



City of Colorado Springs

Regular Meeting Agenda Planning Commission

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

Thursday, February 18, 2016

8:30 AM

Council Chambers

CITY PLANNING COMMISSION MEETING PROCEDURES

MEETING ORDER:

The City Planning Commission will hold its regular meeting on Thursday, February 18, 2016 at 8:30 a.m. in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

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

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

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

VIEW LIVE MEETINGS:

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

In accord with the Americans with Disabilities Act of 1990 ("ADA"), the City of Colorado Springs will not discriminate against qualified individuals with disabilities. Should you require an auxiliary aid and/or service to participate in an upcoming Planning Commission meeting, please contact the Planning & Community Development offices at (719) 385-5905 as soon as possible but no later than 48 hours before the scheduled monthly meeting so that we can do our best to accommodate your needs.

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

**CITY PLANNING COMMISSION
APPEAL INSTRUCTIONS**

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

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

February 29, 2016 by close of business.

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

1. Approval of the Record of Decision (minutes) for the January 21, 2016 City Planning Commission Meeting.
3. Consent Calendar
4. Unfinished Business Calendar
5. New Business Calendar

3. CONSENT CALENDAR

- 3.A.1** [CPC MP
06-00219-A6
MN15](#) A request by NES, Inc. on behalf of Classic Development-Flying Horse, LLC for approval of an amendment to the Flying Horse Master Plan. The amendment changes the land use of a 1.44-acre site from Residential to Office.
(Quasi-Judicial)

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

Attachments: [7.5.408 MASTER PLAN REVIEW CRITERIA](#)

- 3.A.2** [CPC ZC
15-00136](#) A request by NES, Inc. on behalf of Classic Development-Flying Horse, LLC for approval A zone change of 1.44 acres from PUD (Planned Unit Development-Residential) to OC (Office Complex).
(Quasi-Judicial)

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

Attachments: [7.5.408 MASTER PLAN REVIEW CRITERIA](#)

3.A.3 [CPC CP
15-00137](#)

A request by NES, Inc. on behalf of Classic Development-Flying Horse, LLC for approval of the Flying Horse Parcel Number 25A concept plan that illustrates a 11,450 square feet office building with associated parking, screening and landscaping.

Presenter:

Meggan Herington, Planning Manager, Planning and Community Development

Attachments:

[Flying Horse #25 Staff Report](#)

[FIGURE 1 Plans A1](#)

[FIGURE 2 Project Statement A1](#)

[FIGURE 3 Neighbor Comments A1](#)

[7.5.501.E Concept Plans](#)

3.B. [CPC ZC
16-00004](#)

Request by Mountain View Electric on behalf of BLH No. 1, LLC for approval of the following application A change of zone classification from R1-6000 (Single- Family Residential) to PF (Public Facility) for the Geesen Electrical Substation. The subject property consists of 4.29 acres and is located one mile northwest of the intersection of Drennan Road and Mockingbird Lane.

Presenter:

Meggan Herington, Manager, Planning and Community Development

Attachments:

[Herington Staff Report](#)

[Figure 1 Plans](#)

[Figure 2 Project Statement](#)

[7.5.603.B](#)

[7.3.402.A](#)

3.C. [CPC CU
15-00129](#)

A request by Assisted Living at the Spring, LLC for approval of a conditional use development plan to allow a Human Service Facility in a PBC/AO (Planned Business Center with Airport Overlay) zone district. The project is for a 30 bed assisted living facility. The site is zoned PBC/AO (Planned Business Center with Airport Overlay), contains 0.61 acres and is located at 1605 Jet Wing Drive.
(Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Attachments:

[CPC staff report - Assisted Living at the Spring - LT](#)

[FIGURE 1 - conditional use development plan](#)

[FIGURE 2 - project statement](#)

[7.5.704 Conditional Use Review](#)

[7.5.502.E Development Plan Review](#)

3.D.1 [CPC PUZ
15-00092](#)

A request by NES, Inc. on behalf of Park 5th Avenue Development Company LLC for approval a zone change from OC/CR/PUD/HS/SS (Office Complex with Conditions of Record and Planned Unit Development with Hillside and Streamside Overlays) to PUD/SS (Planned Unit Development with Streamside Overlay).
(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Attachments:

[7.5.603.B](#)

[7.3.603 Establishment & Development of a PUD Zone](#)

3.D.2 [CPC PUD
15-00093](#)

A request by NES, Inc. on behalf of Park 5th Avenue Development Company LLC for approval of the Wildgrass PUD Development Plan. The plan illustrates the layout of 76 single-family attached (duplex) residential lots with associated parking and landscaping.
(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Attachments:

[WILDGRASS STAFF REPORT](#)

[FIGURE 1 - SITE PLANS-A1](#)

[FIGURE 2 - PROJECT STATEMENT_A1](#)

[FIGURE 3 - OC ZONE MAP_A1](#)

[7.3.605](#)

[7.5.502.E Development Plan Review](#)

4. UNFINISHED BUSINESS

- 4.A [CPC CA
15-00145](#) Ordinances pertaining to marijuana consumption clubs and other matters pertaining thereto.

Presenter:

Peter Wysocki, Director, Planning and Community Development

Attachments:

[MJ clubs staff report Feb. 18 CPC](#)

[marijuana consumption clubs memo](#)

[Option 1 - MJ ClubDefinitionsAndZoningUseTablesORD-IndustrialOnly-2016-02](#)

[Option 2 - MJ ClubDefinitionsAndZoningUseTablesORD-IndustrialOnly-CondTL](#)

[Option 3 - MJ ClubDefinitionsAndZoningUseTablesORD-NotPermitted-2016-02](#)

4.B.1 [16-00063](#)

A request by Kimley-Horn & Associates on behalf of Garden of the Gods Club LLC for approval of a zone change from R/HS (Residential Estate with Hillside Overlay) and R-5/HS (Multi-family with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay).

The subject property is located south of Fillmore Street and Grand Vista Circle, is currently zoned R/HS (Residential Estate with Hillside Overlay) and R-5/HS (Multi-family with hillside overlay) and consists of 25.62 acres. This item was referred back to the City Planning Commission by City Council based on an appeal filed to consider Chapter 6 of the Comprehensive Plan.

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Attachments:

[Review Criteria 7.5.603.B](#)

[Review Criteria 7.3.603](#)

4.B.2 [16-00075](#)

A request by Kimley-Horn & Associates on behalf of Garden of the Gods Club LLC for approval of a PUD concept plan proposing a multi-story facility with a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 skilled nursing units with a maximum building height of 67-ft.

The subject property is located south of Fillmore Street and Grand Vista Circle, is currently zoned R/HS (Residential Estate with Hillside Overlay) and R-5/HS (Multi-family with hillside overlay) and consists of 25.62 acres. This item was referred back to the City Planning Commission by City Council based on an appeal filed to consider Chapter 6 of the Comprehensive Plan.

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Attachments:

[Sentinel Ridge Feb CPC Report](#)

[Figure 1 - Sentinel Ridge Concept Plans \(11x17\) A1](#)

[Figure 2 - Project Statement A1](#)

[Figure 3 - Garden of the Gods Club MP 2008 A1](#)

[Figure 4 - Neighborhood Opposition A1](#)

[Figure 5 - Jim Kin Appeal Letter A1](#)

[Figure 6 - View Perspectives A1](#)

[Figure 7 - Sentinel Ridge Map HS Review A1](#)

[Figure 8 - Centennial PUD Plan A1](#)

[Figure 9 - CGS Letter A1](#)

[Figure 10 - Terracon Response Letter A1](#)

[Figure 11 - Proposed Parkland Dedication A1](#)

[Figure 12 - 2020 Comprehensive Plan Map A1](#)

[Figure 13 - 2008 Staff report on G of G Club MP A1](#)

[Record of Decision - Sentinel Ridge CPC 12-17-15 Draft Minutes](#)

[7.3.603 PUD ZONE CHANGE REVIEW CRITERIA](#)

5. NEW BUSINESS CALENDAR

5.A. [CPC CU
15-00132](#)

A request by Patrick Meade for Iron Mountain Demolition and Roll-Off for an approval of the following application:

A conditional use to allow a construction and demolition debris transfer facility within the M-1 (Light Industrial) zone district.

The subject property consists of 1.2 acres and is located at 3310 and 3320 North Cascade Avenue.

Presenter:

Hannah Van Nimwegen, Planner II, Planning and Community Development

Attachments:

[CPC CU 15-00132-Staff Report](#)

[FIGURE 1. Site Plan_A1](#)

[FIGURE 2. Project Statement_A1](#)

[FIGURE 3. Surrounding Land Use and Commenter Map_A1](#)

[FIGURE 4. Public Comments_A1](#)

[FIGURE 5. Public Comment Responses_A1](#)

[FIGURE 6. Letters of Support_A1](#)

[FIGURE 7. 3105-3150 N Cascade land use viol_A1](#)

[FIGURE 8. 3106 50 3310 20 N Cascade land use viol_A1](#)

[FIGURE 9. Proposed Mitigation Measures_A1](#)

[FIGURE 10. Cleaning Schedule_A1](#)

[FIGURE 11. Suspect material sample 10-21-2015_A1](#)

[7.5.704 Conditional Use Review](#)

5.B.1 [CPC ZC
16-00002](#)

Request by Equity Ventures on behalf of Ethan Allen Retail Inc., for approval of a change of zone district from PBC/CR (Planned Business Center with Conditions of Record) to PBC/CR (Planned Business Center with Conditions of Record). The change would allow for a change to the conditions of record and use restrictions to allow Specialty Food Sales in a facility no larger than 18,000 square feet. (Quasi-Judicial)

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

Attachments: [7.5.603.A.B. Amendments to Zoning Code](#)

5.B.2 [CPC DP
98-00346-A7
MN16](#)

Request by Equity Ventures on behalf of Ethan Allen Retail Inc., for approval of a minor amendment to the Shoppes on Academy Development Plan. The amendment would allow for a change to the conditions for allowable uses to allow Specialty Food Sales, facility no larger than 18,000 square feet, on Lot 3 only.

The site consists of 1.29 acres is currently zoned PBC/CR (Planned Business Center with Conditions of Record) and located northwest of Shrider Rd and North Academy Blvd at 7298 N. Academy Blvd . (Quasi-Judicial)

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

Attachments: [Natural Grocers Staff Report](#)
[FIGURE 1 DP Minor Amendment A1](#)
[FIGURE 2 Project Statement A1](#)
[FIGURE 3 Neighborhood Comments A1](#)
[FIGURE 4 Zone Change A1](#)
[7.5.502.E Development Plan Review](#)

5.C.1 [CPC DP
15-00104](#)

A request by Olsson Associates on behalf of Kum & Go and FN, LLC - Wiekking Real Estate Investment for approval of a development plan for Kum & Go # 687 for the purpose of a convenience store including fuel sales. The site consists of 2.47 acres and located just east Wooten at the northeast corner of Wooten and E. Platte Ave., is zoned C-5/AO/APZ-2 (Intermediate Business with Airport Overlay and Accident Potential Subzone 2).
(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Attachments:

[7.5.502.E Development Plan Review](#)

5.C.2 [CPC V
15-00106](#)

A request by Olsson Associates on behalf of Kum & Go and FN, LLC - Wiekking Real Estate Investment for approval of Vacation of Right-of-Way for a portion of Edison Rd. The vacation request consists of the 40-foot right-of-way width and a length of approximately 180-feet consisting of 16,737 square feet (.384 acres). The site consists of 2.47 acres and located just east Wooten at the northeast corner of Wooten and E. Platte Ave., is zoned C-5/AO/APZ-2 (Intermediate Business with Airport Overlay and Accident Potential Subzone 2).
(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Attachments:

[Kum and Go CPC Memo - Feb](#)

[Fig 1 - DP A1](#)

[Fig 2 - Project Statement A1](#)

[Fig 3 - Vacation of ROW A1](#)

[Fig 4 - Aerial Exhibit A1](#)

[7.7.402.C Vacation Procedures](#)

5.D.1 [CPC ZC
15-00130](#)

A request by FN, LLC for approval of a zone change from PIP-1/CU/AO/APZ-2 (Planned Industrial Park with a Conditional Use and Airport Overlay and Accident Potential Subzone 2) to C-5/AO/APZ-2 (Intermediate Business with Airport Overlay and Accident Potential Subzone 2).

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Attachments:

[7.5.603.A.B. Criteria for Granting Zone Changes](#)

5.D.2 [CPC CP
15-00131](#)

A request by FN, LLC for approval of a concept plan for Platte Business Center Filing 2B to allow for two commercial lots. This plan is in conjunction with the proposed realignment of Edison Ave.

The subject property consists of 5.62 acres, located at 4930 Edison Ave and is currently zoned PIP-1/CU/AO/APZ-2 (Planned Industrial Park with a Conditional Use and Airport Overlay and Accident Potential Subzone 2).
(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Attachments:

[Platte Business Center Feb CPC memo](#)

[Figure 1 - Concept Plan A1](#)

[Figure 2 - Project Statement A1](#)

[Figure 3 - Aerial Exhibit A1](#)

[7.5.501.E Concept Plans](#)



Memorandum

File #: CPC MP 06-00219-A6MN15, **Version:** 1

A request by NES, Inc. on behalf of Classic Development-Flying Horse, LLC for approval of an amendment to the Flying Horse Master Plan. The amendment changes the land use of a 1.44-acre site from Residential to Office.

(Quasi-Judicial)

Presenter:

Meggan Herington, Planning Manager, Planning and Community Development

Proposed Motion:

Approve the amendment to the Flying Horse 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.

Item: CPC MP 06-00219-A6MN15 - Minor Master Plan Amendment

N/A

MASTER PLAN REVIEW CRITERIA:

7.5.408: REVIEW CRITERIA:

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

- A. Comprehensive Plan: The Comprehensive Plan and the 2020 Land Use Map are the context and the benchmark for the assessment of individual land use master plans. The proposed land use master plan or the amendment conforms to the policies and strategies of the Comprehensive Plan. The proposed land use pattern is consistent with the Citywide perspective presented by the 2020 Land Use Map.
- B. Land Use Relationships:
 - 1. The master plan promotes a development pattern characterizing a mix of mutually supportive and integrated residential and nonresidential land uses with a network of interconnected streets and good pedestrian and bicycle connections.
 - 2. Activity centers are designed so they are compatible with, accessible from and serve as a benefit to the surrounding neighborhood or business area. Activity centers also vary in size, intensity, scale and types of uses depending on their function, location and surroundings.
 - 3. The land use pattern is compatible with existing and proposed adjacent land uses and protects residential neighborhoods from excessive noise and traffic infiltration.
 - 4. Housing types are distributed so as to provide a choice of densities, types and affordability.
 - 5. Land use types and location reflect the findings of the environmental analysis pertaining to physical characteristics which may preclude or limit development opportunities.
 - 6. Land uses are buffered, where needed, by open space and/or transitions in land use intensity.
 - 7. Land uses conform to the definitions contained in article 2, part 2 of this Zoning Code.
- C. Public Facilities:
 - 1. The land use master plan conforms to the most recently adopted Colorado Springs parks, recreation and trails master plan.
 - 2. Recreational and educational uses are sited and sized to conveniently service the proposed population of the master plan area and the larger community.
 - 3. The proposed school sites meet the location, function and size needs of the school district.
 - 4. The land use master plan conforms to the adopted plans and policies of Colorado Springs Utilities.
 - 5. Proposed public facilities are consistent with the strategic network of long range plans.
 - 6. The master development drainage plan conforms to the applicable drainage basin planning study and the drainage criteria manual.
- D. Transportation:
 - 1. The land use master plan is consistent with the adopted intermodal transportation plan. Conformity with the intermodal transportation plan is evidence of compliance with State and local air quality implementation and maintenance plans.
 - 2. The land use master plan has a logical hierarchy of arterial and collector streets with an emphasis on the reduction of through traffic in residential neighborhoods and improves connectivity, mobility choices and access to jobs, shopping and recreation.
 - 3. The design of the streets and multiuse trails minimizes the number of uncontrolled or at grade trail crossings of arterials and collectors.
 - 4. The transportation system is compatible with transit routes and allows for the extension of these routes.
 - 5. The land use master plan provides opportunities or alternate transportation modes and cost effective provision of transit services to residents and businesses.
 - 6. Anticipated trip generation does not exceed the capacity of existing or proposed major roads. If capacity is expected to be exceeded, necessary improvements will be identified, as will responsibility, if any, of the master plan for the construction and timing for its share of improvements.
- E. Environment:

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

F. Fiscal:

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



Memorandum

File #: CPC ZC 15-00136, **Version:** 1

A request by NES, Inc. on behalf of Classic Development-Flying Horse, LLC for approval A zone change of 1.44 acres from PUD (Planned Unit Development-Residential) to OC (Office Complex). (Quasi-Judicial)

Presenter:

Meggan Herington, Planning Manager, Planning and Community Development

Proposed Motion:

Approve the zone change from PUD (Planned Unit Development) to OC (Office Complex), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

N/A

MASTER PLAN REVIEW CRITERIA:

7.5.408: REVIEW CRITERIA:

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

- A. Comprehensive Plan: The Comprehensive Plan and the 2020 Land Use Map are the context and the benchmark for the assessment of individual land use master plans. The proposed land use master plan or the amendment conforms to the policies and strategies of the Comprehensive Plan. The proposed land use pattern is consistent with the Citywide perspective presented by the 2020 Land Use Map.
- B. Land Use Relationships:
 - 1. The master plan promotes a development pattern characterizing a mix of mutually supportive and integrated residential and nonresidential land uses with a network of interconnected streets and good pedestrian and bicycle connections.
 - 2. Activity centers are designed so they are compatible with, accessible from and serve as a benefit to the surrounding neighborhood or business area. Activity centers also vary in size, intensity, scale and types of uses depending on their function, location and surroundings.
 - 3. The land use pattern is compatible with existing and proposed adjacent land uses and protects residential neighborhoods from excessive noise and traffic infiltration.
 - 4. Housing types are distributed so as to provide a choice of densities, types and affordability.
 - 5. Land use types and location reflect the findings of the environmental analysis pertaining to physical characteristics which may preclude or limit development opportunities.
 - 6. Land uses are buffered, where needed, by open space and/or transitions in land use intensity.
 - 7. Land uses conform to the definitions contained in article 2, part 2 of this Zoning Code.
- C. Public Facilities:
 - 1. The land use master plan conforms to the most recently adopted Colorado Springs parks, recreation and trails master plan.
 - 2. Recreational and educational uses are sited and sized to conveniently service the proposed population of the master plan area and the larger community.
 - 3. The proposed school sites meet the location, function and size needs of the school district.
 - 4. The land use master plan conforms to the adopted plans and policies of Colorado Springs Utilities.
 - 5. Proposed public facilities are consistent with the strategic network of long range plans.
 - 6. The master development drainage plan conforms to the applicable drainage basin planning study and the drainage criteria manual.
- D. Transportation:
 - 1. The land use master plan is consistent with the adopted intermodal transportation plan. Conformity with the intermodal transportation plan is evidence of compliance with State and local air quality implementation and maintenance plans.
 - 2. The land use master plan has a logical hierarchy of arterial and collector streets with an emphasis on the reduction of through traffic in residential neighborhoods and improves connectivity, mobility choices and access to jobs, shopping and recreation.
 - 3. The design of the streets and multiuse trails minimizes the number of uncontrolled or at grade trail crossings of arterials and collectors.
 - 4. The transportation system is compatible with transit routes and allows for the extension of these routes.
 - 5. The land use master plan provides opportunities or alternate transportation modes and cost effective provision of transit services to residents and businesses.
 - 6. Anticipated trip generation does not exceed the capacity of existing or proposed major roads. If capacity is expected to be exceeded, necessary improvements will be identified, as will responsibility, if any, of the master plan for the construction and timing for its share of improvements.
- E. Environment:

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

F. Fiscal:

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



Memorandum

File #: CPC CP 15-00137, **Version:** 1

A request by NES, Inc. on behalf of Classic Development-Flying Horse, LLC for approval of the Flying Horse Parcel Number 25A concept plan that illustrates a 11,450 square feet office building with associated parking, screening and landscaping.

