 6000.

II. A R-1 6000 zone district allows for single-family residences and their accessory uses.

III. On or about January 27, 2015, Respondent constructed, in the front yard setback area along the southern property line including the side yard setback area, a fence which exceeds the height limit established in §7.4.102 A and now Zoning Ordinance 16-19. Additionally, on or about February 15, 2015, Respondent constructed an "arbor" type structure approximately eight feet (8') in height in the front yard setback area (along the front property line) where accessory structures are limited to a maximum of six feet (6') in height in violation of §7.3.105 A. (Now Ordinance 16-19)

IV. Notice of this zoning land use violation was provided to Respondent on or about July 16, 2014 by USPS regular mail service and voluntary compliance by Respondent was requested.

FIGURE 2

V. Respondent through his attorney challenged the interpretation and application of the provisions of the fence and accessory structures provisions of the City of Colorado Springs Zoning ordinances to the Colorado Springs Zoning Commission who upheld the interpretation and application of the ordinance provisions as applied BUT did amend a part of the definitions and method for measuring height as now found in Ordinance 16-19 of the city zoning ordinance.

VI. On March 30, 2016 Respondent was noticed by USPS regular mail service to abate the zoning violations noted in City of Colorado Springs Zoning Ordinance 16-19.

VII. On May 2, 2016 a field inspection determined that no action has been taken Respondent to abate these violations.

YOU ARE HEREBY ADVISED that abatement of this zoning violation is your responsibility.

NOW THEREFORE, you are hereby **ORDERED** to remove the unlawful fence installation and arbor structure within **ten (10)** days from the date of the issuance of this NOTICE.

YOU ARE HEREBY ADVISED that failure to comply with this Notice of Violation and Order to Abate may result in the issuance of a criminal summons pursuant to City Code §§7.5.1008(A), (E). You are further advised that failure to comply with this Notice of Violation and Order to Abate my result in direct abatement by the Manager pursuant to City Code §7.5.1008(B) and that you may be assessed additional re-inspection fees pursuant to City Code §7.5.1008(C).

IF YOU WISH TO CONTEST *this Notice of Violation and Order to Abate, you must file an appeal with the City of Colorado Springs Zoning Commission in accordance with §§7.5.1007 and 7.5.906 of the City Code, within 10 days of receipt of this Notice of Violation and Order to Abate.*

If you have any questions regarding this NOTICE, please contact Dennis Wolf, Land Use Inspector at 385-5353.

DONE THIS this 4 day of MAY 2016.

FOR THE MANAGER – LAND USE, PLANNING AND DEVELOPMENT

Dennis Wolf, Land Use Inspector

FIGURE 2

CITY OF COLORADO SPRINGS

City of Colorado Springs Planning Department Fee Receipt Reprint

Return to Worksheet List

Application	Department	Amount	Applicant	AnnexDisc
Appeal of Administrative Decision to Planning Comm	Land Use Review	$176.00		
Total Fees		$176.00		

Planner:	Sue Matz
Date:	5/18/2016
Intake Staff:	Katie Carleo
Receipt Number:	27936
Check Number:	237
Amount:	$176.00
Received From:	William Louis

FIGURE 2

El Paso County Assessor's Office

2215 FARRAGUT AVE

SCHEDULE: 6405110027

OWNER: BOWEN DEVON K

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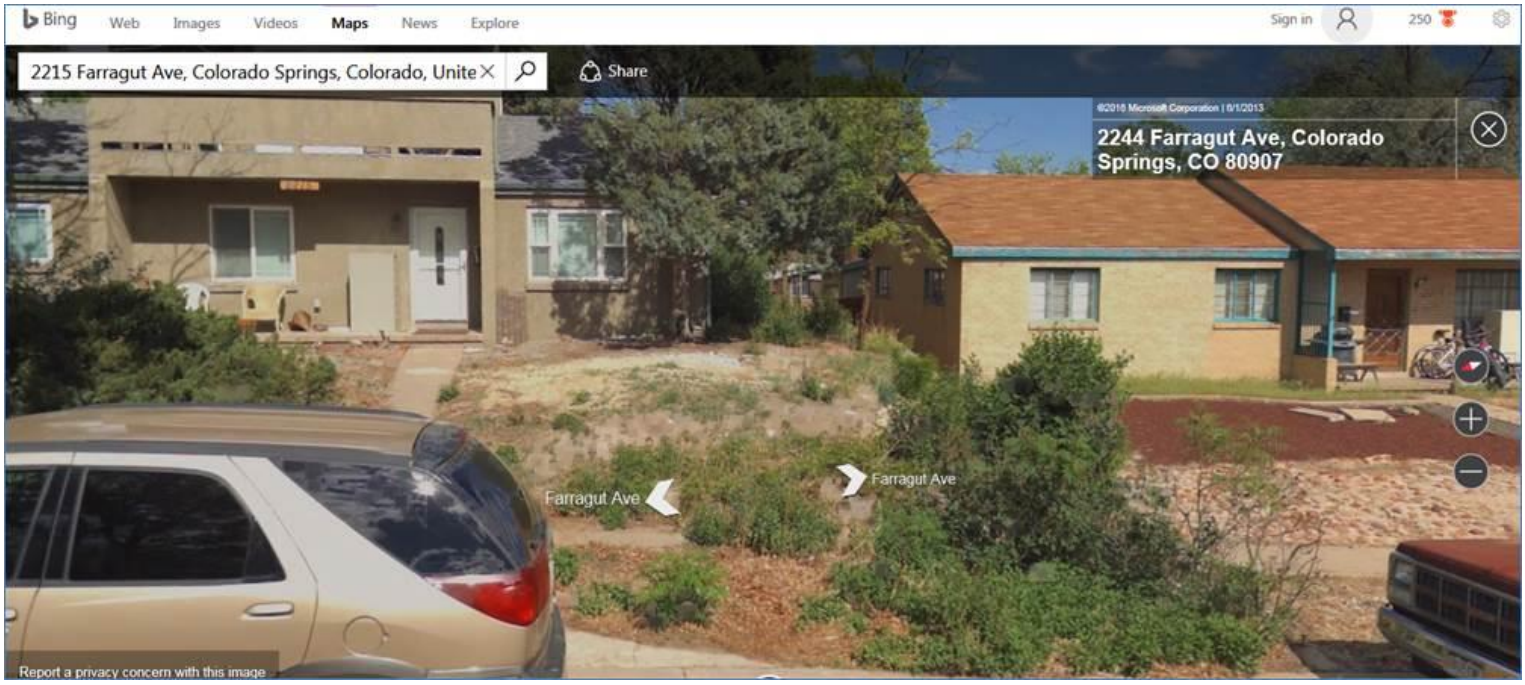
FIGURE 2