Presenter:

Meggan Herington, Planning Manager, Planning and Community Development

Proposed Motion:

Approve the Concept Plan for Flying Horse Parcel Number 25A, based upon the findings that the development plan meets the review criteria concept plan meets the review criteria as set forth in City Code Section City Code Section 7.5.501.E.

N/A

CITY PLANNING COMMISSION AGENDA

ITEMS: A.1 – A.3

STAFF: MEGGAN HERINGTON

FILE NO(S):

CPC MP 06-00219-A6MN15 – QUASI-JUDICIAL

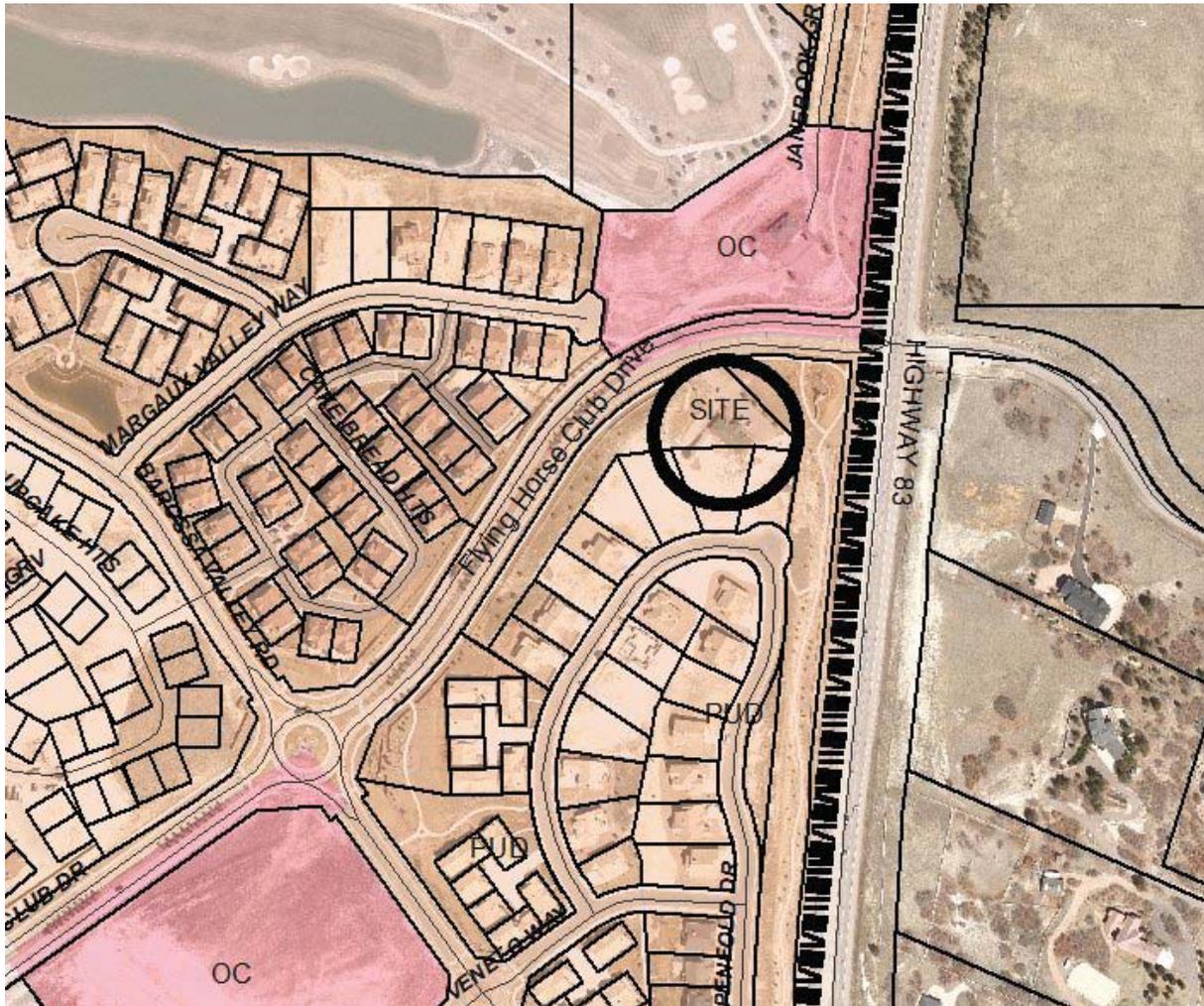
CPC ZC 15-00136 – QUASI-JUDICIAL

CPC CP 15-00137 – QUASI-JUDICIAL

PROJECT: FLYING HORSE PARCEL NUMBER 25A

APPLICANT: NES, INC.

OWNER: PULPIT ROCK INVESTMENTS, LLC



PROJECT SUMMARY:

1. Project Description:

This project includes concurrent applications for a minor amendment to the Flying Horse Master Plan, zone change and concept plan for a 1.44-acre site located south of Flying Horse Club Drive and west Highway 83 in the Flying Horse community.

The master plan amendment changes the land use of Parcel 25A (1.44 acres) from Residential to Office. The proposal includes rezoning from PUD (Planned Unit Development) to OC (Office Complex) with an associated concept plan illustrating a future 11,450 square foot office building with associated parking, landscaping and screening wall. **(FIGURE 1)**

Staff is administratively reviewing a final plat for this development. Flying Horse No. 25A Filing No. 1 subdivision plat will create one new 1.44-acre office lot and replat two residential lots and a landscape tract. The impacted residential lots are currently vacant. There is a temporary office structure on the 1.44 acre lot to be removed with future permanent construction.

2. Applicant's Project Statement: **(FIGURE 2)**

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

BACKGROUND:

1. Site Address: The site is addressed as 13364 Flying Horse Club Drive. It is located south of Flying Horse Club Drive and west of Highway 83.
2. Existing Zoning/Land Use: The 1.44 acres is currently being utilized for a temporary office trailer and associated parking. A portion of the property is over-lot graded for future single-family lots.
3. Surrounding Zoning/Land Use:
North: PUD/Residential/Siena Neighborhood
South: PUD/Residential/Turin Neighborhood
East: County/Large Lot Residential
West: PUD/Residential/Encore Neighborhood
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: The property was annexed in January 2004 as a part of the Flying Horse Ranch Addition.
6. Master Plan/Designated Master Plan Land Use: The current Flying Horse Master Plan designates the property as Residential and the master plan amendment associated with this request proposes to change the use to Office.
7. Subdivision: The property is platted as Lots 7 and 8 and Tract C of Flying Horse No. 25 Filing No. 2 Subdivision.
8. Zoning Enforcement Action: None
9. Physical Characteristics: There is currently a temporary office trailer on part of the property. This office trailer was approved through a use variance in 2011. Other portions of the property have been over-lot graded in preparation for single-family residential development.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process included posting the site and sending postcards to 153 property owners within 1000 feet. A neighborhood meeting was held on October 29, 2015 and was attended by approximately 12 neighbors. Staff received one follow-up email from a neighboring resident.

(FIGURE 3) Issues raised at the neighborhood meeting included traffic impacts, on-site lighting, screening and buffering and building aesthetics. A majority of the questions related to the site specifics, such as lighting and aesthetics, which cannot be answered with a concept plan. Prior to any vertical construction, the owner will be required to submit a development plan for administrative review. This development plan will include side details such as building elevations, lighting and landscaping, and will address any aesthetic concerns.

The applications were sent to the standard internal and external agencies for review and comment. All review comments have been addressed. Review agencies for this project included Colorado Springs Utilities, City Traffic, City Engineering, City Fire Dept. and Police/E-911, City Real Estate Services as well as School District 20, Air Force Academy, Regional Building, Floodplain and Enumerations.

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

1. Review Criteria / Design & Development Issues:

Flying Horse Master Plan Amendment

The minor amendment to the Flying Horse Master Plan proposes to change the use of Parcel 25A from Residential, 3.5 – 8 Dwelling Units per Acre to Office. This office use is similar to the use established on the northwest corner of Flying Horse Club Drive and Highway 83; directly across the street.

Staff finds the amendment request meets the review criteria for master plan amendments as set forth in City Code Section 7.5.408.

OC (Office Complex) Rezone

The proposal will rezone 1.44 acres from PUD (Planned Unit Development) to OC (Office Complex). The property was zoned PUD with the original development of the Encore/Turin neighborhood. The property subject to this amendment was incorporated into a tract and two future residential lots. In 2011, the owner was issued a use variance for a temporary office trailer.

The intent of this rezone is to permanently formalize this site as an office location. The OC (Office Complex) zone is established at a number of areas within Flying Horse. There are two other OC sites along Flying Horse Club Drive.

The rezone is in conformance with the Master Plan and does meet City Code standards for a rezone request.

OC Concept Plan

The concept plan illustrates a future office building on the 1.44 acres. The site also illustrates the conceptual parking layout. There is a six foot screen wall planned to the south of the property to buffer the existing and future adjacent residences.

Access to the site is directly from Flying Horse Club Drive. Median cuts will be made in order to accommodate the new access locations.

Staff finds that the plan meets the concept plan review criteria as set forth in City Code.

2. Conformance with the City Comprehensive Plan

Comprehensive Plan 2020 Land Use Map: General Residential
Comprehensive Plan Goals and Objectives: General Residential
Objective LU 5: Develop Cohesive Residential Areas
Objective LU 6: Meet the Housing Needs of All Segments of the Community
Objective N 1: Focus On neighborhoods
Objective N3: Vary Neighborhood Patterns
Objective CCA 6: Fit New Development into the Character of the Surrounding Area

It is the finding of Staff that the Flying Horse Parcel Number 25A 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:

City Code Chapter 7 Article 5 outlines criteria for administration of and procedures related to the amendment of master plans. This Article recognizes the need for master plan flexibility and that long term planning and consistency must be balanced with the need to amend plans as conditions change. The intent is to permit changes to a master plan that conform to contemporary standards and current codes, policies and plans.

Section 7.5.403(C)(2) guides the master plan amendment process and outlines criteria for when a minor master plan amendment is acceptable. A minor master plan amendment is a request for a change that:

Will have slight impact on the City's infrastructure and facilities,
Is generally less than fifty acres and would not increase trip generation off the parcel by more than ten percent (10%), and
A change from one land use category to another may be considered if the impact of the requested change remained minimal.

This property is part of the Flying Horse Master Plan and is currently shown as a future residential tract. There is an approved use variance for a temporary office building on the site. There does not appear to be a time limit on the use of the office trailer at this location. This minor amendment to the Flying Horse Master Plan proposes to change the land use for this particular area to a formalized and permanent office parcel. It is expected that this change of use is of similar intensity to what exists on the property currently and meets the review criteria found within Section 7.5.408 for granting a minor master plan amendment.

It is the finding of Staff that the Flying Horse Parcel Number 25A rezone and concept plan substantially conforms and is in compliance with the Flying Horse Master Plan as proposed to be amended.

STAFF RECOMMENDATION:

Item: A.1 CPC MP 06-00219-A6MN15 – Minor Master Plan Amendment

Approve the amendment to the Flying Horse 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.

Item: A.2 CPC ZC 15-00136 – Change of Zoning to OC

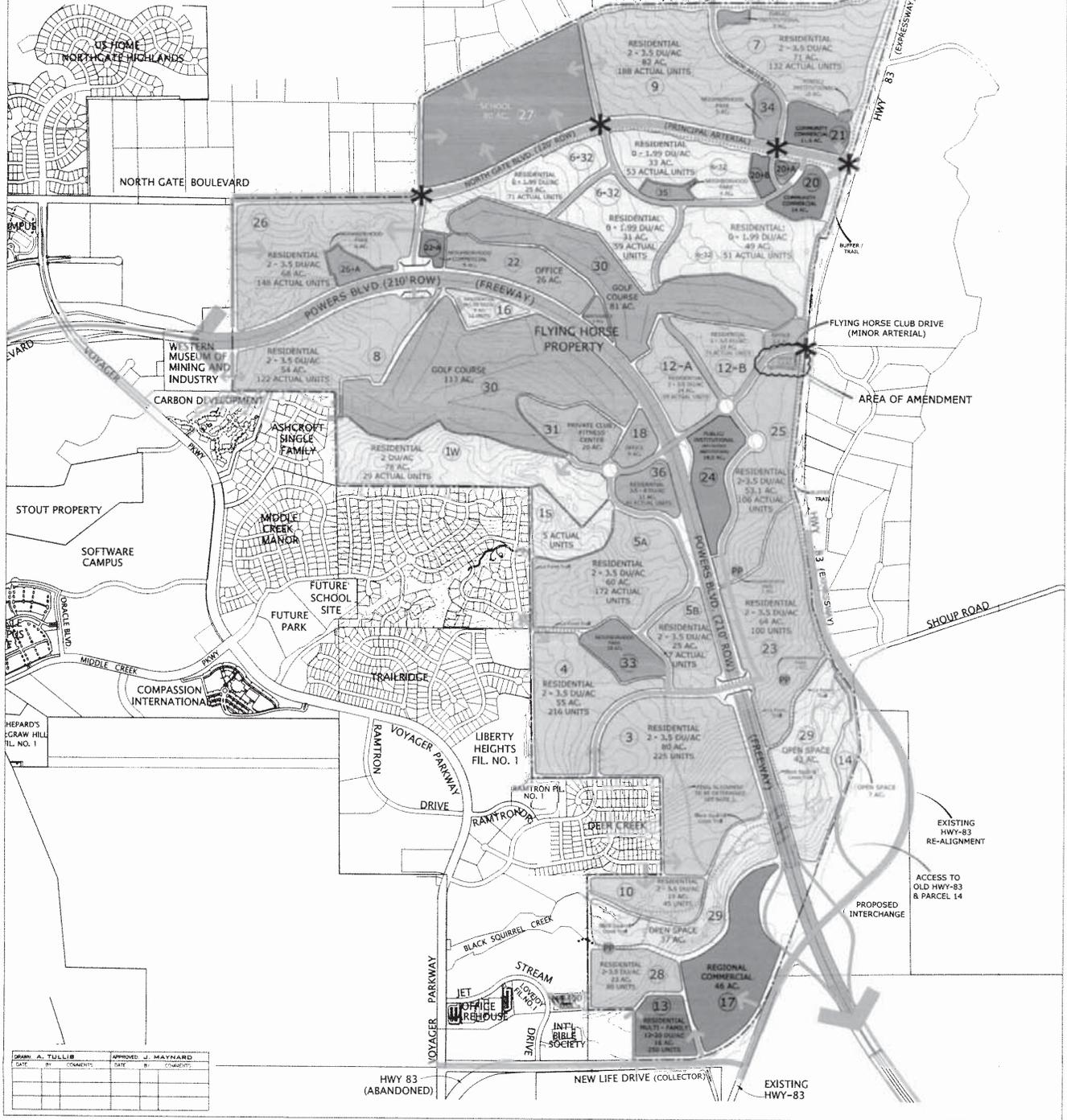
Approve the zone change from PUD (Planned Unit Development) to OC (Office Complex), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

Item: A.3 CPC CP 15-00137 – Flying Horse Parcel Number 25A Concept Plan

Approve the Concept Plan for Flying Horse Parcel Number 25A, based upon the findings that the development plan meets the review criteria concept plan meets the review criteria as set forth in City Code Section City Code Section 7.5.501.E.

AMENDMENT #14 (Parcel 25/ Office Lot)

November 2015



FLYING HORSE

LEGEND / LANDUSE TABLE:

R-2	225 ACRES RESIDENTIAL: 0 - 1.99 DU/AC - 280 UNITS
R2-3.5	697.1 ACRES RESIDENTIAL: 2 - 3.5 DU/AC - 1,734 UNITS
R3.5-8	11 ACRES RESIDENTIAL: 3.5 - 8 DU/AC - 40 UNITS
R12-20	16 ACRES RESIDENTIAL: 12 - 20 DU/AC - 250 UNITS

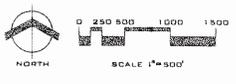
C	76.5 ACRES COMMERCIAL
C/R	20 ACRES PRIVATE CLUB / FITNESS CENTER
O	39.8 ACRES OFFICE
S	80 ACRES SCHOOL

P	28 ACRES PARK
OS	87 ACRES OPEN SPACE
GC	197 ACRES GOLF COURSE
ROW	93.6 ACRES POWERS BLVD.

P/I	22 ACRES PUBLIC / INSTITUTIONAL
73	PARCEL NUMBER

- NOTES:
- IF APPROVED BY CDOT, A RIGHT IN / RIGHT OUT ACCESS TO POWERS BLVD. WILL BE LOCATED IN THE VICINITY OF PARCELS 18 & 25.
 - A TRAIL CONNECTION TO PARCEL 31 (LIZARD LEAP PARK) WILL BE PROVIDED FROM PARCEL 19 THROUGH PARCELS 1 AND 5B.
 - APPLICABLE PARK FEES SHALL BE PAID FOR ALL UNITS DEVELOPED WITHIN PARCEL 28. AN ADDITIONAL \$200 PER UNIT SHALL BE ESCROWED FOR THE SPECIFIC PURPOSE TO ALLOW THE CITY OF COLORADO SPRINGS TO CONSTRUCT AND MAINTAIN A PEDESTRIAN BRIDGE ACROSS BLACK SQUIRREL CREEK IMMEDIATELY NORTH OF PARCEL 28.

AREA OF AMENDMENT
PARCEL 25 OFFICE USE
(NOVEMBER 2015)



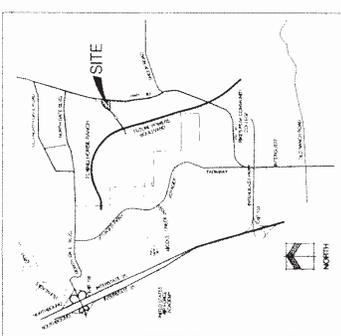
NOTE:
All residential densities shown on the Flying Horse Master Plan are gross densities. Actual number of units and resulting density will be determined by incorporating adjacent streets, private parks, open space and drainage detention ponds into the area of the parcel.



TOTAL ACRES = 1,593
TOTAL RESIDENTIAL DWELLING UNITS = 2,304

FIGURE 1

VICINITY MAP



LEGAL DESCRIPTION:

LOT 1 OF THE AS YET UNRECORDED PLAT OF FLYING HORSE NO. 25A TRACT NO. 1 BEING A PORTION OF LOTS 7 AND 8 AND TRACTS A AND C AS PLATTED IN FLYING HORSE NO. 25 TRACT NO. 2 RECORDED UNDER RECEPTION NO. 212712502 RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASES OF BEGINNINGS: A PORTION OF THE WESTERLY LINE OF TRACT B AS PLATTED IN FLYING HORSE CLUB DRIVE TRACT NO. 1, RECORDED UNDER RECEPTION NO. 209715333, RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARS AND 1 1/2 INCH ALUMINUM SURVEYORS CAP STAMPED "COES PLS 30118" ASSUMED TO BEAR S85°42'11"W, A DISTANCE OF 714.60 FEET.

COMMENCING AT THE NORTHEASTERLY CORNER OF LOT 8 AS PLATTED IN FLYING HORSE NO. 25 TRACT NO. 2, RECORDED UNDER RECEPTION NO. 212712502, RECORDS OF EL PASO COUNTY, COLORADO, SAND POINT BEING THE POINT OF BEGINNING;

THENCE S85°42'11"W, ON THE NORTHERLY BOUNDARY LINE OF SAND LOT 8 AND ITS WESTERLY EXTENSION, A DISTANCE OF 104.6 FEET TO A POINT ON CURVE, SAND POINT BEING ON THE SOUTHERLY BOUNDARY OF WAY LINE FLYING HORSE CLUB DRIVE, AS PLATTED IN FLYING HORSE CLUB DRIVE TRACT NO. 1, RECORDED UNDER RECEPTION NO. 209715333, RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

WHOSE CENTER BEARS S85°42'11"W, A HORIZONTAL DELTA OF 49.14 FEET, A RADIUS OF 48.00 FEET AND A DISTANCE OF 49.14 FEET TO A POINT ON CURVE;

THENCE S85°42'11"W, A DISTANCE OF 186.29 FEET;

THENCE S85°42'11"W, A DISTANCE OF 40.0 FEET;

THENCE N07°56'29"W, ON SAND EASTERLY BOUNDARY LINE, A DISTANCE OF 36.34 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 62289 SQUARE FEET.

SITE DATA

OWNER:
Flying Horse, LLC
6388 Corporate Drive
Colorado Springs, CO

Title ID Number:
S2001 083000
Master Plan:
Flying Horse
Current Zoning:
PUD
Proposed Zoning:
OC
Development Schedule:
Spring 2016

Building Use:
Office
Building Size:
11,450sf
Building Height:
49' max

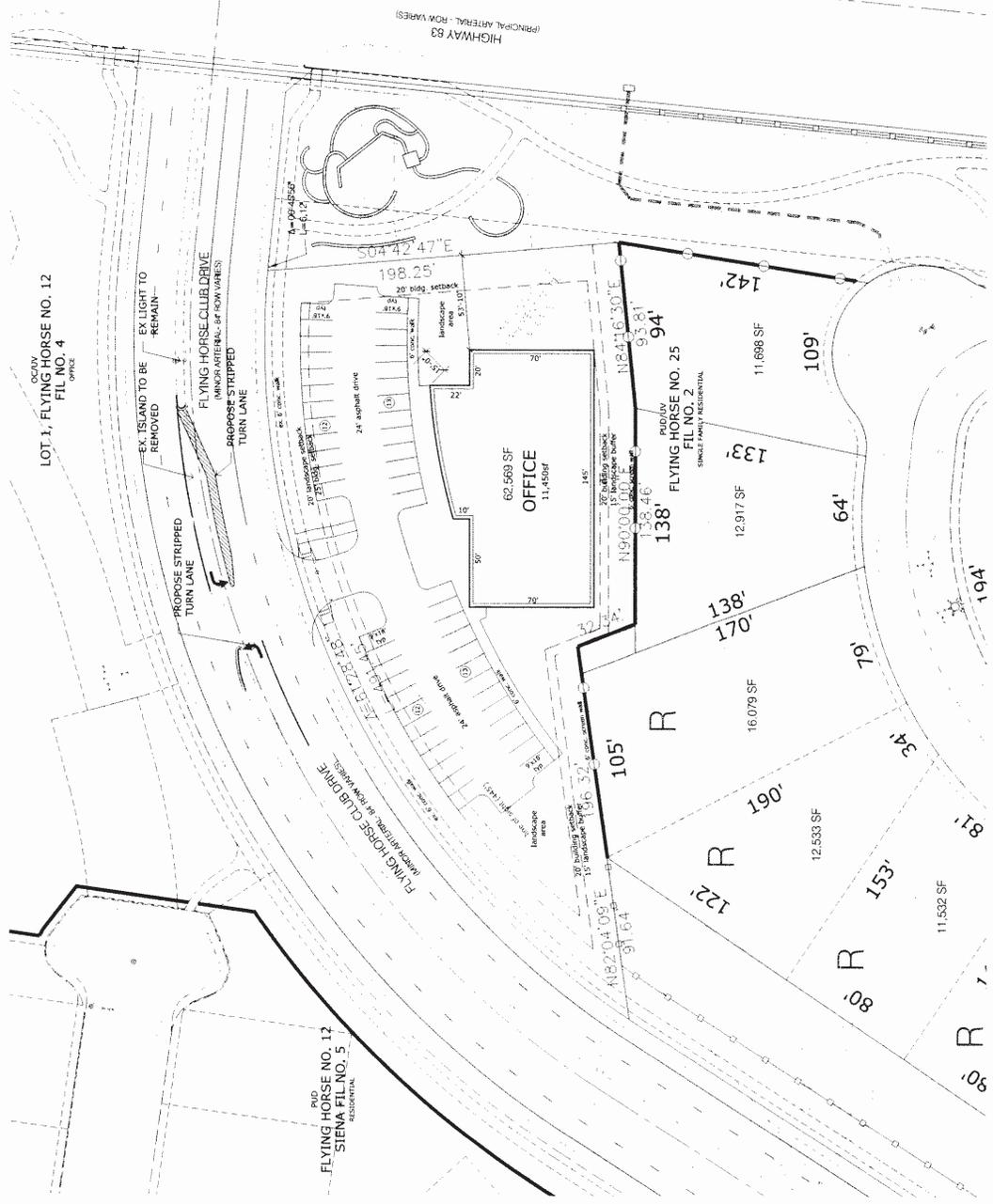
Building Setbacks:
-Front: 25'
-Side: 20'
-Rear: 20'

Landscape Setbacks:
Flying Horse Club Drive: 20'
-South Boundary: 15' (buffer)
-South Boundary: 15' (buffer)

Parking Requirement:
29 spaces @ 1space/400sf
Paving: Porfides: 20' squares

SHEET INDEX

SHEET 1 CONCEPT PLAN
SHEET 2 UTILITY & PARKING FACILITY PLAN



NOTES

1. THIS CONCEPT PLAN IS FOR PRELIMINARY PLANNING PURPOSES.
2. PER FEMA FLOOD HAZARD MAP NUMBER 080410000F, EFFECTIVE ON 03/17/1987 THE AREA SHOWN TO BE ZONE X, WERE DETERMINED TO BE OUTSIDE THE 100-YR FLOODPLAIN.

FLYING HORSE
25A - OFFICE

CONCEPT PLAN

13364 Ring Horse Club Drive

DATUM: NAD 83
PROJ: UTM
UNITS: METERS
ELEVATION: FEET

ENTITLEMENT

NO. OF SHEETS: 2
SHEET NO.: 1
DATE: 07/11/12
DRAWN BY: J. BROWN
CHECKED BY: J. BROWN
APPROVED BY: J. BROWN

CONCEPT PLAN

1

1 of 2

CPC CP 15-00137

FIGURE 1

FLYING HORSE NO 25A
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO
UTILITY AND PUBLIC FACILITY PLAN
DECEMBER 2015

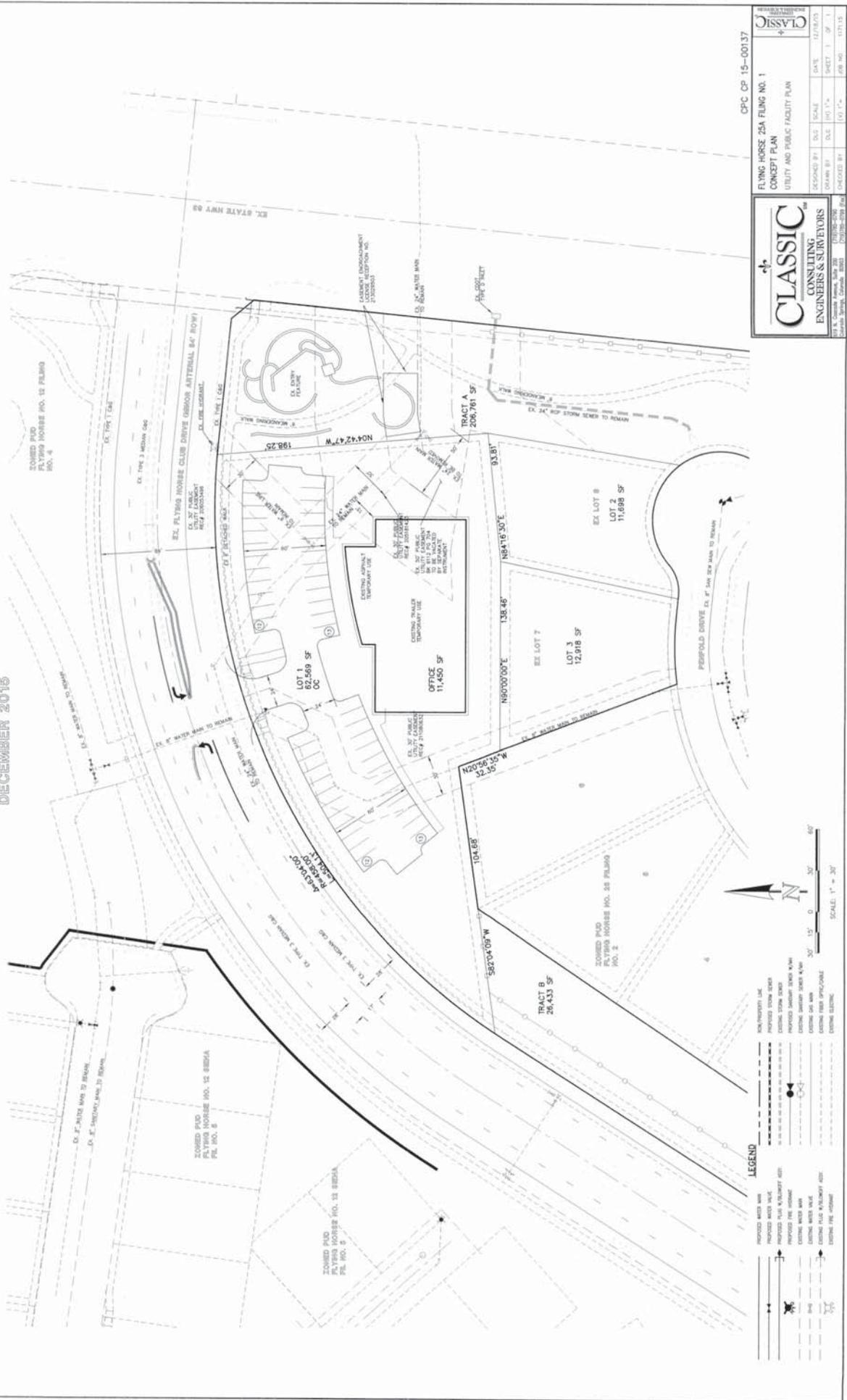


FIGURE 1

FLYING HORSE PARCEL 25B – OFFICE PARCEL

PROJECT JUSTIFICATION NOVEMBER 2015

REQUEST

Flying Horse LLC requests approval of the following applications:

1. A Minor Amendment to an Approved Master Plan for a New 1.44ac Office Site in an existing PUD Zone. A request for a Zone Change will be processed addressing the new use.
2. A Zone Change request for a portion of the Parcel 25b PUD Development Plan for a 1.44 ac OC Parcel.
3. A Minor Amendment to an Approved Development Plan.
4. A Final Plat and Concept Plan to address the New Office Parcel.
5. The included set is an Amendment to previously Approved Set. No changes outside the noted Amended area being proposed as previously approved.

LOCATION

The property is located southwest of the Flying Horse Club Drive and Highway 83 Intersection.



PROJECT JUSTIFICATION

The proposal for the new Office parcel is to address an existing use and associated Temporary Use permit, for the affected parcel, as an entitled permanent use. Currently the proposed amended site is utilized for a

Realty Office by way of a Temporary Use Permit. The current application is in keeping with past approvals and consistent with the adjacent land uses but aims to address the current Temporary Use Permit through a Rezoning action and proper associated Plan Amendments. Appropriate amendments addressing any changes are shown reflecting the impacts to land use, tracts and open space. These necessary amendments address the past PUD Approvals for the Flying Horse Parcel 25 PUD Plan, overall Master Plan and Replatting of those affected areas. In addition the noted changes show minimal impacts to the overall Open Space requirements with a 3% overall change and minimal 0.07du/ac change in both net and gross density.

The proposed Office Parcel is for a 1.44 ac site located directly southwest of the Highway 83 and Flying Horse Club Drive Intersection. No major site changes are being proposed at this time as future development will be dictated by an Approved Future Development Plan. At this time the only changes proposed will address the immediate needs of the Zone Change and more direct Final Plat related to access improvements and utilities located at the periphery of the project limits. These improvements to traffic address the needed turn lanes for the current uses and approved Office uses north of the current project site increasing accessibility and overall traffic flow.

January 18, 2016

To: Land Use Review Division

These comments are provided regarding the development applications that would rezone a 1.44 acre site within Flying Horse from Residential to Office. The applications include: CPC MP 06-00219-A6MN15, CPC ZC 15-00136, and CPC CP 15-00137. I am pro smart development and these plans fall short of that standard.

Since I signed a contract in January 2010 to build my present home in the Encore neighborhood within Flying Horse, hundreds of homes have been built. During this same time period, the development activity in the commercial and office parcels within Flying Horse can be summarized as "not much". At the present time, dozens of acres zoned for office/commercial use remain either undeveloped or partially developed within Flying Horse. As a matter of fact, your office supported the rezoning of land from office/commercial to residential in the fall of 2014, a move I characterized as smart development given the abundance of dormant commercial property. I would welcome the new construction of an 11,450 square foot office building on the existing undeveloped commercial parcels as these unsightly parcels are significant detractors in an otherwise attractive housing development. It is not smart development to ignore the existing parcels that are calling out for activity and instead carve out another area within Flying Horse for office use.

My neighborhood (Encore) is no stranger to zoning changes. I didn't appreciate the risk I was taking in this regard when I gave my money and trust to Classic Homes six years ago. Although I haven't liked all of the changes along the way, I could at least understand the economic necessity of the changes that occurred in the 2011-2012 timeframe. There is no such economic mandate for this latest proposal. I am very concerned about the negative impacts the proposed rezoning would have on property values and quality of life, if they are approved:

- 1) The rezoning puts in jeopardy the build out of the last two home lots in Encore. Simply put, would you want to spend \$400-500K for a home that will look at 11,450 square feet of roof top? By the way, the concept briefed at the October 29th meeting I attended called for a 9,600 square foot building. I mention this as my main concerns involves the building height (45 feet) allowed with the new zoning. In reality, I think the home builder will have to provide significant financial incentives (i.e., lower pricing) to entice someone to build on these lots, which will further erode resale prices.
- 2) When Encore went through the last rezoning in 2012, the layout of the neighborhood was changed from clustered homes to single lots (Attachment 1). The home builder agreed to maintain ranch style homes when continuing down Penfold Drive from the already built clustered homes. As mentioned above, the potential to build up to 45 feet in height without any further notice would negate the consideration received in 2012.
- 3) The proposal includes the installation of a wall between three houses and the office building; this change will add a third look to Encore, which is significant since only 39 homes will be built in this neighborhood. Besides the altered layout due to the wall, this part of Encore will be densely

FIGURE 3

populated with the close proximity of the three homes and, at this time, an 11,450 square foot building (Attachment 2). Although we don't know what would ultimately be built on this parcel, the rezoning provides many options that could include 24-hour, 7-day a week operations. No matter the final building outcome, the location of a commercial use property in Encore's backyard will increase traffic, lighting, and activity/noise for all neighborhood residents, especially those that are within the line of sight.

Thank you for your time and consideration.

Sincerely,



Mary Ensminger
13040 Penfold Dr.



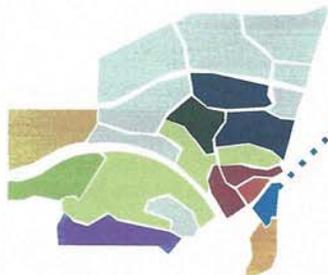
ENCORE AT FLYING HORSE

Lot Status

- Sold
- Available
- Model
- Spec
- Phase
- Reserved

Flying Horse Communities

- | | |
|---|--|
| ■ Turin | ■ Saratoga |
| ■ Verona | ■ Messina |
| ■ Toscano | ■ Encore |
| ■ Sonoma | ■ Calistoga |
| ■ Siena | ■ Golf Course |



Turin



Attach 1





FIGURE 3

Attach 2

7.5.501: CONCEPT PLANS:

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

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



Memorandum

File #: CPC ZC 16-00004, **Version:** 1

Request by Mountain View Electric on behalf of BLH No. 1, LLC for approval of the following application A change of zone classification from R1-6000 (Single- Family Residential) to PF (Public Facility) for the Geesen Electrical Substation. The subject property consists of 4.29 acres and is located one mile northwest of the intersection of Drennan Road and Mockingbird Lane.