Bing Photo 2013



Bing Photo 2013

FIGURE 3

Bing Photo 2013

FIGURE 3

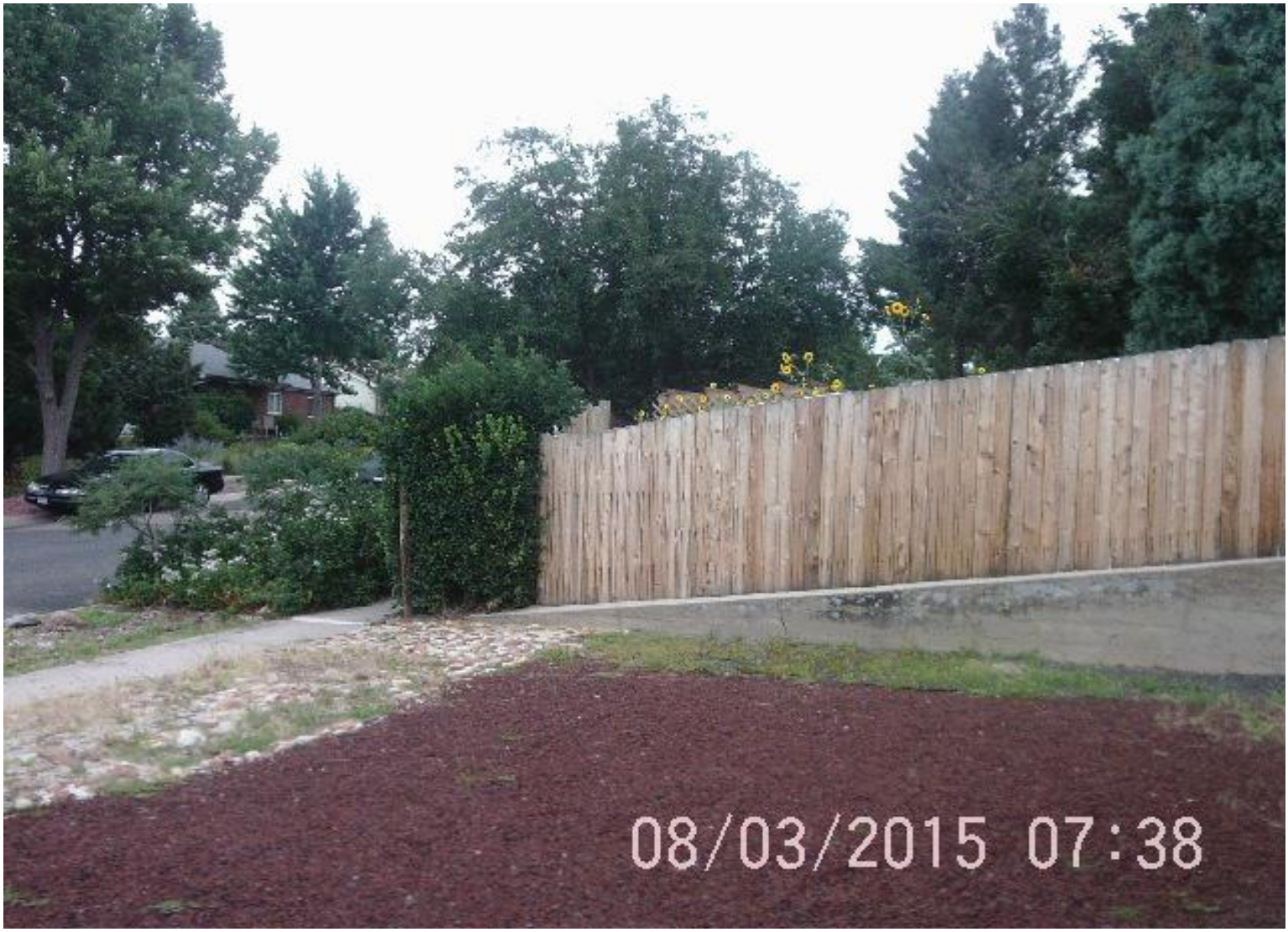


Photo from RP

FIGURE 3

FIGURE 3

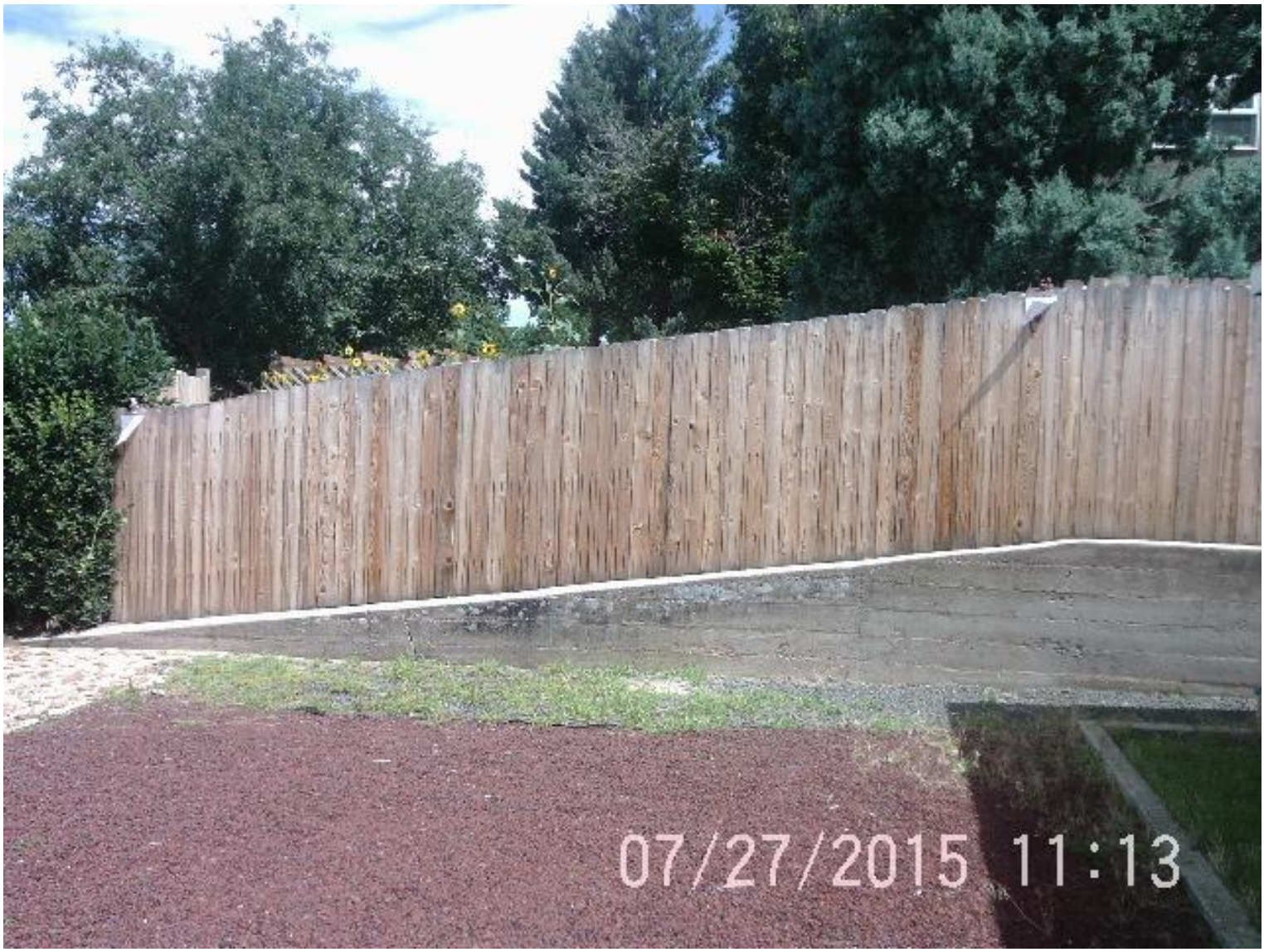


Photo by RP

FIGURE 3

County Assessor photo

FIGURE 3

Photo by Land Use Inspector

FIGURE 3

Photo by Land Use Inspector

FIGURE 3

Photo by Land Use Inspector

FIGURE 3

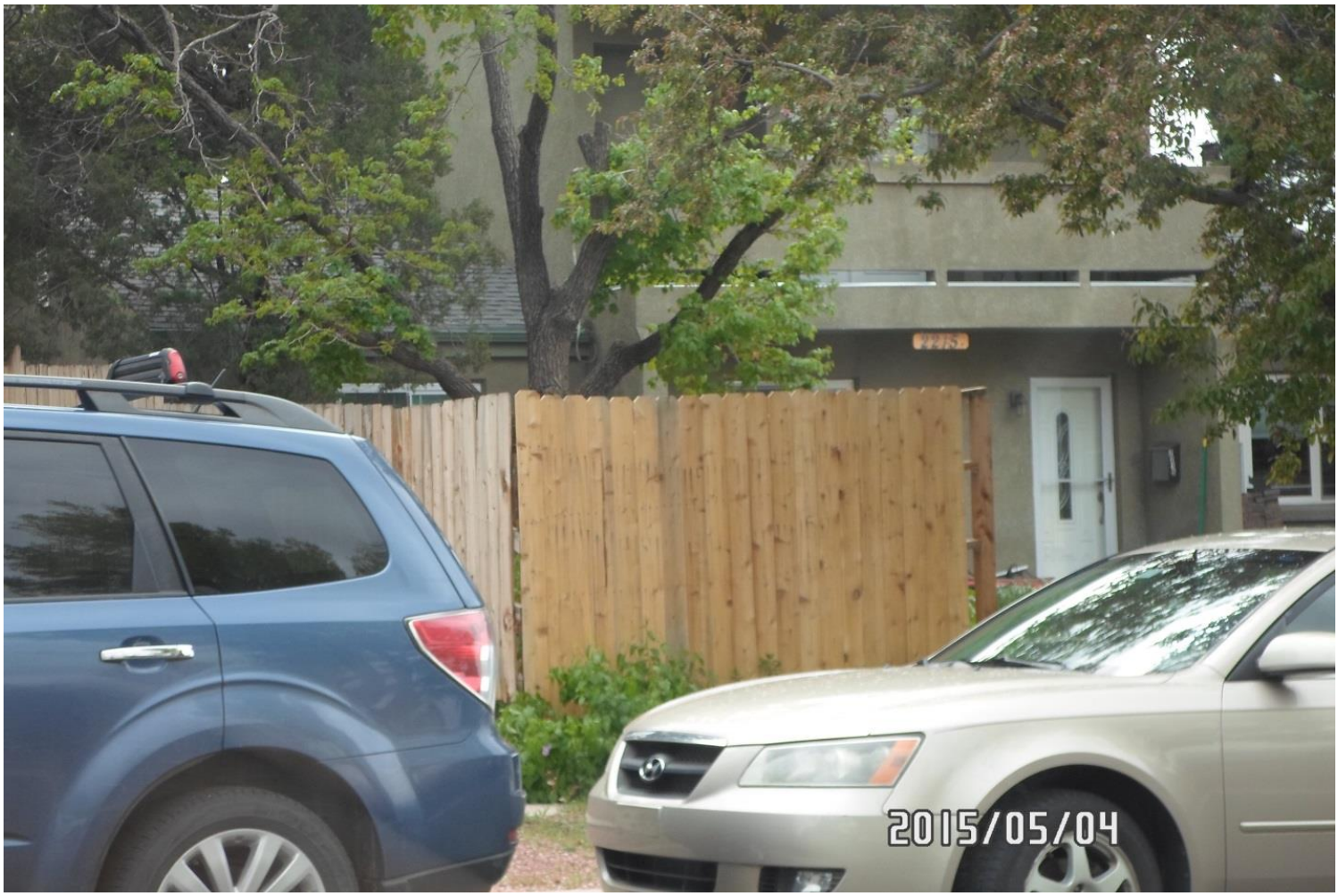


Photo by Land Use Inspector

FIGURE 3

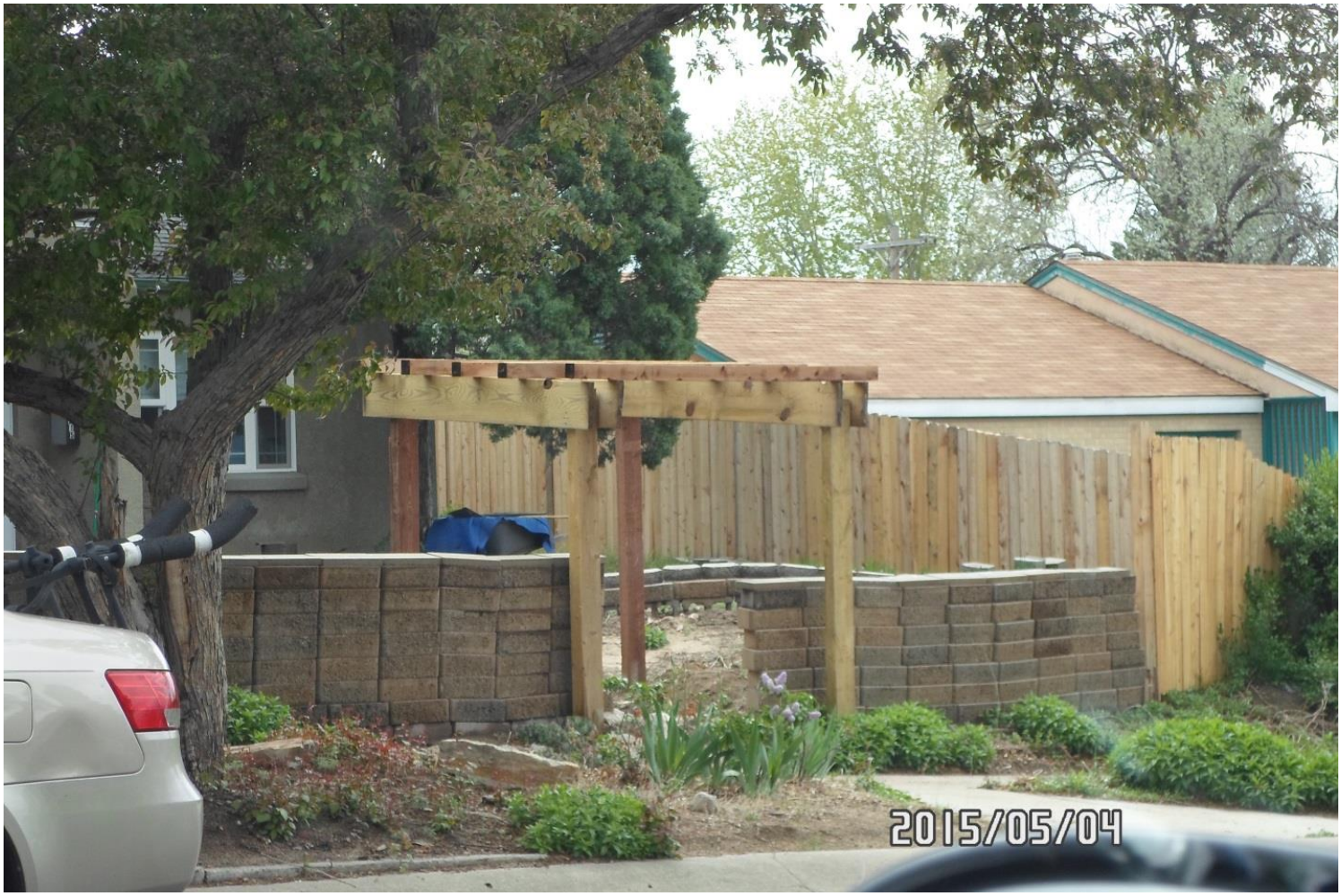


Photo by Land Use Inspector

FIGURE 3

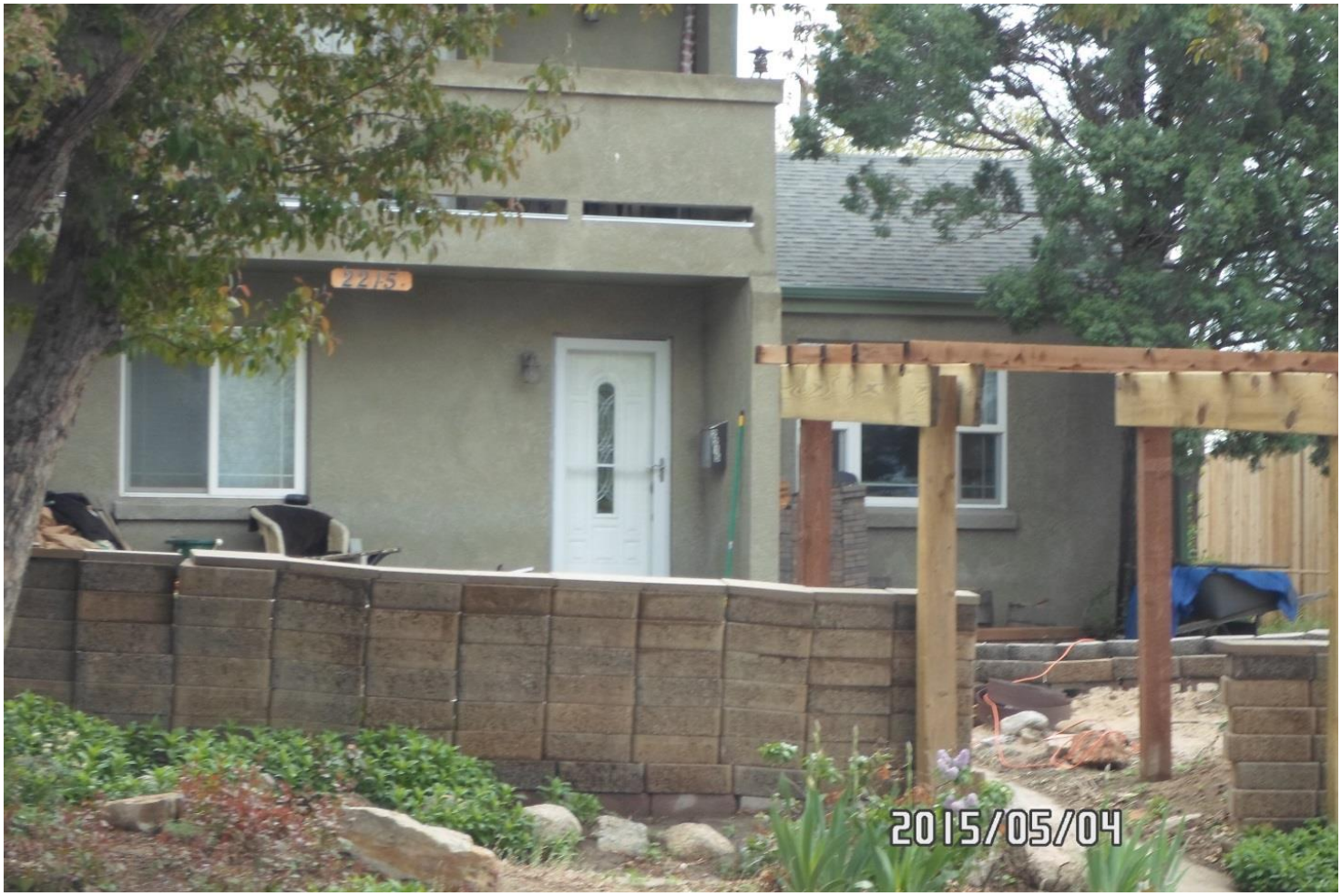


Photo by Land Use Inspector

Google Photo Aug 2015

FIGURE 3

Photo by Land Use Inspector

FIGURE 3

Photo by Land Use Inspector

FIGURE 3

Photo by Land Use Inspector

FIGURE 3

FIGURE 3

CITY OF COLORADO SPRINGS, STATE OF COLORADO Manager – Land Use, Planning and Development Address: 30 S. Nevada Ave. Suite 105, Mail Code 155 Colorado Springs, CO 80901	
TO: **DEVON K BOWEN and OCCUPANTS OR OTHER PERSON WITH AN INTEREST IN THE PROPERTY KNOWN AS:** 2215 FARRAGUT AVE Colorado Springs, CO 80907 **RESPONDENT**	**Tax Schedule Number** **6405110027**