Presenter:

Meggan Herington, Manager, Planning and Community Development

Proposed Motion:

Approve the change of zoning district from R1-6000 (Single-Family Residential) to PF (Public Facilities), based upon the finding that it complies with the review criteria of City Code Sections 7.5.603.B and 7.3.402.A.

N/A

CITY PLANNING COMMISSION AGENDA

ITEM NO:

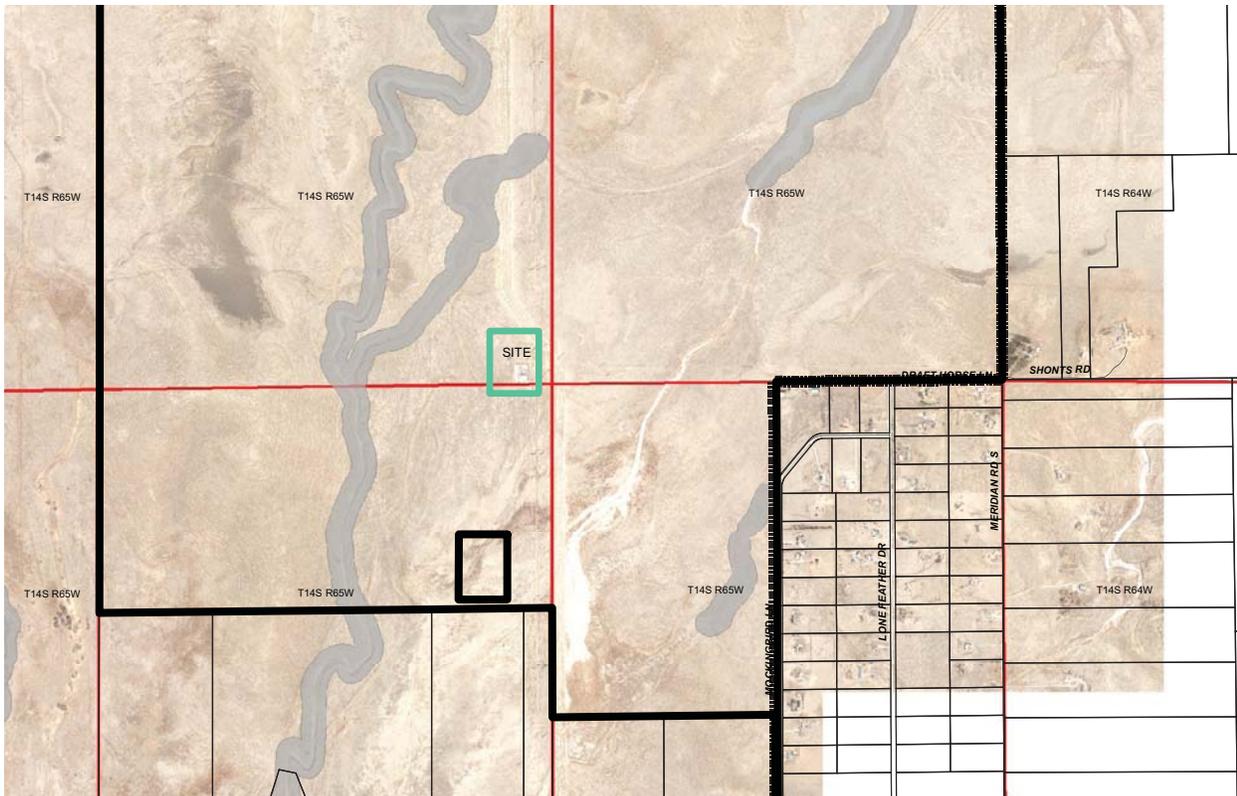
STAFF: MEGGAN HERINGTON

FILE NO: CPC ZC 16-00004 - QUASI-JUDICIAL

PROJECT: GEESEN SUBSTATION REZONE

APPLICANT: MOUNTAIN VIEW ELECTRIC

OWNER: BLH NO. 1, LLC



PROJECT SUMMARY:

1. Project Description: This is a request to change the zoning of a 4.29-acre parcel from R1-6000 (Single-Family Residential) to PF (Public Facilities). The rezoning request will

facilitate the future expansion of the Geesen Substation, an existing Mountain View Electric facility.

The property is 4.29 acres and is located in Banning Lewis Ranch, one mile north of Drennan Road and one mile east of Marksheffel Road. **(Figure 1)**

2. Applicant's Statement: (FIGURE 2)
3. Planning and Development Department's Recommendation: Approval of the application.

BACKGROUND:

1. Site Address: Not applicable.
2. Existing Zoning/Land Use: R1-6000 (Single-Family Residential)/Vacant
3. Surrounding Zoning/Land Use:
North: R1-6000 (Single-Family Residential)/Vacant
South: R1-6000 (Single-Family Residential)/Vacant
East: R1-6000 (Single-Family Residential)/Vacant
West: R1-6000 (Single-Family Residential)/Vacant
4. Comprehensive Plan/Designated 2020 Land Use: The existing land use is Agriculture. That classification will be updated to Major Institutional if the rezoning request is approved.
5. Annexation: Banning Lewis Ranch #1 (1988)
6. Master Plan/Designated Master Plan Land Use: Banning Lewis Ranch Master Plan
7. Subdivision: Unplatted.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site is currently improved as a substation.

STAKEHOLDER PROCESS AND INVOLVEMENT: No public notice or distribution was deemed necessary as the substation is existing and there are no surrounding property owners.

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

1. Design and Development Issues: No significant issues or concerns have been identified.

The zone change will recognize the existing Gessen Substation and allow for future expansion as a public facilities site. The substation currently exists in the R1-6000 zone district within an easement. The existing substation is approximately one acre in size.

Mountain View Electric is planning for future upgrades to this substation. As such, they would like to purchase a 4.29-acre site from the current property owner and formalize the site as a public facility. While the substation is currently one acre, the rezone and future ownership will encompass 4.29 acres.

There are no plans for development at this time. A PF zone change to accommodate a substation does not require a concurrent development plan application. Any future development plan will be reviewed administratively.

Zone change requests are reviewed based upon the zone change criteria found in City Code Section 7.5.603.B. Further, zone changes to Public Facilities are reviewed based upon the establishment and development of a PF zone using the criteria found in City Code Section 7.3.402.A.

It is the finding of the Land Use Review Division that the zone change meets the zone change criteria found in City Code Section 7.5.603.B and 7.3.402.A.

2. Conformance with the City Comprehensive Plan:

Comprehensive Plan 2020 Land Use Map: The 2020 Land Use Map identifies this area as “Agriculture”. That will be updated to “Major Institutional” if the request is approved.

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

Policy CCA 601: New Development Will Be Compatible with the Surrounding Area

New developments will be compatible with the surrounding land uses and will complement the character and appearance of adjacent land uses.

The substation and the expansion are located at an integral connection point to a major utility corridor. The future expansion will accommodate the needed expansion of the electrical load and new types of electric generation.

It is the finding of the Land Use Review Division that the zone change is consistent with the City’s Comprehensive Plan.

STAFF RECOMMENDATION:

Item No: CPC ZC 16-00004 – Change of Zone District

Approve the change of zoning district from R1-6000 (Single-Family Residential) to PF (Public Facilities), based upon the finding that it complies with the review criteria of City Code Sections 7.5.603.B and 7.3.402.A.

**Mountain View Electric Geesen Substation Subdivision
Project Summary and Project Statement**

Project Summary:

The Geesen Substation Subdivision Project is solely regarding the creation of a legal lot to envelope an existing electrical substation facility owned by Mountain View Electric Association, Inc. of Limon, Colorado. The existing substation site is currently situated on an easement and the purpose of the subdivision is to create a legal lot whereby the underline property owner, BLH No. 1 would be able to convey fee interest in the area beneath and immediately surrounding the existing electrical substation to Mountain View Electric Association, Inc. The existing substation easement is comprised of approximately one acre. The new lot depicted on the proposed plat accompanying this application will consist of approximately 4.29 acres. The entire 4.29 acres is already encumbered and utilized by existing electrical facilities and the creation of this lot will not impact the existing electrical facilities in anyway and the new lot created shall be subject to all preexisting utility facilities and their respected easements. There is no new construction proposed within the new lot at this time. The electrical facilities owned and operated by Mountain View Electric and its primary wholesale provider, Tri-State Generation and Transmission, Inc. of Westminster, Colorado, may be upgraded during the normal course of maintenance and operation of the existing electrical substation.

Project Statement:

The zone change requested from R1-6000 to PF will be consistent with the current use of the area which is entirely encompassed by existing public utilities and public electrical facilities. The zone change is justified due to the existing uses within the new proposed Geesen Substation Subdivision and will replace the existing residential zoning which is not appropriate for the current long-term use of the new subdivision area.

As directed by the City Planner assigned to this case, this zone change application in accompanying Final Plat Application have included these specific details requested. These include a Mineral Estate Notification and Drainage Report Study. A separate private access easement has been obtained as demonstrated on the purposed Plat to provide legal access from Public Right of Way to the new Geesen Substation Subdivision. The proposed Plat has been prepared based on instructions provided by the City Planning Department.

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

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

7.3.402.A – PF ZONE DISTRICT

A. PF - Public Facilities: The public facilities zone district is provided for land which is used or being reserved for a governmental purpose by the City of Colorado Springs, El Paso County, the 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 term, public facility, may be used to describe the existing or future use or the character of the ownership of the land. For the purpose of this section utility transmission, distribution or collection line rights of way or easements and drainage rights of way or easements are not required to be designated as public facilities.

Approval of the request requires a determination that a public need exists and the use and location are compatible with adjacent land uses. When necessary to make this determination, conditions regarding setbacks from adjacent uses or property lines, landscaping, screening, access, and the placement and size of signs and amount of parking may be approved with the establishment of the zone district. A development plan shall be approved before any building permits may be issued or before construction of any public facility or utility may begin.

Uses allowed in this zone are limited to governmental functions or utility services provided by the City of Colorado Springs, El Paso County, the State of Colorado, the Federal government or a public utility and to private facilities which perform traditional government functions such as jails and halfway houses. These uses are not typically permitted or conditional uses in other zone districts. Specific uses are listed in a table in section [7.3.203](#) of this article. Development standards such as lot size, setbacks, and maximum height are determined at the time of zoning or development plan review. Development standards listed in a table in section [7.3.204](#) of this article shall apply to the development of a public facility zone district.



Memorandum

File #: CPC CU 15-00129, **Version:** 1

A request by Assisted Living at the Spring, LLC for approval of a conditional use development plan to allow a Human Service Facility in a PBC/AO (Planned Business Center with Airport Overlay) zone district. The project is for a 30 bed assisted living facility. The site is zoned PBC/AO (Planned Business Center with Airport Overlay), contains 0.61 acres and is located at 1605 Jet Wing Drive. (Quasi-Judicial)

Presenter:

Lonna Thelen, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the conditional use for Assisted Living at the Spring, based upon the finding that the plan complies with the conditional use and development plan review criteria in City Code Sections 7.5.704 and 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use Development Plan:

1. Show the accessible space and the accessible aisle as 8', not 10'.
2. Since the required access is being shown to start in parking stalls, those parking stalls need to be converted to a fire lane so apparatus can pull into those spots. Required 150-ft measurements are taken where the apparatus is able to drive to and from there, where they reach around the building. If removing the parking is not desired, access from another location must be provided or if the building is/will be equipped with an approved fire sprinkler system, indicate such on the plans.
3. Identify ground level treatments on the landscape plan.

Summary of Ordinance Language

For ordinances, enter the substantive elements in 40 words or less for publication purposes. Enter N/A if not applicable.

CITY PLANNING COMMISSION AGENDA

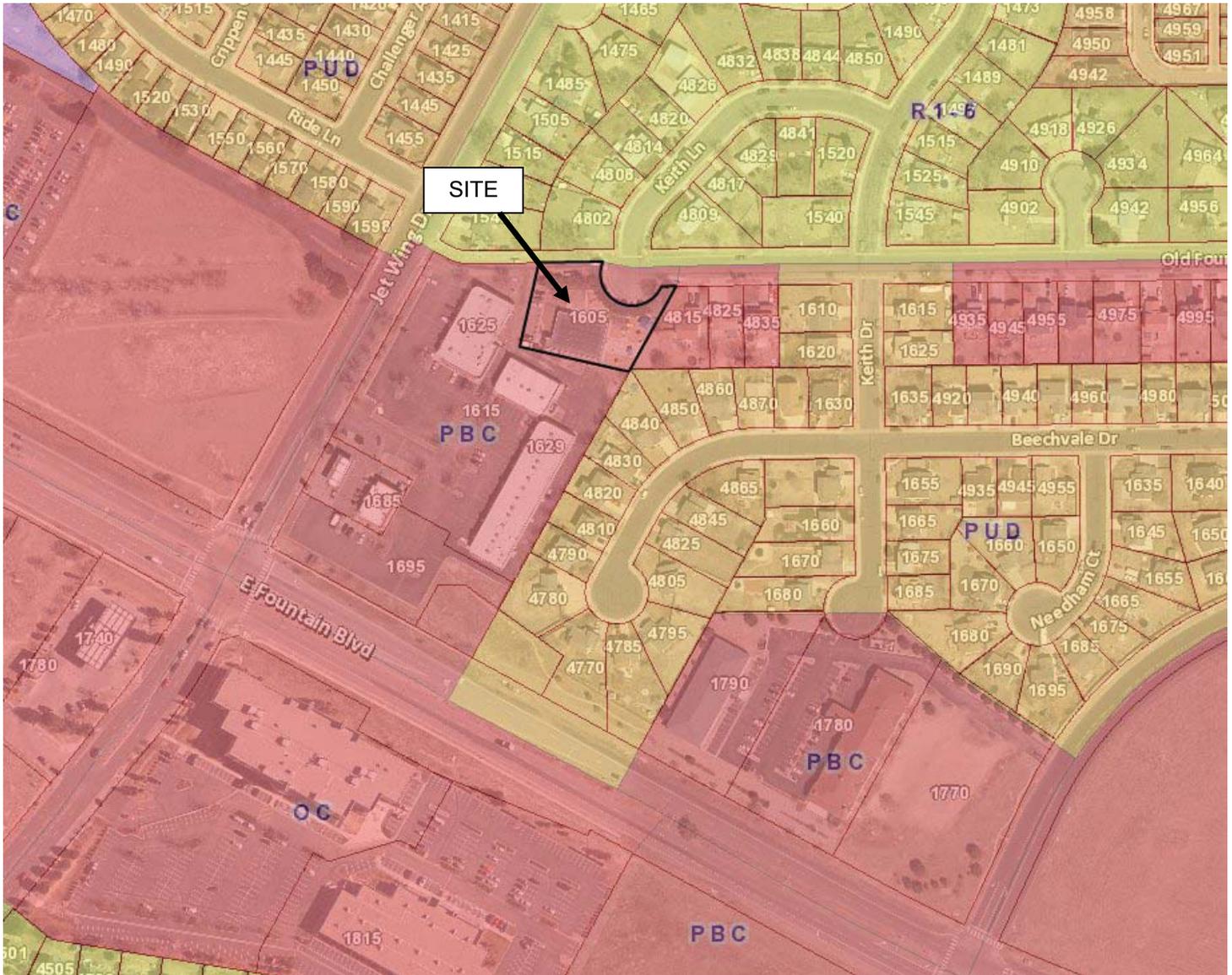
ITEM NO: _____

STAFF: LONNA THELEN

FILE NO(S):

A. – CPC CU 15-00129 – QUASI-JUDICIAL

PROJECT: ASSISTED LIVING AT THE SPRING
APPLICANT: ASSISTED LIVING AT THE SPRING, LLC
OWNER: ASSISTED LIVING AT THE SPRING, LLC



PROJECT SUMMARY:

1. Project Description: This project includes an application for a conditional use to allow a human service facility in a PBC (Planned Business Center) zone district for a 0.61-acre site located at 1605 Jet Wing Drive. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Approval of the applications, subject to modifications.

BACKGROUND:

1. Site Address: 1605 Jet Wing Drive
2. Existing Zoning/Land Use: PBC/Daycare Center
3. Surrounding Zoning/Land Use: North: R1-6/Single-Family Residential
South: PBC/Commercial Center
East: OC/Single-Family Residential
West: PBC/Commercial Center
4. Comprehensive Plan/Designated 2020 Land Use: New/Developing Corridor
5. Annexation: Pikes Peak Addition #11, 1971
6. Master Plan/Designated Master Plan Land Use: Gateway Park/Commercial
7. Subdivision: La Petite Academy
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is developed with a 5,111 square foot building. No building additions are proposed for the site.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of this application included posting of the site and sending of postcards on two separate occasions to 100 property owners within 500 feet. No public comments were received.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Landscape, Police and E-911.

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

1. Review Criteria / Design & Development Issues:
The existing structure was built in 1981 and was most recently used as a daycare center. The proposed use is for a 30 bed assisted living facility (Human Service Facility). No new structures or additions are proposed. The only site upgrade planned is to install new doors and windows on the building. The existing zoning is PBC (Planned Business Center). The human service use requires a conditional use approval in the PBC zone district.

The only access to the site is from Jet Wing Drive. There is an easement agreement with the adjacent property owner to the west to access the site. No access is allowed from Old Fountain Boulevard and a barricade is located at the end of Old Fountain Boulevard. Adequate parking is provided for the use. The parking will be mainly used for the employees of the facility and not for the residents, as they will use alternative transportation options.

The human service use is a quiet use and is a good transition between the single-family residential and the commercial shopping center. No public comment was received during the review, which supports the compatibility of the new use.

Staff has reviewed the conditional use development plan and has found that the application is consistent with the review criteria and standards of City Code.