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III. On or about January 27, 2015, Respondent constructed, in the front yard setback area along the southern property line including the side yard setback area, a fence which exceeds the height limit established in §7.4.102 A and now Zoning Ordinance 16-19. Additionally, on or about February 15, 2015, Respondent constructed an "arbor" type structure approximately eight feet (8') in height in the front yard setback area (along the front property line) where accessory structures are limited to a maximum of six feet (6') in height in violation of §7.3.105 A. (Now Ordinance 16-19)

IV. Notice of this zoning land use violation was provided to Respondent on or about July 16, 2014 by USPS regular mail service and voluntary compliance by Respondent was requested.

V. Respondent through his attorney challenged the interpretation and application of the provisions of the fence and accessory structures provisions of the City of Colorado Springs Zoning ordinances to the Colorado Springs Zoning Commission who upheld the interpretation and application of the ordinance provisions as applied BUT did amend a part of the definitions and method for measuring height as now found in Ordinance 16-19 of the city zoning ordinance.

VI. On March 30, 2016 Respondent was noticed by USPS regular mail service to abate the zoning violations noted in City of Colorado Springs Zoning Ordinance 16-19.

VII. On May 2, 2016 a field inspection determined that no action has been taken Respondent to abate these violations.

YOU ARE HEREBY ADVISED that abatement of this zoning violation is your responsibility.

NOW THEREFORE, you are hereby **ORDERED** to remove the unlawful fence installation and arbor structure within **ten (10)** days from the date of the issuance of this NOTICE.

YOU ARE HEREBY ADVISED that failure to comply with this Notice of Violation and Order to Abate may result in the issuance of a criminal summons pursuant to City Code §§7.5.1008(A), (E). You are further advised that failure to comply with this Notice of Violation and Order to Abate my result in direct abatement by the Manager pursuant to City Code §7.5.1008(B) and that you may be assessed additional re-inspection fees pursuant to City Code §7.5.1008(C).

IF YOU WISH TO CONTEST *this Notice of Violation and Order to Abate, you must file an appeal with the City of Colorado Springs Zoning Commission in accordance with §§7.5.1007 and 7.5.906 of the City Code, within 10 days of receipt of this Notice of Violation and Order to Abate.*

If you have any questions regarding this NOTICE, please contact Dennis Wolf, Land Use Inspector at 385-5353.

DONE THIS this 4 day of MAY 2016.

FOR THE MANAGER – LAND USE, PLANNING AND DEVELOPMENT

Dennis Wolf, Land Use Inspector

CERTIFICATE OF SERVICE

I hereby certify that I have mailed by USPS Certified Mail, Return Receipt Request a true copy of the foregoing **NOTICE OF VIOLATION AND ORDER TO ABATE** by USPS postal service to the address which appears on the assessment roll of the County of El Paso on this 4 day of MAY, 2016 at 7:35 am/pm

By: _____
Dennis Wolf, Land use Inspector

Certified Mail Receipt # 7015 1660 0000 1509 3190

LETTER OF REBUTTAL: from Leland Pilger June 8, 2016

In response to Appeal filed by Devon K. Bowen by Attorney on May 16, 2016
Chapter II. Section C Number 1

This is not a neighbor dispute based on an ongoing feud. There is no known issues except the current zoning fence code and code enforcement violations by Devon Bowen. My property at 2211 N. Farragut Avenue is occupied. I have to split my time between two residences to help care for my wife Ann who is medically disabled.

The landscape blocks in front of 2215 being used as fence material still looks like stacked construction material because it has no footer and no grout. The north end has thus fallen over twice. It is not safe and a public hazard as built because it is leaning structurally and unstable.

About the pergola, I believe this structure is also a safety hazard because of lack of hurricane clips to keep the cross members attached to the side beams and inadequate fasteners overall posing a safety threat because it can fall down.

The fence section on the front north wood fence climbs uphill as it goes south toward the stacked blocks until the bottom of the 6ft. pickets are 4 to 5 inches above the dirt.

The old retaining wall on the South front side is now leaning and broken vertically in several places and will not take the leverage exerted by the tall fence posts which are poured in concrete and touching the old wall under grade and not the claimed 1 foot offset in Analysis of Review Criteria Paragraph 1. The 10 foot fence is also a street view obstruction for the house next door North and next door South. Fireman and Police also lose visibility and access to 2215 North Farragut Avenue. I can accept 6' fences on corner lot back yards for privacy or next to very high volume traffic streets for noise and lights protection. But I don't accept the drastic change to the traditional appearance of this street that all the residences have enjoyed since 1950 when the neighborhood was developed by city planners that did a very good job. Also for safety fireman and police also lose visibility and access to 2215 North Farragut Avenue. I hope zoning code will return to the earlier version for planned established neighborhoods with conforming appearances.

Thank you, Leland

CITY OF COLORADO SPRINGS PLANNING COMMISSION

MINUTES / RECORD-OF-DECISION

R DA , ne ,
A A R
R ADA A
RAD PR , RAD
A R A P P A D RD R A A
AD R D A A

PR **A**
Phillips
Henninger
Shonkwiler
Smith
Walkowski
Gibson
Graham
McDonald
Markewich

A A DA
Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

A DAR

DA June 16, 2016
A
F P AP
PR Appeal of otice to A ate at Farra t
AFF Dennis olf, and se nspector

AFF PR A
Dennis Wolf, Land Use Inspector gave a Power Point presentation

APP A PR A
William Luis representing Mr. Devon Bowen. Mr. Luis gave a PowerPoint Presentation. They discussed what Ordinance 16-19 said prior to changes.

Mr. Luis stated Mr. Bowen checked with Regional Building before constructing the fence and the pergola and was told a building permit wasn't required.

A meeting in June 2015 was held between Mr. Wysocki and Mr. Tefertiller to discuss the complaint. After that meeting Mr. Luis's understanding was City Planning would not prosecute Mr. Bowen for the fence issue due to the gap in city ordinances. Mr. Wysocki

didn't get back to Mr. Luis regarding this but directed his staff to correct the ordinance. Mr. Luis said the change to the ordinance was the city's acknowledgement there was a gap in the existing ordinance and the new ordinance would correct that.

Ordinance 16-19 doesn't apply because the fence and pergola were built before the Ordinance was adopted. So was the fence a violation prior to the new ordinance. In the previous ordinance referenced natural grade, the new ordinance says finished grade. Thus the ordinance isn't a clarification it's a new ordinance. The city's position is the wall and the fence is one in the same.

The ordinance doesn't define both sides of the property line. His client's fence is on his side of the property, if you measure on his property on both sides and at the highest part of the fence you get 6 feet. You don't measure over the retaining wall because that isn't his property. The fence is not uniformly 6 feet; at its highest point its 6 feet.

Mr. Luis discussed measuring the fence from the top of the fence to the grade; and then stated how planning measured with a flat plane. The Ordinance says nothing about a flat plane or going across of the property line to measure. Mr. Luis said the illustration didn't show crossing the property line. If the fence and the property line were in the same geometric plane you could cross it. There is nothing in the ordinance that says you combine the wall and the fence and nothing to indicate how it's measured. So the inspector has no standards from which to measure. Before the change in the ordinance the public didn't know how it was measured, but now they do.

The setback is to ensure structures aren't too close to a neighbor's property and doesn't interfere with light and air movement. The fence doesn't do this. Neighborhood is on a hillside. The previous code required the measurement was to the natural grade but it doesn't define natural grade. City has the ability to see what the natural grade was pre-subdivision. If the city meant finished grade they should've said so, that is what they meant, so they changed the ordinance to say that now. If the city can't show what the natural grade was there is not violation. Staff needs direction on how to measure fences prior to the change in 2016 ordinance.

Mr. Luis shows pictures of the pergola. Mr. Luis said pergolas were not regulated before the 2016 ordinance. They concede the pergola is a structure under city code because it's permanently affixed to the ground.

This issue is not whether it's an accessory structure but whether the pergola is a setback violation. So the issue is what is an accessory structure. Mr. Luis's references pictures from the code and reads the definition from the code.

Regarding the dispute about the pergola it comes down to a phrase in the code – "Contributes to the comfort, convenience or necessity of the occupants". His client says

the pergola is a decoration. It's not comfort, convenience or a necessity. It's not a safety issue, it's attractive and there is no point in removing it.

itizens in pport

Mr. Bowen said he is in support he acted in good faith and called regional building and tried to comply with what was required.

Commissioner Shonkwiler asked about the block wall that runs north/south. Mr. Luis said that wall was not an issue and the city has not cited it as an issue.

itizens in pposition

Liam Pegler lives next door to the fence to the south. Mr. Pegler read from a letter he wrote in rebuttal. He referenced Mr. Luis's statements of different fences and such in the area saying those items are violations and they have to go. Code enforcement and look around for issues to cite it's done on a complaint basis. If none they don't go out.

The cracks in the wall don't show up in the pictures. There are three large vertical cracks in different segments of the wall. The wall is leaning 6 or 8 inches and makes it either on the original property line or over it. This is not an ongoing neighbor dispute it's a code enforcement issue. The pergola is a safety issue due the lack of hurricane clips to keep the cross members on top attached to the side beams. What is attached to the side beams is by one or two sheet rock screws.