2. Conformance with the City Comprehensive Plan:

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

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

Objective LU 4: Encourage Infill and Redevelopment

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

Policy LU 302: Encourage Development of Mixed-use Activity Centers

Encourage the development of activity centers designed to include a mix of uses that compliment and support each other, such as commercial, employment-related, institutional, civic, and residential. A walkable, pedestrian friendly environment will tie the mix of uses in activity centers together. Activity centers will vary in size, intensity, scale, and types of uses depending on their function, location, and surroundings. Activity centers will be designed so they are compatible with, accessible from, and serve as a benefit to the surrounding neighborhood or business area.

The Assisted Living at the Spring project is an infill project that re-uses an existing building for a new human service use. The new and developing corridor use category of the comprehensive plan allows both residential and commercial uses. This project has a residential component of housing 30 residents, but is also a commercial business with employees. The location of this project is next to an existing shopping center and contributes to the mix of uses in the shopping center. This project is in compliance with and supports the comprehensive plan.

3. Conformance with the Area's Master Plan:

This property is part of the Gateway Park Master Plan. The master plan calls out this area as commercial. While the proposed use provides housing for 30 people, the facility operates as a commercial business with employees providing services to the 30 residents. Therefore, the commercial master plan designation permits the Human Service Facility use.

STAFF RECOMMENDATION:

Item No: ?? CPC CU 15-00129 – CONDITIONAL USE

Approve the conditional use for Assisted Living at the Spring, based upon the finding that the plan complies with the conditional use and development plan review criteria in City Code Sections 7.5.704 and 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use Development Plan:

1. Show the accessible space and the accessible aisle as 8', not 10'.
2. Since the required access is being shown to start in parking stalls, those parking stalls need to be converted to a fire lane so apparatus can pull into those spots. Required 150-ft measurements are taken where the apparatus is able to drive to and from there, where they reach around the building. If removing the parking is not desired, access from another location must be provided or if the building is/will be equipped with an approved fire sprinkler system, indicate such on the plans.
3. Identify ground level treatments on the landscape plan.

4. Include in the landscape chart which 'Provided' plants are "existing to remain" and which are "new" plantings.
5. Include the Irrigation Plan as it exists today or include a note stating when the irrigation plan will be submitted.

ARCHITECTURE

November 7, 2015

Lonna Thelen
Principal Planner
Land Use Review Division
Planning and Development Team
City of Colorado Springs, CO

355 BELLAIRE CT.
BROOMFIELD, CO
8 0 0 2 0

303-439-0822
r3design@q.com



RE: Conditional Use Application,
1605 Jet Wing Dr., Colorado Springs, CO

Project Statement

The proposed project is the conversion of an existing children's daycare facility to a Human Service Facility. The interior will be converted to a 30 bed assisted living facility for the elderly, with only minimal changes to the exterior of the existing building.

As the population ages, the demand for assisted living facilities has increased. This will be a home group care facility for the elderly. The purpose home group care is to provide a loving residential and home-like environment for the elderly and adults with minor disabilities. These group members typically do not have extended families to help with their care and support. The facility will be a home for 30 elderly adults, and will provide meal preparations, medication preparations, transportation arrangement to doctor appointments or other appointments, and social activities that encourage improvement for the residents. There will be 3 staff members responsible for resident care during the day and 2 staff during the night when residents are sleeping.

Generally, our residents are elderly people who will not drive. Their transportation needs will be provided by First Transit, Amazing Wheels, or other taxi companies. There are 4 required parking spaces based on 1 space for every 8 beds, plus an additional 7 spaces for guests and staff. The proposed traffic load for the site will be less than the original traffic load for a daycare use, which would have visitors throughout the day.

New windows and doors will be installed in the existing exterior facade. No other exterior site changes, building additions, or exterior utility changes are proposed. The neighboring area will notice very little change with this new residential facility, aside from a reduction in traffic.

No significant issues were raised during the pre-application process. The proposed use fits with the goals of mixed-residential density, by offering a variety of housing unit types within one development or neighborhood. Elderly housing is a service which is necessary to the function of residential neighborhoods. Finally, this use encourages a broad diversity of residential products proportionate to the needs and desires of community residents; it provides new housing products that are responsive to an evolving market of consumers - the elderly.

Sincerely,
Greg Howes, AIA

CONDITIONAL USE REVIEW CRITERIA:

7.5.704: AUTHORIZATION AND FINDINGS:

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

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

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

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?
2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



Memorandum

File #: CPC PUZ 15-00092, **Version:** 1

A request by NES, Inc. on behalf of Park 5th Avenue Development Company LLC for approval a zone change from OC/CR/PUD/HS/SS (Office Complex with Conditions of Record and Planned Unit Development with Hillside and Streamside Overlays) to PUD/SS (Planned Unit Development with Streamside Overlay).
(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Proposed Motion:

Approve the zone change from OC/CR/HS/SS, PUD/HS/SS (Office Complex with Conditions of Record and Planned Unit Development; both with Hillside and Streamside Overlays) to PUD/SS (Planned Unit Development - Single-Family Attached (Duplex); 35-foot maximum building height; 12 dwelling units/acre with Streamside 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(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

N/A

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

B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:

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

PUD ZONE CHANGE REVIEW CRITERIA:

7.3.603: ESTABLISHMENT AND DEVELOPMENT OF A PUD ZONE:

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



Memorandum

File #: CPC PUD 15-00093, **Version:** 1

A request by NES, Inc. on behalf of Park 5th Avenue Development Company LLC for approval of the Wildgrass PUD Development Plan. The plan illustrates the layout of 76 single-family attached (duplex) residential lots with associated parking and landscaping.
(Quasi-Judicial)

Presenter:

Rachel Teixeira, Planner II, Planning and Community Development

Proposed Motion:

Approve the Wildgrass Development Plan based upon the finding that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E, subject to the following technical and/or informational plan modifications:

Technical and Informational Modifications to the PUD Development Plan:

1. Call out the four (4) cottonwood trees within the required streamside vegetation on Sheet 10 of 11.
2. Provide the final information for Tract C in the 'Tract Table' noting the Ownership and Maintenance on Sheet C of 11.
3. Remove the text "FINAL LANDSCAPE PLAN" from the Streamside Overlay Sheet 10 of 11.

N/A

CITY PLANNING COMMISSION AGENDA

ITEM NO:

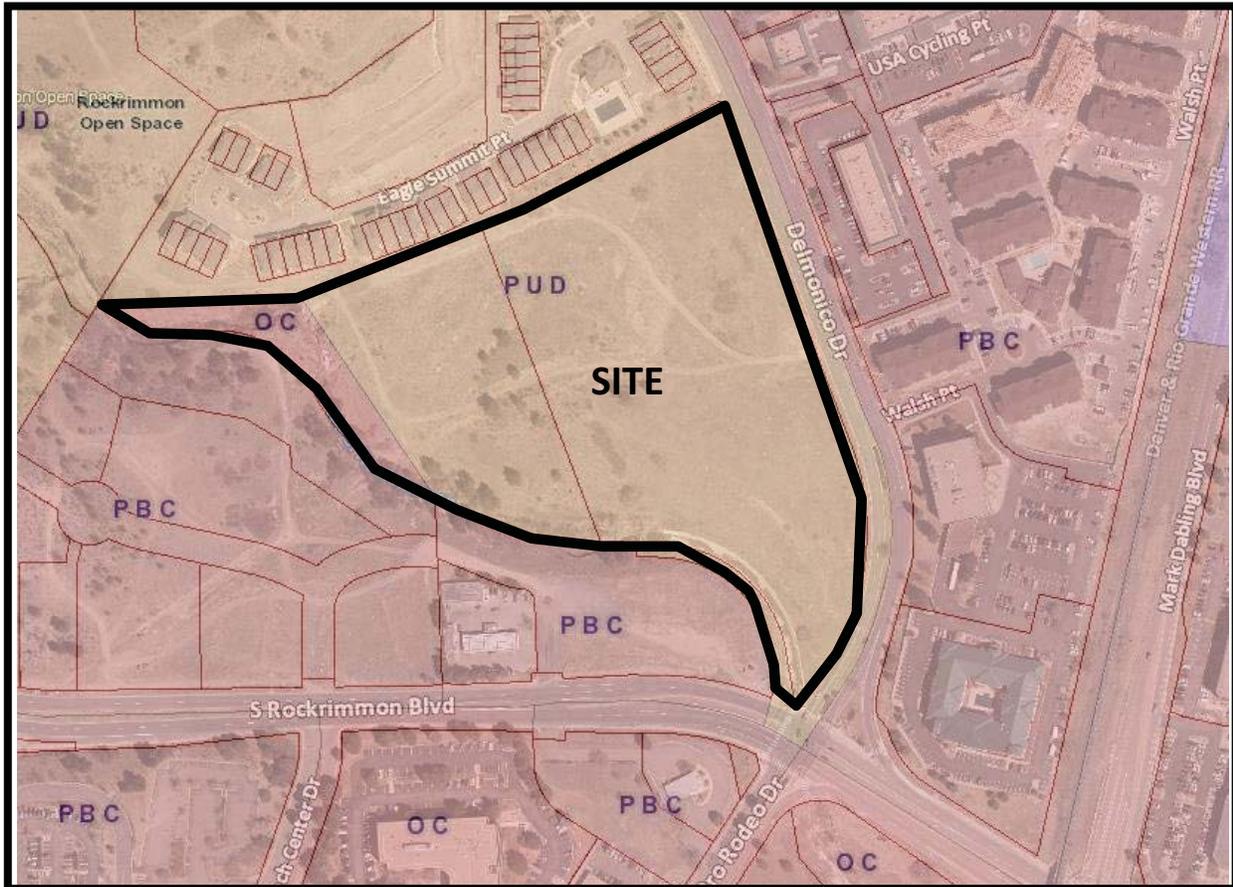
STAFF: RACHEL TEIXEIRA

FILE NO(S):

CPC PUZ 15-00092 – QUASI-JUDICIAL

CPC PUD 15-00093 – QUASI-JUDICIAL

PROJECT: WILDGRASS
APPLICANT: N.E.S., INC.
OWNER: PARK 5TH AVENUE DEVELOPMENT COMPANY LLC.



PROJECT SUMMARY:

1. **Project Description:** This project includes concurrent applications for a zone change and a development plan for a 14.44-acre site located at the northwest corner of Delmonico Drive and South Rockrimmon Boulevard.

The applicant is requesting to rezone the site from OC/CR/PUD/HS/SS (Office Complex with Conditions of Record and Planned Unit Development with Hillside and Streamside Overlays) to PUD/SS (Planned Unit Development with Streamside Overlay). The development plan reflects proposed 76 lots (38 residential duplex buildings totaling 78 attached single family units located on the individual lots) and three public roads. **(FIGURE 1)**

The subdivision plat application will be submitted and administratively reviewed separately after the zone change and development plan approvals.

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

BACKGROUND:

1. Site Address: To be determined.
2. Existing Zoning/Land Use: OC/CR/PUD/HS/SS (Office Complex with Conditions of Record and Planned Unit Development with Hillside and Streamside Overlays)/vacant.
3. Surrounding Zoning/Land Use:
North: PUD/HS/Multi-Family Residential (Eaglepointe)
South: PBC/CR/HS/SS/Vacant
East: PBC/Offices/Motel/Storage/Apartment Building
West: PUD/HS/SS/Open space/Multi-Family Residential (Creekside at Rockrimmon student housing).
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Golden Cycle Addition #1, April 1966
6. Master Plan: Rockrimmon Master Plan (Implemented)/Multi-Family
7. Subdivision: This is an unplatted parcel. A subdivision plat will be submitted and reviewed administratively.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The vacant, 14.44-acre site has no existing vegetation. The topography is relatively flat except for along the southern and western property lines. The property slopes towards the creek and detention pond areas.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Standard public notification and posting process was used during the internal review. Staff noticed 202 property owners within a 1,000 foot buffer distance. City planning staff received no written correspondence either in support or opposed to the project.

The property will be posted and mailing notification sent prior to the February 18th City Planning Commission meeting.

The two applications were sent to the standard internal and external agencies for review and comment. Review agencies for this project included Colorado Springs Utilities, Traffic Engineering, City Engineering, Fire Prevention, Enumerations, Floodplain, Real Estate Services, and Colorado Geological Survey (CGS). All review comments have been addressed except for comments from the Landscape Architect which are minor informational modifications to the development plan.

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

1. Review Criteria / Design & Development Issues:

The applicant proposes to develop the Wildgrass site with the zone change and development plan applications. The project is to build 76 single-family attached (duplex) units with dedicated open space and drainage area.

The zone change request rezones 14.4-acres of the current PUD (Planned Unit Development – Condominium Apartment; 35-foot maximum building height; 20 dwelling units/acre) to PUD (Planned Unit Development – Single-Family Attached (Duplex); 35-foot maximum building height; 12 dwelling units/acre). Note that a sliver of the property has an OC/CR (Office Complex with Conditions of Record) zone designation which needs to be corrected (**FIGURE 3**). The zone change modifies the current PUD/HS/SS (Planned Unit Development with Hillside and Streamside Overlays: Condominium Apartment; 35-foot maximum building height; 20 dwelling units/acre) zone to PUD/SS (Planned Unit Development with Streamside Overlay: Single-Family Attached (Duplex); 35-foot maximum building height; 12 dwelling units/acre) zone. The change of zoning also eliminates the

Hillside Overlay for this relatively flat property. The zone change proposal reduces the number of residential units and the intensity of the development from the original 1980 zone change ordinance.

The site plan illustrates the proposed single family attached (duplexes) with the layout of Wildgrass site incorporating three, internal public streets and two access points off of Delmonico Drive.

The site includes 38 duplex structures. The development standards for Wildgrass include the following setbacks; 20 foot front (driveway access), 15 foot front (no driveway access), 5 foot side and 15 foot rear (Lots 1-16 and Lots 33-76). The rear setbacks for the remaining lots (17-32) are to be determined by the Streamside Overlay review requirements. The maximum building height remains at 35 feet. There is no lot coverage for the site. The setbacks determine the building footprint for the lots.

Concrete Masonry Unit (CMU) block wall fencing is installed for lots backing to Delmonico Drive. Split rail fence is provided at open space areas adjacent to Delmonico Drive and residential areas facing the streamside and northern lots. There is a dedicated 24,392 square foot open space area centrally located and a detention pond in the southeast corner of the site. The open space and detention pond are owned and maintained by the Wildgrass HOA.

The development plan also illustrates the air shaft, located near Lot 15, within the southeastern corner of the property. Mitigation measures have been noted under Note #5 to represent potential subsidence hazards near the air shaft and also provide for mitigation measures for the property.

The site includes a future urban trail (within Tract C) along the southern edge of the property which is part of the Parks Master Plan and deeded to the City for utility, drainage and trail purposes.

Staff finds that the zone change review criteria found in City Code Section 7.3.603 and the PUD Development Plan review criteria found in City Code Sections 7.5.502.E and 7.3.606 have been met.

2. Conformance with the City Comprehensive Plan:

Objective LU 4: Encourage Infill and Redevelopment

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

Objective N 2: Enhance Neighborhoods

Preserve and enhance existing and established neighborhoods and support developing and redeveloping neighborhoods. While neighborhoods change over time, there are certain fundamental characteristics of most neighborhoods, such as natural features and landscaping, building and street patterns, historic and cultural features, parks, open space and schools, which need to be preserved in order to maintain their character. At the same time, there are new and developing residential areas that need to be supported so that they emerge as well-functioning neighborhoods.

Policy N 201: Protect Established and Stable Neighborhoods

Protect the character of established and stable neighborhoods through neighborhood planning, assistance to neighborhood organizations, and supportive regulatory actions.

Objective LU 5: Develop Cohesive Residential Areas: Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features,

diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

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

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

Staff finds that the project is in conformance with the City of Colorado Springs Comprehensive Plan. It includes the residential use as designated by the general residential comprehensive plan designation.

3. Conformance with the Area's Master Plan:

This development is part of the Rockrimmon Master Plan. This master plan is already implemented and does not have to be amended to reflect the proposed, less intense single-family attached (duplex) development.

STAFF RECOMMENDATION(S):

ITEM NO. CPC PUZ 15-00092 – PUD ZONE CHANGE

Approve the zone change from OC/CR/HS/SS, PUD/HS/SS (Office Complex with Conditions of Record and Planned Unit Development; both with Hillside and Streamside Overlays) to PUD/SS (Planned Unit Development – Single-Family Attached (Duplex); 35-foot maximum building height; 12 dwelling units/acre with Streamside 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(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

ITEM NO. CPC PUD 15-00093 – PUD DEVELOPMENT PLAN

Approve the Wildgrass Development Plan based upon the finding that the development plan meets the review criteria for PUD development plans as set forth in City Code Section 7.3.605, and the development plan review criteria as set forth in Section 7.5.502E, subject to the following technical and/or informational plan modifications:

Technical and Informational Modifications to the PUD Development Plan:

1. Call out the four (4) cottonwood trees within the required streamside vegetation on Sheet 10 of 11.
2. Provide the final information for Tract C in the 'Tract Table' noting the Ownership and Maintenance on Sheet C of 11.
3. Remove the text "FINAL LANDSCAPE PLAN" from the Streamside Overlay Sheet 10 of 11.