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Commissioner Shonkwiler asked what was the code regulation regarding abandoned vehicles. Mr. Wolfe said he does land use enforcement, code enforcement officers deal with abandoned vehicles. Mr. Peter Wysocki said if vehicles are unregistered they have to be screened from view. Commissioner Shonkwiler asked what about from an alley. Mr. Wysocki said from the alley too. Commissioner Shonkwiler commented on the number of vehicles in the back of the property and said the fence was a technical issue.

Commissioner Phillips asked if this had anything to do with the fence issue. City Attorney Marc Smith said for the record the Planning Commission needed look at the notice and order because that's what was being appealed and to analyze based on that.

Commissioner Markewich confirmed involvement was from a complaint. Commissioner Markewich asked if the complaint was specific to the fence and pergola or once you are there do you look for other possible violations. Mr. Wolf said the original complaint was about the fence height and does look for other violations unless mentioned.

Commissioner Markewich asked how the pergola got involved. Mr. Wolf said when he went out the second time the complainant questioned the pergola and that's how it became part of the entire complaint. Commissioner Markewich asked Mr. Wolf what

was his opinion on the fence to the north of the pergola and that it was much higher than 6 feet. Mr. Wolf discussed the height dimension of that fence, what he measured. Commissioner Markewich said measurement was to the bottom of the grade. Mr. Wolf said yes and that he did not make a finding regarding the fence to the north of the pergola

Commissioner Smith said his question was about the gap because if it was something they'd have to deal he wanted to know what staff's position was because the appellant had a good point that a gap existed before the ordinance was clarified. Mr. Wolf said today's decision would help him in the future to determine if there is a violation. So regarding this case, Mr. Wolf said he looked at the diagram and the notes for the property line. The complainant said the retaining wall was the property line. Based on that and when he looked at 5 feet either side and that's what he used. He also asked planners and used his past experience in other communities that used a similar fence regulation as Colorado Springs to provide guidance.

Ms. Meggan Herrington, Planning Manager said she didn't believe they had a gap because they have always measured the fence and the wall the same way. So she disagreed there was a gap prior to Ordinance 16-19 and that the ordinance was just a cleanup because we've always measured the same.

Commissioner McDonald said looking at notice and order sent May 4, 2016, in paragraph 3 it refers to the height limit established in Code 7.4.102 and the maximum 6-foot height violation in 7.3.105. If you forget the change, was the fence in violation of the zoning code – yes. Just to clarify the fence was in violation prior to revisions it was in violation – yes; the pergola was also in violation – yes, regardless of any changes they were both in violations from the beginning – yes.

Mr. Wysocki clarified some of the points brought out my Mr. Luis. The understanding was they would stop enforcement until the ordinances was brought before Planning Commission and City Council. The ordinances changes were brought to you and to the City Council to let you vet how we measure the height of fences and if they're based on walls and pergolas. Unfortunately Mr. Luis and the owner didn't show for hearings regarding changes in the ordinance because the changes directly because of this violation. Mr. Wysocki said they agreed it needed clarification and if the Council adopts an ordinance and that brings your property into compliance then they are done. But the Commission and Council didn't change anything in Mr. Luis's client's favor. The agreement wasn't that we wouldn't move forward with the violation it was that we would suspend enforcement until the city vetted the issue and clarified the code.

Commissioner Phillips clarified that any violations are by a complaint basis.

Commissioner Shonkwiler said if anyone was in violation now, no matter when it was built then it's a violation. Mr. Wolf said based on his understand, there is no grandfathering of non-compliance. There may be grandfathering of zoning changing.

Commissioner Shonkwiler said if he built a fence 10 years ago and it met the code then, but if someone complained now it's in violation, you'd make me take it down. Mr. Wolf said he researches old language in zoning ordinances, development plans and other documents to try and determine what existed prior to the compliant. Mr. Wysocki said we'd treat those as legal non-conforming and you'd have to comply with the legal non-conforming use ordinance. If a fence was built and conformed at the time of building, but was destroyed today it would have to come into compliance for today's standard if it was rebuilt.

Commissioner Shonkwiler said if this fence was built before the change in the ordinance why wouldn't it be considered a legal non-conforming use. Mr. Wolf clarified when the fence was built. Commissioner Shonkwiler said that was before the change in the ordinance.

Commissioner Shonkwiler had a question about what the natural grade was before the houses were built so that would be the same natural grade for the retaining wall. So who was responsible for building the retaining wall and whose property was it built on because whosever side of the property line it's on, it belongs to that person. Mr. Wolf said he didn't do surveying and no ask for it to be done. The complainant told Mr. Wolf what he knew and he assumed the complainant knew where the property line was. Commissioner Shonkwiler asked would it make any difference in terms of the violation whether the retaining wall was on one side or the other. Mr. Wolf answered by saying he applied the diagram he had and conversations he had with the planners because he was confused about the language it appeared from the face 5 feet either side is what was applied.

Commissioner Shonkwiler discussed damage to the wall cause by the fence and if Mr. Wolf knew about any damage caused by the fence. Mr. Wolf said he couldn't answer the question. But offered that if the fence post was set in concrete wind could make cause some movement which might cause some.

Commissioner Walkowski said based on what Mr. Wolf said, no matter what the ordinance says, how you measure was to take it out 5-feet from the top of the fence and measure down from there. Mr. Wolf said that was the approach that he used based on the information he got from planners that were knowledgeable about fence definitions.

Mr. Wysocki clarified that historically the department used the interpretation made a number of years ago that you can go up 6 feet if you were 5 feet away from the retaining wall. That policy was used for a number of years. Commissioner Walkowski said it's not very exact because that is not what the ordinance says, but that was staff's interpretation. Mr. Wysocki agreed. Ms. Herrington said that it wasn't codified but it's what was used in the policy manual by staff. Mr. Wolf reiterated that he used was what was in the policy manual.

Commissioner Markewich asked if that policy manual was accessible to the public. Ms. Herrington said no, it's an internal document. Commissioner Markewich said from a

citizen standpoint they will look at the code and how it's written not how it's been interpreted. Ms. Herrington said that was correct and explained if someone called and had questions about process, staff would look at the manual. When was that interpretation adopted officially, 2007. Commissioner Markewich said it was possible a previous planning director could have interpreted this completely differently. Ms. Herrington said she couldn't comment on that because she only had documentation back to 2007.

Commissioner Markewich asked City Attorney Marc Smith – if we uphold the appeal and allow fence and pergola to stay we're saying it's a legal non-conforming fence and doesn't it set precedence for all the other fences in a similar situation. City Attorney Marc Smith said ultimately it could be appeal to council, so the Council could give different directions. Mr. Smith said he didn't advise on code enforcement. But thought these each item should be looked at individually so he wasn't sure how precedential it could be. Council could offer changes based on decisions that are made so a variety things could happen for the future.

Commissioner Markewich reiterated if they approved the appeal it made it legal non-conforming. City Attorney Marc Smith said it sounded like that but he didn't have all the legal non-conforming ordinances in front of him to look at. What they would be saying is the administrative decision didn't meet one of the following and they had to look at 7.5.906 – 4A, B, and C and that is what they'd base their decision on. That the decision the enforcement officer made wasn't appropriate based on that review criteria. He can't say what effect that would have on legal non-conforming going into the future.