WILDGRASS FILING NO. 1

PUD DEVELOPMENT PLAN

EL PASO COUNTY, CO

Land Planning
 Landscape
 Architecture
 Urban Design
NES
 N.E.A., Inc.
 615 N. Colorado
 Colorado Springs, CO 80903
 Tel. 719.471.0873
 Fax 719.471.0267
 www.nescolorado.com
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WILDGRASS
 PUD DEVELOPMENT
 PLAN
 © Delmonico Drive

SHEET NO. 1
 SHEET TOTAL 2
 PREPARED BY:

PUD DEVELOPMENT
 PLAN SUBMITTAL

DATE	BY	DESCRIPTION
12.21.11	JR	CITY COMMENT
1.15.12	JR	CITY COMMENT

DEVELOPMENT PLAN
 SHEET NO. 1
 OF 11

CPC PUD 15-00092
 CPC PUD 15-00093

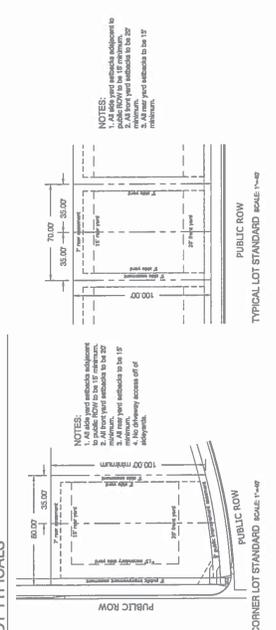
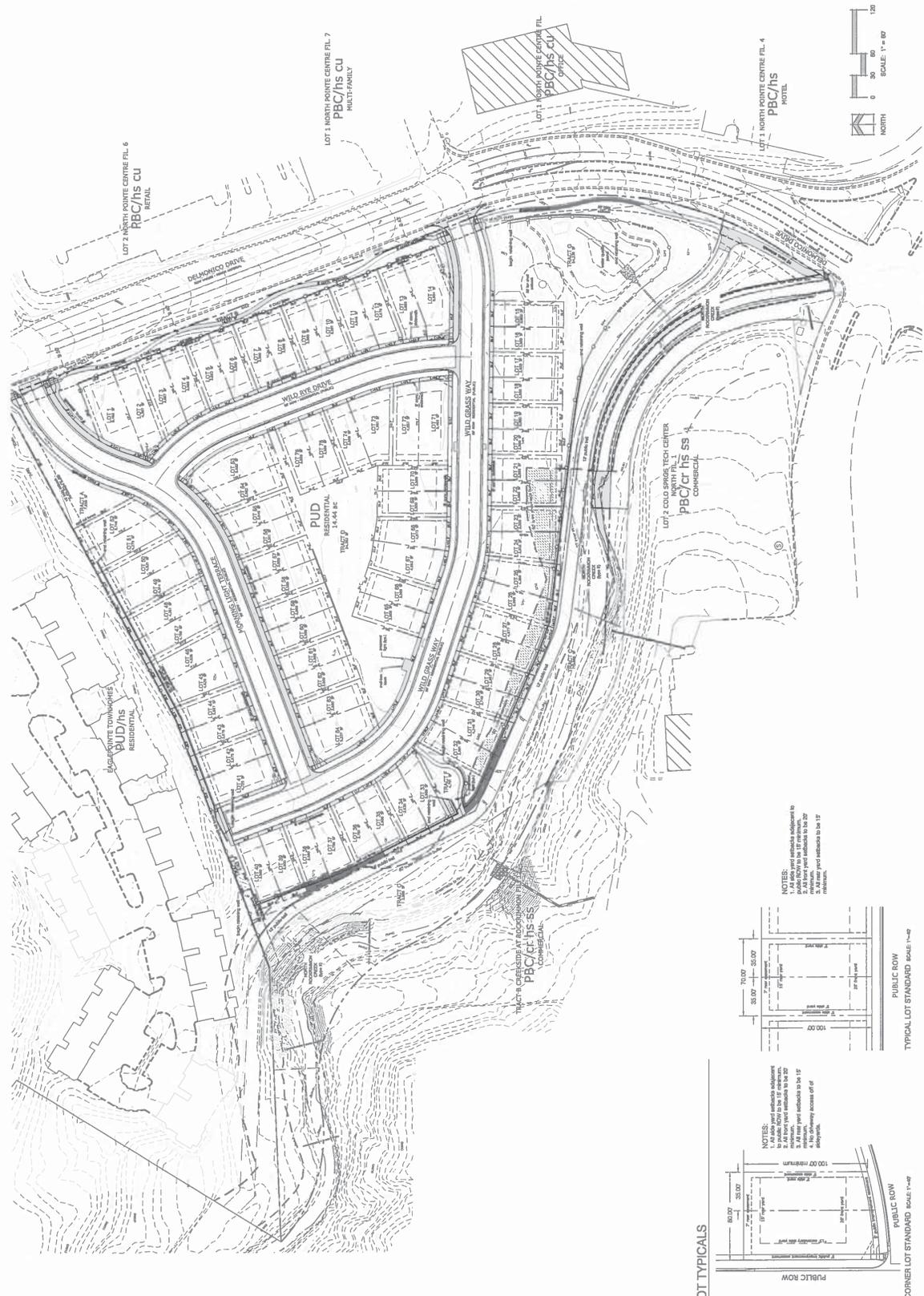


FIGURE 1

WILDGRASS FILING NO. 1

PUD DEVELOPMENT PLAN
EL PASO COUNTY, CO

Land Planning
Landscape
Architecture
Urban Design

NES

N.E.S., Inc.
618 N. Colorado Street, Suite 300
Colorado Springs, CO 80903
Tel: 719.471.0073
Fax: 719.471.0261
www.nesinc.com
© 2012, All Rights Reserved.



LOT 2 NORTH POINTE CENTRE FIL
PBC/hs CU
RETAIL

- KEYED NOTES:** (see 4th sheet for details, items listed otherwise (N.A.))
- ① TYPICAL DECIDUOUS TREE PLANTING
 - ② 1" x 6" x 8" x 12' x 11' TREE PLANTING
 - ③ 1" x 6" x 8" x 12' x 11' TREE PLANTING
 - ④ 1" x 6" x 8" x 12' x 11' TREE PLANTING
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 - ㊿ 1" x 6" x 8" x 12' x 11' TREE PLANTING

HATCH LEGEND

TURF GRASS	39,189 sq ft
4" x 8" CORNICE	2,787 sq ft
NATIVE SOIL MIX	22,034 sq ft

LANDSCAPE SETBACKS

Street Name or Property Line	Width (in Ft.)	Linear Footage	Trees/Feet Required	No. of Trees Required
Delmonico Drive	10'	1,200'	1 tree/10'	120
Wild Rye Drive	10'	1,200'	1 tree/10'	120
Wild Grass Way	10'	1,200'	1 tree/10'	120
North Rockingham	10'	1,200'	1 tree/10'	120
North Pointe Centre	10'	1,200'	1 tree/10'	120

LANDSCAPE BUFFER & SCREENS

Street Name or Property Line	Width (in Ft.)	Linear Footage	Buffer Trees (1/20') Required/Provided	Percent Ground Plane	Vegetation/Screening
Delmonico Drive	10'	1,200'	100% / 100%	100%	100%
Wild Rye Drive	10'	1,200'	100% / 100%	100%	100%
Wild Grass Way	10'	1,200'	100% / 100%	100%	100%
North Rockingham	10'	1,200'	100% / 100%	100%	100%
North Pointe Centre	10'	1,200'	100% / 100%	100%	100%

FINAL LANDSCAPE PLAN

DATE	BY	DESCRIPTION
12.15.14	JAM	CITY COMMENTS
1.1.14	JAM	CITY COMMENTS

LANDSCAPE PLAN

2 OF 11

CPC PUD 15-00092
CPC PUD 15-00093

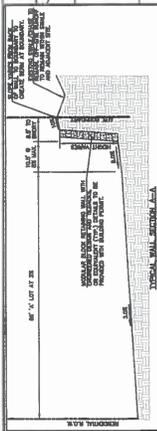
SCALE: 1" = 40'

NORTH

FIGURE 1

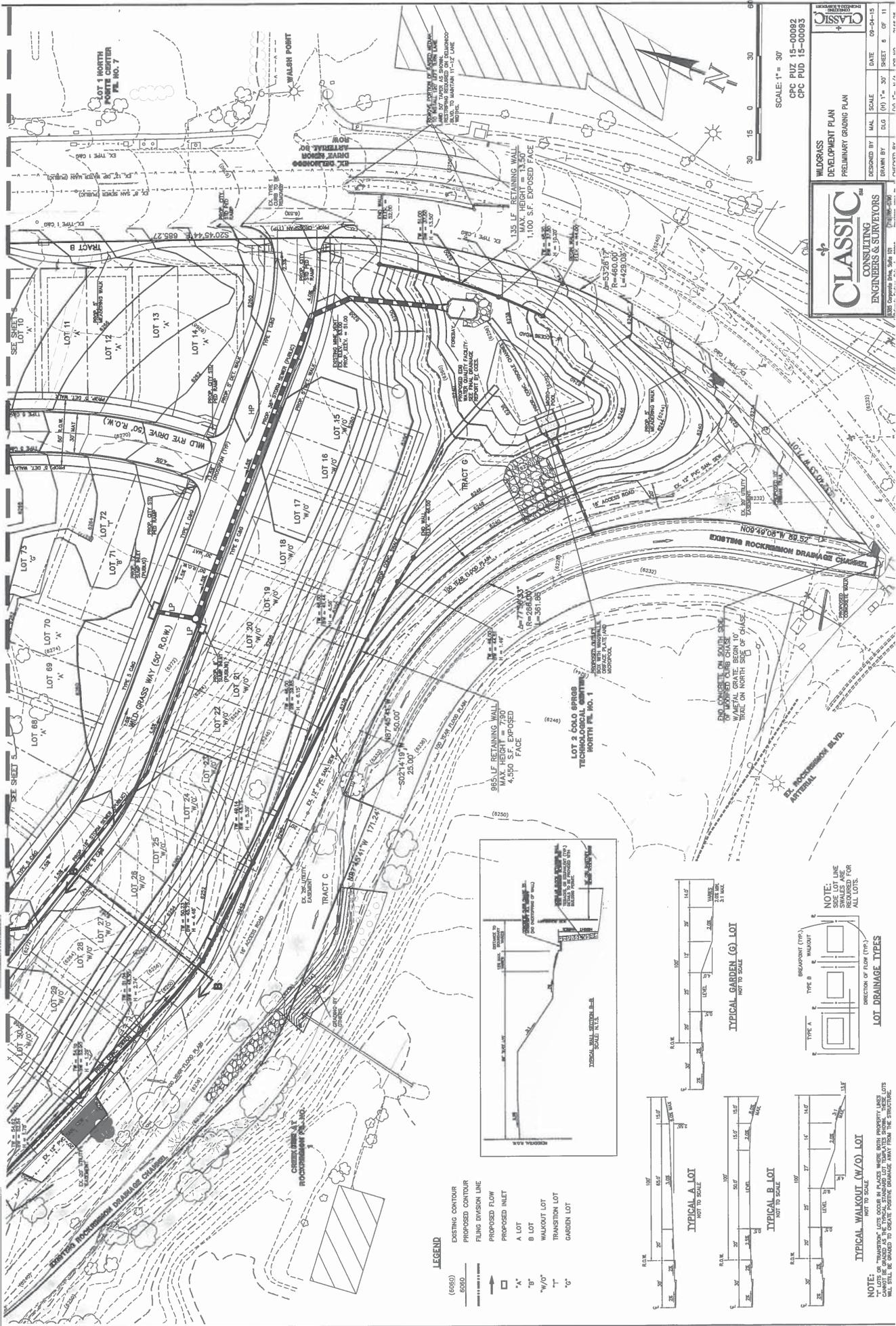


CLASSIC CONSULTING ENGINEERS & SURVEYORS
 WILDRASS
 DEVELOPMENT PLAN
 PRELIMINARY GRADING PLAN
 CPC PUD 15-00082
 CPC PUD 15-00083
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 DATE: 08-04-15
 SCALE: [Scale]
 SHEET: 9 OF 11



- LEGEND**
- (600) EXISTING CONTOUR
 - 5/80 PROPOSED CONTOUR
 - FLUNG DIVISION LINE
 - PROPOSED FLOW
 - PROPOSED INLET
 - A LOT
 - B LOT
 - WALKOUT LOT
 - TRANSITION LOT
 - GARDEN LOT

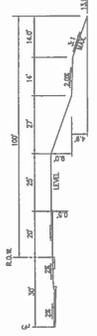
FIGURE 1



CLASSIC CONSULTING ENGINEERS & SURVEYORS
 WILDRASS DEVELOPMENT PLAN
 PRELIMINARY GRADING PLAN
 SCALE: 1" = 30'
 CPC P12 19-00082
 CPC P12 19-00083
 DESIGNED BY: MAL SCALE: 09-04-15
 DRAWN BY: DLG (H) 1" = 30' SHEET 6 OF 11
 DATE: 09-04-15
 PROJECT: WILDRASS DEVELOPMENT PLAN, SHEET 06

LEGEND

- (6050) EXISTING CONTOUR
- (5050) PROPOSED CONTOUR
- FLING DIVISION LINE
- PROPOSED FLOW
- PROPOSED INLET
- A LOT
- B LOT
- WALKOUT LOT
- TRANSITION LOT
- GARDEN LOT



NOTE: TRANSITION LOTS ARE THOSE LOTS WHERE ONE PROPERTY LINE CANNOT BE GRABBED AS THE TYPICAL STRIPING LOT WITH A DRIVE DRIVE. THESE LOTS WILL STILL BE GRABBED TO CREATE POSITIVE DRAINAGE AWAY FROM THE STRUCTURE.



NOTE: LAKE SWALES ARE REQUIRED FOR ALL LOTS.

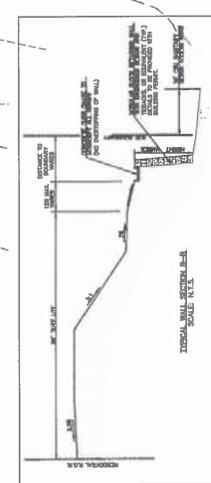
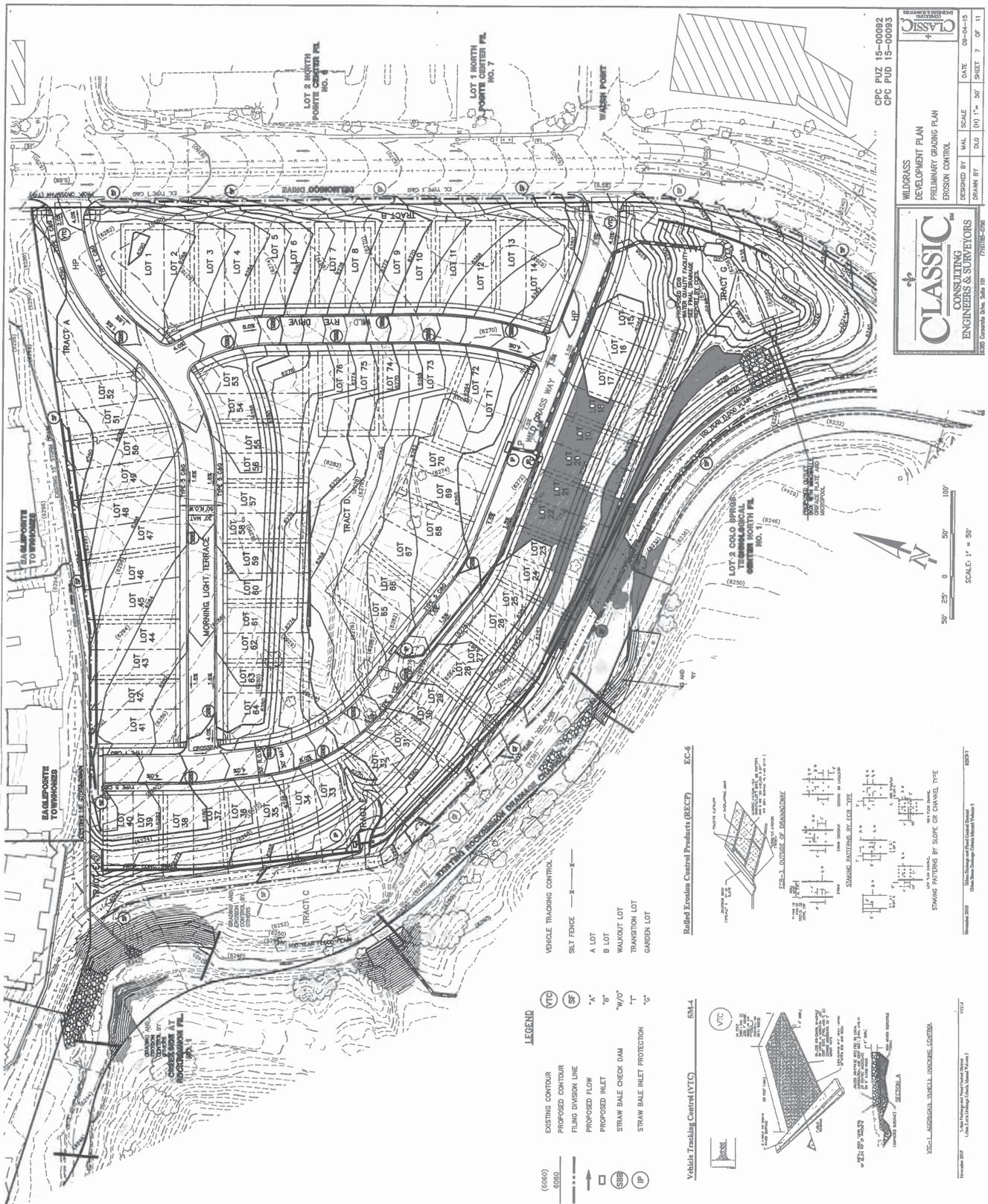


FIGURE 1



WILDCRASS
 DEVELOPMENT PLAN
 PRELIMINARY GRADING PLAN
 EROSION CONTROL

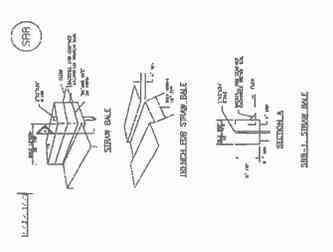
DESIGNED BY: MAL SCALE
 DRAWN BY: DUG (10) 1" = 50' SHEET 7 OF 11

CLASSIC
 CONSULTING
 ENGINEERS & SURVEYORS
 1707000-0200
 1025 Conover Blvd, Suite 102

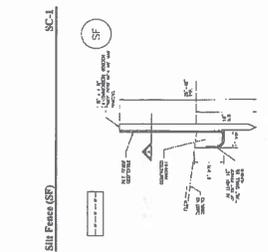
CPC P12 15-00082
 CPC P12 15-00083

DATE: 09-04-15

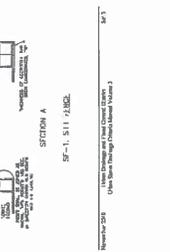
SC-3 Straw Bale Barrier (SBB)



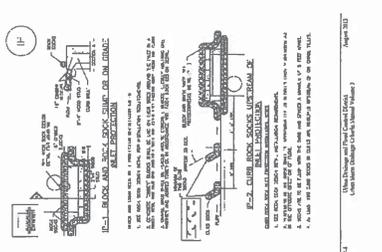
SC-4



SC-5



SC-6 Inlet Protection (IP)

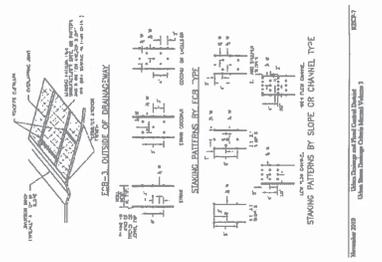


LEGEND

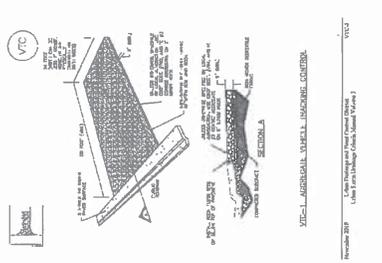
(6000) EXISTING CONTOUR
 (6050) PROPOSED CONTOUR
 FILING DIVISION LINE
 PROPOSED FLOW
 PROPOSED FLOW
 PROPOSED FLOW
 STRAW BALE CHECK DAM
 STRAW BALE INLET PROTECTION

(VTC) Vehicle Tracking Control (VTC)
 (SF) Silt Fence
 "A" A LOT
 "B" B LOT
 "W/O" WALKOUT LOT
 "T" TRANSITION LOT
 "G" GARDEN LOT

SC-6 Rolled Erosion Control Products (RECP) EC-6



SC-7 Vehicle Tracking Control (VTC) SN-4



SC-8

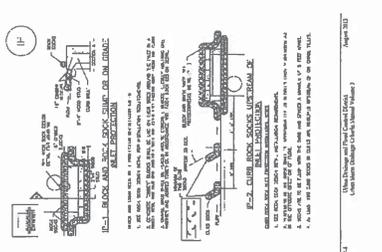


FIGURE 1



CLASSIC
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ENGINEERS & SURVEYORS

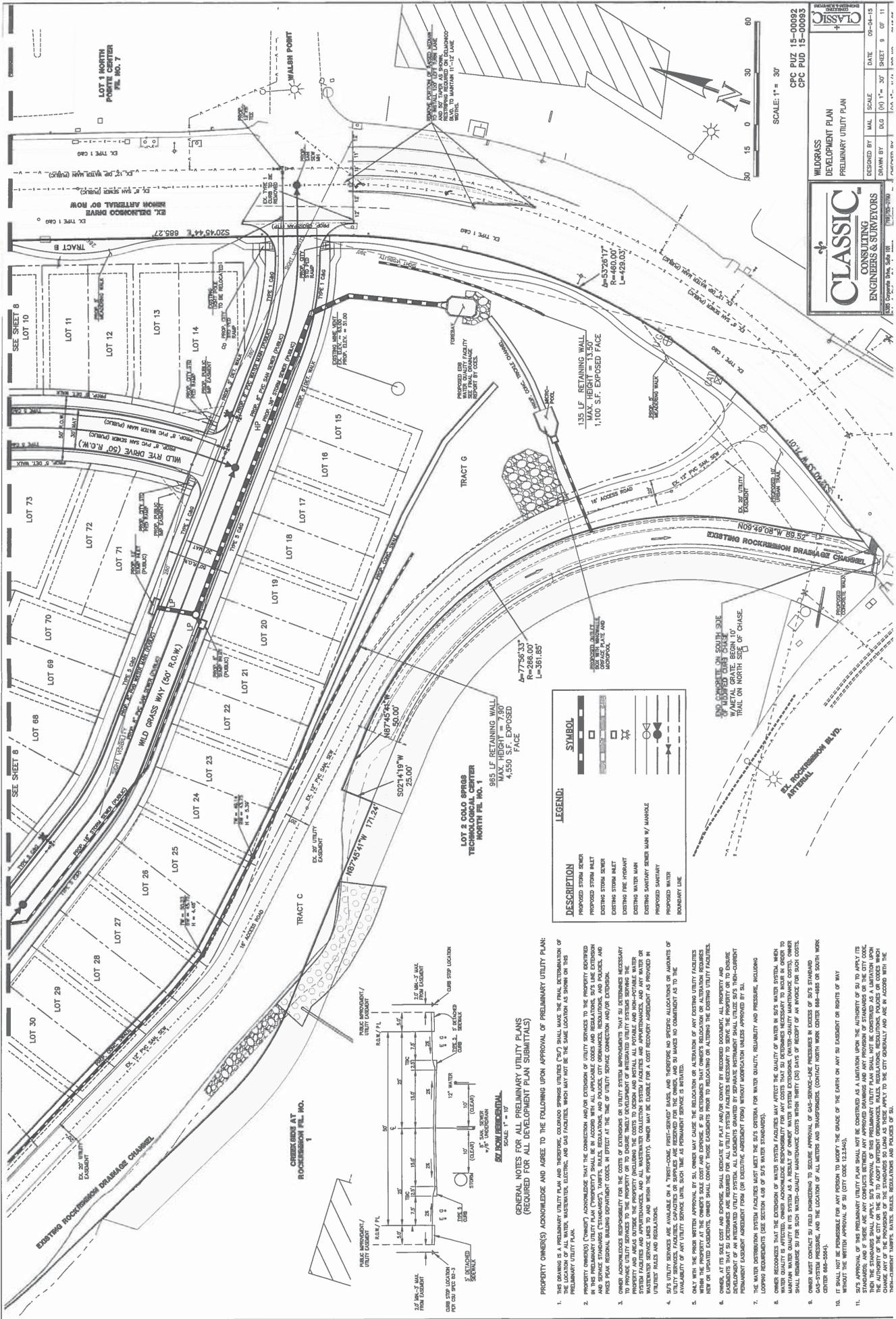
WILDCRASS
DEVELOPMENT PLAN
PRELIMINARY UTILITY PLAN
CPC PUD 15-00033
DESIGNED BY
DRAWN BY
DATE 09-04-13
SHEET 8 OF 11
M.A.L. SCALE
D.G. (H) 1" = 30'

LEGEND:

DESCRIPTION	SYMBOL
EXISTING STORM SEWER	—
PROPOSED STORM SEWER	---
EXISTING STORM INLET	□
PROPOSED STORM INLET	□
EXISTING STORM MANHOLE	○
PROPOSED STORM MANHOLE	○
EXISTING WATER MAIN	—
PROPOSED WATER MAIN	---
EXISTING SANITARY SEWER MAIN	—
PROPOSED SANITARY SEWER MAIN	---
BOUNDARY LINE	---

SCALE: 1" = 30'

FIGURE 1



SCALE: 1" = 30'

CPC PUD 15-00082
CPC PUD 15-00083

CLASSIC
CONSULTING
ENGINEERS & SURVEYORS

HIDIGROSS
DEVELOPMENT PLAN
PRELIMINARY UTILITY PLAN

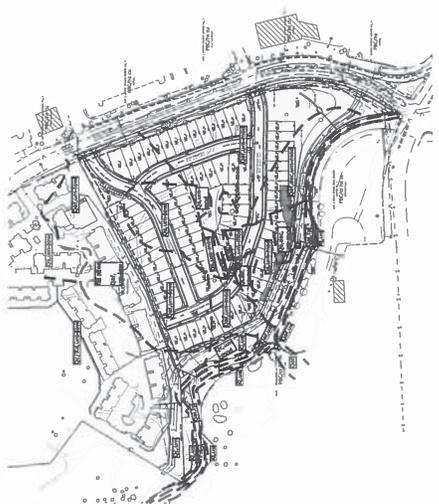
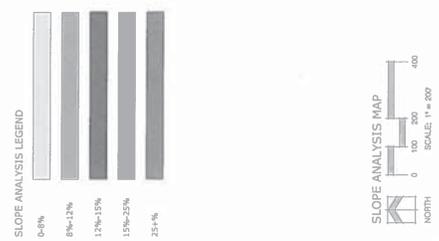
DESIGNED BY	SCALE	DATE
DRAWN BY	(10) 1" = 30'	09-24-15
CHECKED BY	DATE	09-24-15
PROJECT NO.	SHEET	9 OF 11

LEGEND:

DESCRIPTION	SYMBOL
PROPOSED STORM SEWER	—○—
PROPOSED STORM INLET	□
EXISTING STORM SEWER	—○—
EXISTING STORM INLET	□
EXISTING WATER MAIN	—●—
EXISTING SANITARY SEWER MAIN w/ MANHOLE	—○—
PROPOSED WATER	—○—
PROPOSED SANITARY	—○—
BOUNDARY LINE	—

- GENERAL NOTES FOR ALL PRELIMINARY UTILITY PLANS (REQUIRED FOR ALL DEVELOPMENT PLAN SUBMITTALS)**
- SCALE: 1" = 10'
- GENERAL NOTES FOR ALL PRELIMINARY UTILITY PLANS:**
- THE DRAWING IS A PRELIMINARY UTILITY PLAN AND THEREFORE COORDINATION BETWEEN UTILITIES (C&G) SHALL MAKE THE FINAL DETERMINATION OF THE LOCATION OF ALL WATER, WASTEWATER, ELECTRIC, AND GAS FACILITIES, WHICH MAY NOT BE THE SAME LOCATION AS SHOWN ON THIS PRELIMINARY UTILITY PLAN.
 - PROPERTY OWNERS (OWNER) ACKNOWLEDGE THAT THE CONNECTION AND/OR EXTENSION OF UTILITY SERVICES TO THE PROPERTY IDENTIFIED WITHIN THIS PRELIMINARY UTILITY PLAN IS SUBJECT TO THE CITY OF SUITLAND'S STANDARDS, REGULATIONS, AND POLICES, AND THE CITY OF SUITLAND'S PEAK FEDERAL, BUILDING DEPARTMENT CODES, TARIFFS, RULES, REGULATIONS, AND POLICES, CITY ORDINANCES, REGULATIONS, AND POLICES, AND THE CITY OF SUITLAND'S STANDARDS, REGULATIONS, AND POLICES.
 - OWNER ACKNOWLEDGE RESPONSIBILITY FOR THE COSTS OF EXTENSION OF UTILITY SYSTEM IMPROVEMENTS THAT SU EXISTENCES NECESSARY TO PROVIDE UTILITY SERVICES TO THE PROPERTY OR TO EXISTING UTILITY SYSTEMS SERVING THE PROPERTY. THIS INCLUDES THE COSTS OF DESIGN, PERMITS, AND CONSTRUCTION OF UTILITY SYSTEMS SERVING THE PROPERTY, AND ANY WATER OR WASTEWATER SERVICE LINES TO AND WITHIN THE PROPERTY. OWNER MAY BE ELIGIBLE FOR A COST RECOVERY AGREEMENT AS PROVIDED IN SUITLAND'S RULES AND REGULATIONS.
 - UTILITY SERVICES, FACILITIES, CAPACITIES OR SUPPLIES ARE PROVIDED FOR THE OWNER AND SU MAKES NO GUARANTEE AS TO THE AVAILABILITY OF ANY UTILITY SERVICE UNTIL SUCH TIME AS PERMANENT SERVICE IS INSTALLED.
 - ONLY WITH THE WRITTEN APPROVAL OF SU, OWNER MAY CAUSE THE RELOCATION OR ALTERATION OF ANY EXISTING UTILITY FACILITIES WITHIN THE PROPERTY IDENTIFIED WITHIN THIS PRELIMINARY UTILITY PLAN. OWNER SHALL BE RESPONSIBLE FOR THE COSTS OF SUCH RELOCATION OR ALTERATION.
 - OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
 - THE WATER DISTRIBUTION SYSTEM FACILITIES MUST MEET THE SU'S CRITERIA FOR WATER QUALITY, RELIABILITY AND PRESSURE, INCLUDING LOSS OF PRESSURE (LOP) CRITERIA AND SU'S WATER STANDARDS.
 - OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
 - OWNER MUST CONTACT SU REVISOR TO SECURE APPROVAL OF GAS-SERVICE-LIKE PRESSURES IN EXCESS OF SU'S STANDARD (100-2500).
 - OWNER SHALL BE RESPONSIBLE FOR ANY PERSON TO VERIFY THE GRADE OF THE EXISTING OR EXISTING OR RIGHTS OF WAY.
 - SU'S APPROVAL OF THIS PRELIMINARY UTILITY PLAN SHALL NOT BE CONSIDERED AS A GUARANTEE BY SU TO APPLY ITS STANDARDS, AND IF THERE ARE ANY CONFLICTS BETWEEN ANY APPROVED DRAWINGS AND ANY PROVISION OF STANDARDS OR THE CITY CODE, THE CITY OF SUITLAND SHALL APPLY THE CITY OF SUITLAND'S STANDARDS, REGULATIONS, POLICES OR CODES WHICH CHANGE ANY OF THE PROVISIONS OF THE STANDARDS SO LONG AS THESE APPLY TO THE CITY OF SUITLAND AND ARE IN ACCORD WITH THE STANDARDS, REGULATIONS, POLICES OR CODES OF SU.

FIGURE 1



WILDGRASS
PUD DEVELOPMENT
PLAN

DATE: 04/20/11
 PROJECT NO: A-1410
 PREPARED BY: A. BULLOY
 E. WENTWORTH

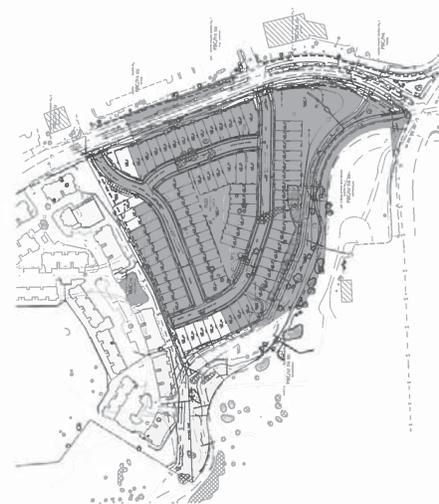
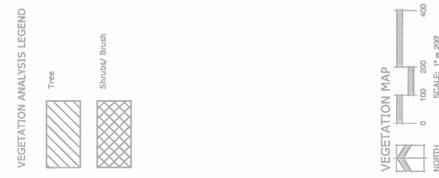


FIGURE 1

WILDGRASS AT ROCKRIMMON

PROJECT STATEMENT AND LAND SUITABILITY ANALYSIS

SEPTEMBER 2015

REQUEST

Century Communities requests approval of PUD zoning with removal of Hillside Overlay and a PUD Development Plan for 76 single-family attached (duplex) residential lots.

LOCATION

Wildgrass at Rockrimmon is located to the northwest of the intersection of South Rockrimmon Boulevard and Delmonico Drive. The property is 14.44 acres. To the north is the Eaglepointe multi-family residential development and further to the northwest is Rockrimmon open space. To the south is North Rockrimmon Creek, beyond which is the proposed Creekside at Rockrimmon student housing project currently under construction. On the opposite side of Delmonico Drive there are office uses and the new North Pointe multi-family residential development. The intersection of I25 and Rockrimmon is approximately 0.3 miles to the southeast.



PROJECT STATEMENT

ZONE CHANGE

In April 1980, this property was rezoned from A-1 (agriculture) to PUD/HS/SS (Planned Unit Development with Hillside and Streamside Overlay). The PUD zoning referred specifically to a "condominium apartment type development" with a maximum density of 20 dwelling units per net acre and a maximum height of 35 feet. The 22-acre zone district incorporated the subject site and property to the north; the latter having since been developed for multi-family residential (Ordinance attached).

This proposal is to rezone the Wildgrass at Rockrimmon property to a Planned Unit Development of single-family attached (duplex) dwelling units, with a maximum density of 12 dwellings per net acre and a maximum height of 35 feet.

The request also seeks to remove the Hillside Overlay zoning from the property.

Zone Change Review Criteria:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare. The proposed rezoning will significantly reduce the intensity of development on the property from that approved under the 1980 Ordinance. The site is located in a transitional area and the proposed duplex development will be compatible with the existing multi-family to the north and east, the office uses to the east, and the proposed student town homes to the south. As demonstrated in the Land Suitability Analysis below, the removal of the Hillside Overlay Zone 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. The site lies within the "General Residential" designation on the 2020 Land Use Map, which forms part of the Comprehensive Plan. The proposed duplex development is consistent with this designation and Objective LU6 of the Comprehensive Plan, which encourages the provision of housing choice and a mixture of housing densities to meet the needs of all segments of the community. The project also represents infill development, which is specifically encouraged in 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. The 1978 "Revised Master Plan of Rockrimmon" identifies this property as part of a larger 25 acre parcel designated for Multi-Family Residential. The Master Plan is considered implemented and does not have to be amended to reflect the less intense single-family attached development now proposed.

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. N/A.

PUD DEVELOPMENT PLAN

The proposed development will include 76 lots for attached single-family units. Two access points are proposed off Delmonico Drive, which will serve the development via an internal looped public road system. The proposed access points meet the City's standards for intersection separation and sight visibility. The names of the public streets have been approved and reserved for this project (see attached email).

A 24,392 square feet (0.56 acre) open space area will be centrally located within the site to serve Wildgrass residents. This will also provide the location for the centralized mail box facility, the size and location of which is based on USPS requirements (see attached email). An additional open space between lots 32 and 33 will provide access from the development to the future trail alongside the creek. A total of 5.1 acres of open space is provided throughout the development.

There is an existing 20 foot wide sanitary sewer easement and associated maintenance track within the site boundary, generally paralleling the southern boundary of the property. This is identified as the proposed route of a future urban trail in the Parks Master Plan and the tract in which the easement is located is proposed to be deeded to the City for utility, drainage and trail purposes.

The duplex units will all be a mixture of single story ranch style homes and two-story dwellings. All the units will have a two car garage and driveway parking for two cars. All driveways will meet the minimum requirements of 18 feet in length. In addition, 18 off-street parking spaces are provided for guests, which are also situated to ensure safe and convenient access to the mailboxes.

The site slopes from north to south toward the existing creek, falling in grade by approximately 65 feet. In order to facilitate development, the site grading will be stepped down toward the creek. The grading and associated retaining walls allow the proposed lots to sit substantially below the finished grade of the adjacent multi-family building to the north. The proposed grading will also provide walkout arrangements for lots 15 to 40 and 53 to 60 and garden lots for lots 73 to 76. The retaining wall adjacent to Delmonico Drive in the south-east corner of the site is required to accommodate the proposed detention pond at the lowest point of the site.

PUD Development Plan Review Criteria:

A. Consistency with City Plans: Is the proposed development consistent with the Comprehensive Plan or any City approved master plan that applies to the site? The proposed development is consistent with the 2020 Land Use Plan, which identifies the property as "General Residential".

B. Consistency with Zoning Code: Is the proposed development consistent with the intent and purposes of this Zoning Code? The proposed development is consistent with the intent and purposes of this Zoning Code, as it is compatible with adjacent uses, will not create any nuisances, and will not result in excessive traffic.

C. Compatibility of the Site Design With The Surrounding Area:

1. Does the circulation plan minimize traffic impact on the adjacent neighborhood? Traffic from the development will enter and exit via Delmonico Drive and will not impact any nearby residential neighborhood. Delmonico Drive is a minor arterial designed to accommodate residential and commercial traffic from the surrounding area.