Commissioner Gibson asked why they were looking at the items together. In her mind they are two separate things. Why can't separate the two. City Attorney Marc Smith said he thought the appeal statement has them as separate items. Ms. Herrington said they are also separate sections of code.

Commissioner Shonkwiler said it was his understand that a fence under 6 foot didn't require a building permit so why would a person go to get a building permit or a policy manual if they didn't understand it. There clearly is a misunderstanding as to what was interpreted because if someone called regional building to ask if they needed a building permit to build a 6 foot fence and were told no, how can someone know what to do because they are told something different and protect themselves from doing something wrong when someone tried to do something in good faith.

Mr. Wolf said if someone calls regional build they could say there isn't a permit required for a fence up to 6 feet but that they would also need to check with zoning and sometimes people don't hear the entire answer.

Ms. Herrington said they work with regional building to make sure they know there are codes that are separate from what regional building requires but also that people should go to the second floor over at the Development Review Enterprise and discuss if what

they want to do meets with the code. It can be hard for staff to determine if you don't ask the right questions or they're not directed to check with the city zoning code.

Re ttal

Mr. Luis said there was ambiguity in the code and when you read that language that is only supported by an illustration there's no ambiguity. You can't look at that and form an inference that this is measure 5 foot back. They could have drafted the language different or made the illustration differently. The ordinance is what drives the interpretation, is the enabling document and tells them what the regulations means. The average person will not have anything that tells them they need to go to the planning department.

The photos of the wall do not show that the wall's in bad shape. Regarding the property line he referenced the chain link fence because it's clearly within the property line.

Mr. Luis said he disagreed with what Mr. Wysocki said. He said an old fence would be a non-conforming use. If an ordinance has been on the books for many years and you look at the ordinance then a fence would be in violation and the property owner would be responsible if there was a complaint. But there is nothing in the code that grants you that non-conforming status. What Mr. Bowen has done isn't a threat, it esthetically pleasing, and adds to the neighborhood.

Commissioner Phillips asked Mr. Bowen if the fence was set in any concrete base. Mr. Bowen said it's just post-hole digger size, there are metal posts that are down 2 ½ feet. Commissioner Phillips said but not set in concrete. Mr. Bowen said yes they are set in concrete 2 ½ feet down. Mr. Luis asked Mr. Bowen if it went to the property line and Mr. Bowen said no.

Commissioner Graham said from the street it looked like the retaining wall was leaning to the south a little bit but the pictures don't show that. So he was curious if the fence had put pressure on the retaining wall. Mr. Bowen said not at all, the retaining wall had been there since the houses were built back in 1953 and the retain wall was there before they built the houses that was part of the development. It's the Bonneville Subdivision and the retaining wall was put there then.

Commissioner McDonald asked Mr. Bowen if the retaining wall falls down whose responsibility is it to fix it. Mr. Bowen says he didn't know but he thought it would be between the property owners. Mr. Luis said the retaining wall would not fall down because of a two foot pillar of concrete that doesn't reach the property line.

Commissioner Smith said he didn't know why they don't know who the retaining wall belongs to; it's either on his or on his neighbors. Mr. Luis said from a legal perspective the retaining wall benefits both properties. So if something were to happen, unless it can be show that Mr. Bowen is exclusively responsible for knocking it down, but it deteriorates over time and falls down, then he'd say the neighbors should try to get together and work something out to fix it.

Commissioner Markewich said if the fence was 4 feet tall with posts and concrete and in compliance with the measurement the city gave us, you'd have the same situation as to whether or not the fence posts and footings would cause adverse effects to the adjoining retaining wall. Mr. Luis said this was a poured concrete wall. When have you of that type of fence having that type a fence make a retaining wall fall down made no sense.

Commissioner Smith said he had a solution. Why can't the appellant cut off two feet of that fence because he didn't see why the fence needed to be that high in the first place, just do that and they'd be done with it. Mr. Luis said it wouldn't solve the problem according to the way city planning measures because in some places it's as much as 10 feet high. So if you took 2 feet off – it's still 8 feet and still a problem. It's a potential solution but it wouldn't work because you'd still have to take the fence down much farther. Commissioner Smith said it would work if the two parties could get together. Mr. Luis said they can't, Commissioner Smith have they tried a compromise. Mr. Luis offered a recess to see if they could. Commissioner Phillips said no they would go off the fact findings of the application in front of them and go from there.

City Attorney Marc Smith stated he wanted to make it clear that they needed to make their decision based on the specific review criteria in city code section 7.5.906, 4A, B, C and finding on all of those would be great. Also make sure it's based on the testimony that is in the record. So what you received today and what is in their packets.

D A D D F P A

Commissioner Markewich said he was looking for that section in the packet and they do not have that. It was clarified that it was Figure 2 on page 7 of 31. Commissioner Markewich said the problem he was having was the suggested action on their screen and the item text is that the two items are tied together. So if they were to decide the ambiguous nature of the ordinance would allow the fence to stay but not the pergola, saying it is an accessory structure and against the setback rules, he wasn't sure how to separate those.

City Attorney Marc Smith said you could handle both items separately. You could bifurcate the motion.

Commissioner McDonald said if she was reading it correctly under the appeal section 7.5.906 she would have to be able to say that Mr. Wolf did not make the correct decision based on the language of the zoning ordinance or that it was against the expressed intent of the zoning ordinance and she won't be able to find that to be true. She thought Mr. Wolf did the best he could with the code he had at the time. And she is going to support what Mr. Wolf previously requested.

City Attorney Marc Smith said for clarification that language it's any of those under B. It's if you make a finding on any of those, whether it was against the express language of zoning ordinance or against the expressed intent of the zoning ordinance or it was

unreasonable or it was erroneous or it was clearly contrary to law. He also asked the Commissioners analyze paragraph C which is identify benefits and adverse impacts of the decision. That's the review criteria, if you were to make a finding based on one of those five that would be enough under the code.

Commissioner Markewich said he thought the ordinance was written ambiguously and it was interpreted over a period of time a certain way by staff. He thought the city's actions to change the ordinance was an admission the previous language was ambiguous. So in this case specifically related to the fence he would uphold the appeal, in favor of the appellant on the fence but not on the pergola. He believes the pergola is an accessory structure; it doesn't meet the setback rules. The ambiguity of the ordinance and just being a regular citizen he wouldn't expect the deep research into the policy manual at regional building. So he would like to separate the two items. And vote for the fence and against the pergola based on justification in Section 7.5.906.9 he believes the administrative decision was incorrect because it was against the expressed language of zoning ordinance and then C identify it's adverse impact – he doesn't believe there is a lot of adverse impact on the neighbor. So he didn't think there were adverse impacts to this decision.

Commissioner Walkowski said he'd agreed with Commissioner Markewich on his analysis that the ambiguity of the ordinance language was not expressed well or its intent wasn't outlined well. The policy manual has dictated a lot of what code enforcement does. He also agreed that fence is something he will uphold; the pergola he thinks is a structure and falls within the denial of the appeal. The adverse impacts for the decision on the fence he thought the testimony of the appellant described what happened with the rest of the fences potentially around the city but he thought that was something the policy will have to address maybe based on this new updated code, that could be the policy statement from here on out. So he agrees with Commissioner Markewich.

Commissioner Shonkwiler said he agreed with both Commissioner Markewich and Commissioner Walkowski and will vote appropriately.

Commissioner Gibson said she also concurs with her other Commissioners. She thinks this is what she was trying to get too previously so she was glad of the clarification to keep the two items separate.

Commissioner Smith said he agreed with Commissioner Markewich and his other fellow Commissioners who expressed his same concerns.

Commissioner Markewich clarified from City Attorney Marc Smith if he should make two separate motions. Mr. Smith said two separate motions would be the clearest.

Motion by Commissioner Markewich, 2nd by Commissioner Walkowski to CPC AP 16-00071 to uphold the appeal of the notice and violation to abate fence height at 2215 N. Farragut St.

Mr. Williams Luis offered some thoughts on some technical language. If you uphold the appeal that could be confusing so he suggested they vote to grant the appeal on the fence and deny the appeal on the pergola.

Commissioner Markewich said he'd withdraw his previous motion and start again.

Motion by Commissioner Markewich, 2nd by Commissioner Walkowski regarding CPC AP 16-00071 he would vote to grant the appeal on the notice and order to abate fence height at 2215 N. Farragut St.

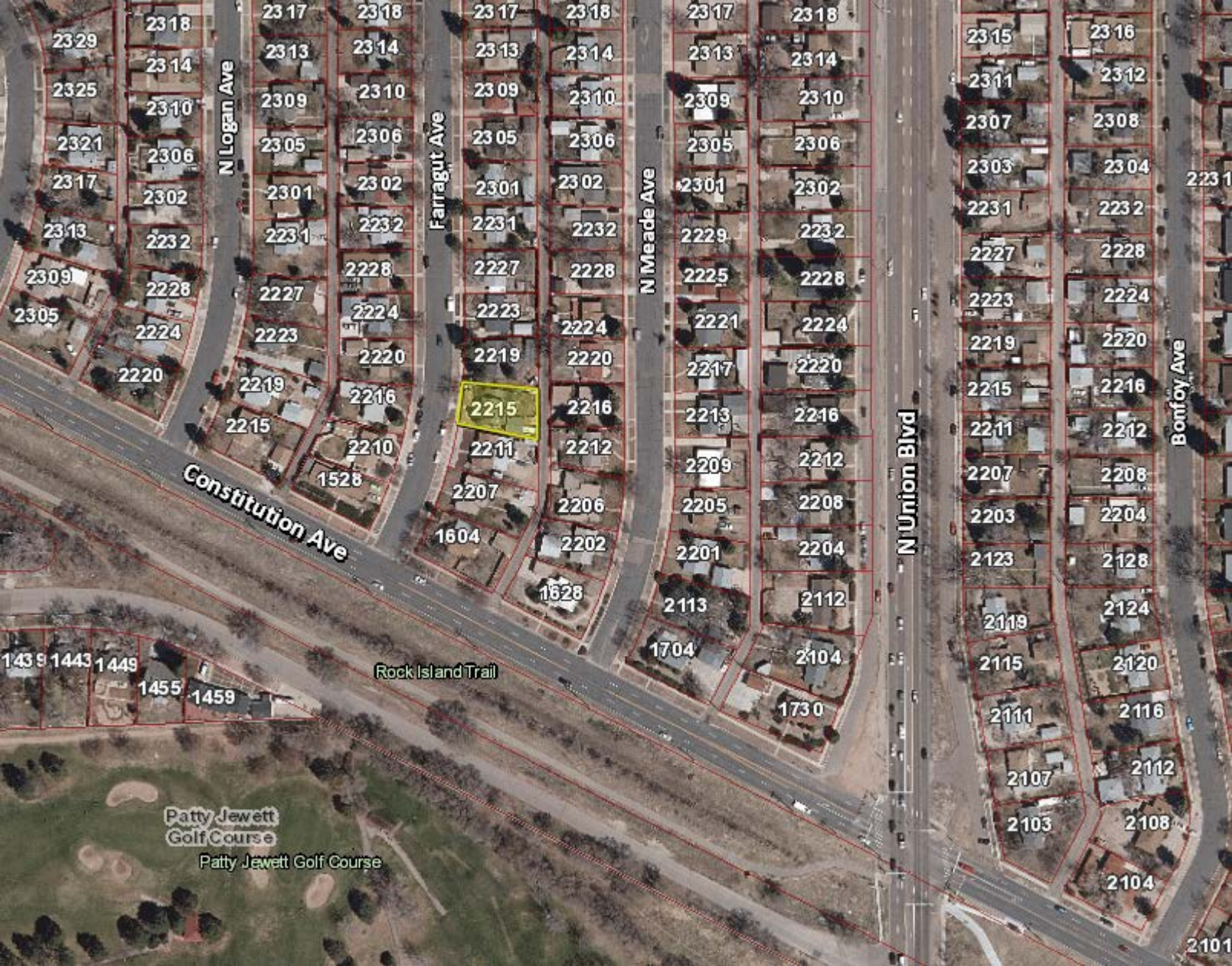
Aye: Graham, Markewich, Henninger, Phillips, Shonkwiler, Walkowski, Gibson, Smith
No: McDonald
Motion Passed: 8-1

A 2nd Motion by Commissioner Markewich, and seconded by Commissioner Graham regarding CPC AP 16-00071 to deny the appeal of the notice of violation and order to abate placement of the accessory structure in the front yard setback at 2215 Farragut St.

Aye: Graham, Markewich, Phillips, Shonkwiler, Walkowski, Gibson, Smith, McDonald
No: Henninger
Motion Passed: 8-1

Mr. Wysocki stated that since they bifurcated the motions both parties can file an appeal. The appellant can file an appeal for the Commission's denial of the appeal on the structure and the adjoining property owner can file an appeal for your granting the appeal on the fence

June 16, 2016	Eric Phillips
Date of Decision	Commission Chair


N Logan Ave
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Bonfoy Ave
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Rock Island Trail
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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.

APP A F P A , A F R ARD A D R
PR R A ARD D

1. Notice Of Appeal: 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.

2. Action And Procedure By The City Council: Upon receipt of the notice of appeal required by this subsection B, the City Clerk shall schedule a public hearing before the City Council at the next regular meeting of the City Council occurring a minimum of twenty (20) days after receipt. The City Council shall hold a public hearing on appeals from the Planning Commission, an FBZ Review Board or Historic Preservation Board upon the date so scheduled or upon the date to which the same may be postponed or continued. Before the public hearing is commenced, the City Council may entertain a motion to uphold the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board or refer the matter back to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further consideration and recommendation.

3. Postponement Of Items On Appeal To The City Council: As a matter of course, any person may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, made in accord with this subsection, to the next following regular Council meeting. Request for any additional postponement shall be only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further hearing and recommendations.

4. City Council's Powers Upon Appeal: The City Council shall have the power to refer any matter appealed back to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further consideration or Council may affirm, reverse or modify the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board. City Council may hear the appeal de novo, or may limit the hearing to matters raised on appeal.

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

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

7. Filing Fee: The filing fee shall be borne by the appellant. (Ord. 80-131; Ord. 84-159; Ord. 86-66; Ord. 88-190; Ord. 89-7; Ord. 91-30; Ord. 94-107; Ord. 01-42; Ord. 01-127; Ord. 01-164; Ord. 03-16; Ord. 03-216; Ord. 04-280; Ord. 07-35; Ord. 09-76; Ord. 12-24)