2. Do the design elements reduce the impact of the project's density/intensity? The project is less intense in terms of density than the currently approved zoning of the property. Some of the units will be single-story ranch homes which will limit the impact on adjacent properties.

3. Is placement of buildings compatible with the surrounding area? The proposed duplex units adjacent to the northern boundary will sit below the finished grade of the multi-family complex to the north. The site slopes from north to south toward the existing creek, and the buildings will step down across the site.

4. Are landscaping and fences/walls provided to buffer adjoining properties from undesirable negative influences that may be created by the proposed development? The proposed development will not create any undesirable negative influences. However, a buffer is proposed to the adjacent multi-family to the north.

5. Are residential units buffered from arterial traffic by the provision of adequate setbacks, grade separation, walls, landscaping and building orientation? Adequate setbacks and landscaping are provided along Delmonico Drive to buffer arterial traffic.

D. Traffic Circulation:

1. Is the circulation system designed to be safe and functional and encourage both on and off site connectivity? A looped public street will serve the residential development providing two safe and functional access and egress points on Delmonico Drive.

2. Will the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? All units will have direct driveway access to the proposed public streets.

3. Will adequately sized parking areas be located to provide safe and convenient access, avoid excessive parking ratios and avoid expanses of pavement? Each dwelling unit will have a two car garage and two driveway parking spaces. In addition 18 guest parking spaces are proposed.

4. Are access and movement of handicapped persons and parking of vehicles for the handicapped appropriately accommodated in the project design? Ramps are provided at street intersections.

5. As appropriate, are provisions for transit incorporated? Not applicable.

E. Overburdening of Public Facilities: Will the proposed development overburden the capacities of existing and planned streets, utilities, parks, and other public facilities? The PUD zoning of this property was approved in 1980 and its development has been factored in to the capacities of public facilities in the area. The current project is less intense than the approved zoning for the property.

F. Privacy: Is privacy provided, where appropriate, for residential units by means of staggered setbacks, courtyards, private patios, grade separation, landscaping, building orientation or other means? The subdivision design provides adequate privacy with private yards, integrated decks, building orientation, grade separation, and the location of open space and landscaping.

G. Pedestrian Circulation:

1. Are pedestrian facilities provided, particularly those giving access to open space and recreation facilities? A sidewalk is provided along all streets in the subdivision. The sidewalk along Delmonico Drive will be extended to the intersection of South Rockrimmon Boulevard. An internal trail is also proposed through the internal open space and will connect to the future City urban trail between lots 32 and 33.

2. Will pedestrian walkways be functionally separated from vehicularways and located in areas that are not used by motor vehicles? All proposed sidewalks in the subdivision are detached and the internal trial is through open space.

H. Landscaping:

1. Does the landscape design comply with the City's landscape code and the City's landscape policy manual? Yes.

2. The use of native vegetation or drought resistant species including grasses is encouraged. The City's landscape policy manual or the Community Development Department's landscape architect can be consulted for assistance. Native and drought resistant vegetation has been incorporated in the landscape design.

I. Open Space:

1. Residential Area:

a. Open Space: The provision of adequate open space shall be required to provide light, air and privacy; to buffer adjacent properties; and to provide active and passive recreation opportunities. All residential units shall include well designed private outdoor living space featuring adequate light, air and privacy where appropriate. Common open space may be used to reduce the park dedication requirements if the open space provides enough area and recreational facilities to reduce the residents' need for neighborhood parks. Recreational facilities shall reflect the needs of the type of residents and proximity to public facilities. All dwelling units will have adequate and private outdoor living space. Common open space is also provided in the center of the development.

b. Natural Features: Significant and unique natural features, such as trees, drainage channels, slopes, and rock outcroppings, should be preserved and incorporated into the design of the open space. The Parks and Recreation Advisory Board shall have the discretion to grant park land credit for open space within a PUD development that preserves significant natural features and meets all other criteria for granting park land credit. There are no significant or unique natural features on the developed part of the site. The development will not impact the character of the adjacent drainage channel, as it will not extend any closer to it then the exiting utility line and maintenance track.

2. Nonresidential And Mixed Use; Natural Features: The significant natural features of the site, such as trees, drainage channels, slopes, rock outcroppings, etc., should be preserved and are to be incorporated into the design of the open space. Not applicable.

STREAMSIDE OVERLAY

The property includes the north bank of the North Rockrimmon Creek, which is a Type 2 stream.

Streamside Review Criteria:

1. Has the natural landform been maintained within the overlay area and does grading conform to the specific grading limitations of this section as well as all other City grading and filling regulations? The natural landform on the site has already been disturbed by former mining activities that denuded the property and the resulting artificial fill has produced unstable soil conditions that have not revegetated. The construction of the sanitary sewer utility line running along the northern side of the creek has also impacted the natural land form and limited the revegetation of the property. The site will be graded up

to the utility line, which is within the outer streamside buffer. There will be no grading south of the utility line.

2. Does the development incorporate the stream ecosystem into the project design and complement the natural streamside setting? Has the project been designed to link and integrate adjacent properties with the stream corridor using accessways, creek front plazas, employee recreational areas or other site planning and landscaping techniques which include the stream corridor as an amenity?

The residential properties will back onto the creek, allowing residents to enjoy the streamside setting. The existing utility easement and associated maintenance track will be reserved for a future streamside trail.

3. Has the project been designed to minimize impact upon wildlife habitat and the riparian ecosystem which exists on or adjacent to the site? Does the project design protect established habitat or any known populations of any threatened or endangered species or species of special concern? The proposed development will not impact existing streamside habitats or vegetation as development will not extend beyond the already disturbed areas.

4. Have existing or potential community trail networks and other recreational opportunities been identified and incorporated into the project design? The existing utility easement and associated maintenance track will be reserved for the future urban trail proposed in the Parks Master Plan, which will link to Rockrimmon Open Space to the north.

5. Has the project been designed to protect the subject property from potential flood damage and to accommodate flood storage and conveyance needs? The proposed channel improvements approved with the Creekside at Rockrimmon Concept Plan to the south of the creek will address potential flooding issues.

6. Have all significant natural features within the project streamside area been identified, and has the project been designed to minimize the impact on these features? There are no significant natural features within the streamside area.

7. Does the project identify and implement the recommendations of any approved subarea plans (such as the City greenway master plan, City open space plan or a specific drainage basin planning study) and of any approved public works projects and habitat conservation plans? The existing utility easement and associated maintenance track will be reserved for the future urban trail proposed in the Parks Master Plan.

8. Does the project design:

a. Implement a riparian buffer of specified width between the developed portions of the site and the adjacent waterway to assist in preventing point and nonpoint source pollutants and sediment from entering the waterway? The developed portion of the site does not extend beyond the existing utility line/maintenance track.

b. Exclude impervious surfaces from the inner buffer zone and meet imperviousness restrictions across the entire overlay? There are no impervious surfaces within the inner buffer and the impervious surface in the outer buffer is less than 10%, in accordance with the Streamside Overlay restrictions.

c. Incorporate all stormwater BMPs required by City Engineering throughout the developed site and adjacent to the buffer to encourage on site filtration of stormwater and protect water quality? On site detention and water quality is proposed.

d. Incorporate visual buffer opportunities of the stream between identified existing and/or proposed projects on opposing sides of the stream? Existing vegetation provides a buffer between proposed projects on opposing sides of the stream and the additional planting proposed will enhance this.

9. Are inner and outer buffer zone landscaping standards met? Have disturbed areas been revegetated to minimize erosion and stabilize landscape areas and does the project landscaping design specify plants selected from the riparian plant communities as set forth in appendix A of the landscape policy manual? Does the proposal meet all other requirements of the City's landscape code? The project meets the landscape code planting requirements. Due to the constraints imposed by the existing utility line and the steep slope down to the creek, there is insufficient space to meet the streamside buffer tree requirement. Supplemental planting is proposed to help stabilize the slope and minimize erosion around the detention pond, and within the open space tract between lots 32 and 33 that provides access to the streamside trail.

10. Have stream bank and slope areas been identified (particularly those over 15 percent slope)? Has the disturbance to these areas and any protective or stabilizing vegetative cover been minimized? Does the plan provide for the suitable revegetation and stabilization of any disturbed areas? The streamside overlay plan identifies the stream bank and slope areas. The slopes within the inner streamside buffer will not be disturbed by the development. Appropriate revegetation is proposed to stabilize the disturbed slopes in the outer buffer.

11. Have opportunities to reclaim the drainageway been identified and implemented where practical? For this criterion, reclamation constitutes any action that improves the quality of that drainageway visually, functionally or recreationally, and brings that drainageway into a more natural condition. The proposed channel improvements approved with the Creekside at Rockrimmon project to the south of the creek will address drainageway reclamation.

LAND SUITABILITY ANALYSIS

The property lies within the Streamside and Hillside Overlay Zone Districts. It is the purpose of the Streamside Overlay Zone District to guide the development and maintenance of the property adjacent to these stream corridors in a manner that is compatible with the environmental conditions, constraints and character of these areas. The purpose of the Hillside Overlay is to ensure that development is compatible with, and complementary to, the natural environment and minimizes physical damage to public and private property.

This Land Suitability Analysis (LSA) provides information about the site's physical characteristics and features, and assesses the compatibility of the proposed development with the streamside and hillside overlay objectives. In addition, the LSA seeks to demonstrate that the site lacks the necessary characteristics that merit its inclusion within the Hillside Overlay, and thus justify the request to remove the Hillside Overlay from the site.

SLOPE ANALYSIS

The majority of the site is gently to moderately sloping, with no past or potentially unstable slopes. Steeper slopes occur to the south of the site, along the stream corridor. The Geologic Hazard Study prepared for this property by Entech Engineering Inc. in June 2006 identifies the potential for downslope creep and unstable slopes in this area, caused primarily by artificial fill associated with past mining activity on the site.

Although the slope poses some constraints on development in the southern portion of the site, the steeper slopes will be stabilized as part of the redevelopment of the site through removal, regrading or retaining walls. Erosion of the slopes will be controlled through revegetation. In addition, the proposed buildings in the southern portion of the site will be setback approximately 30 feet from the crest of the slope, as recommended in the Geological Hazard Study.

There is a small knoll and cut in the center of the site which will be removed when the site is graded.

GEOLOGY & SOILS ANALYSIS

The property forms part of the old Pineview Mine, which ceased operation in 1957. There is some undermining on the site, but the subsidence hazard is low in the northern portion of the site and moderate in the southern portion of the site. An abandoned and filled fan shaft in the southeast corner of the property poses the greatest risk of subsidence and the Geologic Hazard Study recommends no building within 25 feet of the shaft, which is reflected on the PUD Development Plan.

The native soils on the site are sandy, clayey soils, which are not collapsible soils. There are some areas of expansive soils, resulting from the artificial fill on the site. These can be mitigated by over-excavation and recompaction, together with the use of drilled pier foundations where fill is deeper in the southern portion of the site.

VEGETATION ANALYSIS

There is little vegetation on the site as the area has been disturbed by past mining activities and the construction of a sanitary sewer utility main running roughly parallel to the southern property line. The vegetation is primarily low field grasses and weeds with some Gambel Oak and Ponderosa Pine in the

southern section of the site, concentrated along the creek bed. Some of the existing trees in the center of the site will be removed through over lot grading, but those within the streamside buffer will be retained in compliance with streamside standards.

CULTURAL ANALYSIS

The Cultural Analysis studies man-made impact upon the land. For the project site this includes previous mining activities, utility line construction and maintenance, and informal recreational use. The former mining activities have largely denuded the property and the artificial fill has produced unstable soil conditions that have not revegetated. The location of the utility line is defined by a maintenance road/track, which has also limited the revegetation of the property.

Since the closure of the Pineview Mine in 1957, the site has been used as informal open space. The aerial photograph on Page 1 shows the creation of social trails across the site connecting to the Rockrimmon Open Space to the northwest.

In addition, much of the surrounding area has been developed or is proposed for development, and many hillside characteristics have already been lost.

COMPOSITE ANALYSIS

The Composite Analysis represents the positive physical and environmental aspects of the site, as well as any physical or environmental constraints to development. Using an overlay of the Slope, Geology & Soils, and Vegetation Analysis, the Composite Analysis identifies the areas suitable for development and those areas that warrant protection. Based on the Composite Analysis, the majority of the site is suitable for development with little or no mitigation. While there are some slope and soil challenges in the southern portion of the site, with appropriate regrading, slope and soil stability measures, and foundation design solutions, this part of the site is also suitable for development without creating an adverse impact on the natural environment or risking damage to public and private property.

Buildings will be set back at least 30 feet from the crest of the slope that drops off toward the creek and no building will be constructed in the southeast corner of the property within 25 feet of the abandoned fan shaft. The existing trees in the stream corridor will be retained and additional planting provided to address the streamside buffer standards.

CONCLUSION

Based on the findings of this LSA, it is considered that the proposed development is compatible with the intent and purpose of the Streamside and Hillside Overlay Districts. The removal of the Hillside Overlay is appropriate as the site has already been denuded and subject to artificial fill as a result of past mining operations, and has none of the characteristic that contribute to hillside character.

AN ORDINANCE AMENDING THE ZONING
MAP OF THE CITY OF COLORADO SPRINGS,
RELATING TO 26.554 ACRES, SITUATED
NORTH OF ROCKRIMMON BOULEVARD AND
WEST OF DELMONICO BOULEVARD

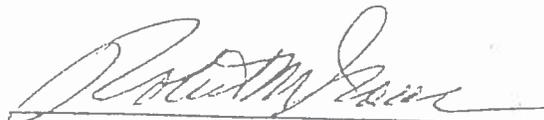
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO
SPRINGS:

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning the real property described in Exhibit A, attached hereto and made a part hereof by reference, from A-1 to PUD, pursuant to the Zoning Ordinance of the City of Colorado Springs, subject to the following conditions and restrictions:

1. Maximum density twenty dwelling units per net acre for condominium apartment type development with a maximum height of 35 feet.
2. Acreage to be calculated in accordance with the Master Plan (approximately 22 net acres).
3. Subject to access to the property to the west being resolved by private negotiations between the owners.

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

Introduced, read, passed on first reading and ordered published
this 22nd day of April, 1980.



Mayor

ATTEST:



City Clerk

ITEM NO. 5-B-21

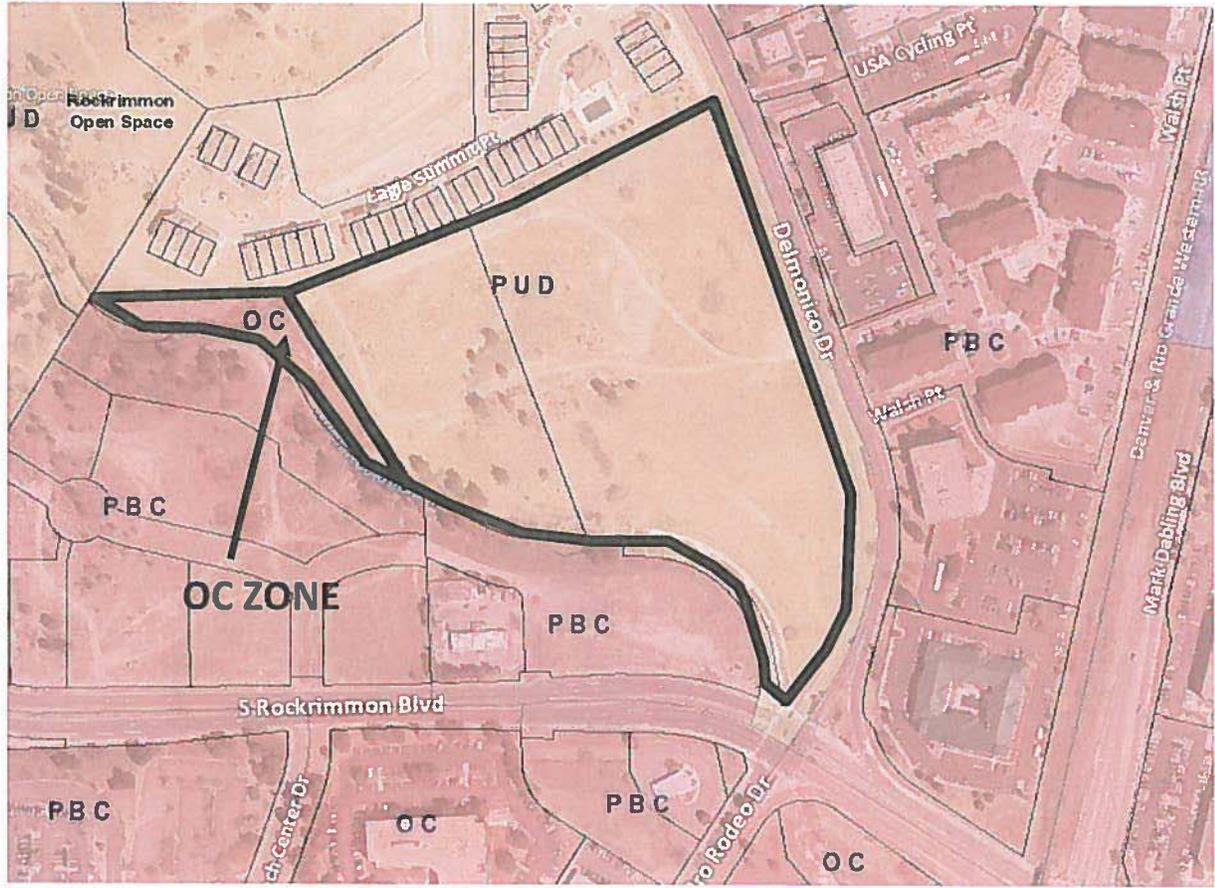


FIGURE 3

7.3.605: PUD PLAN REVIEW CRITERIA:

Substantial compliance with the criteria is necessary for the approval of the PUD plan. The Director may determine that certain criteria are not applicable based on the characteristics of the individual project.

PUD plans shall be reviewed based on the following review criteria:

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

Are the areas with unique or significant natural features preserved and incorporated into the design of the project? (Ord. 03-110; Ord. 03-190, Ord. 12-68)

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
 2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
 3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
 4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
 5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
 6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
 8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
 9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
 10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
 11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
 12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



Memorandum

File #: CPC CA 15-00145, **Version:** 2

Ordinances pertaining to marijuana consumption clubs and other matters pertaining thereto.

Presenter:

Peter Wysocki, Director, Planning and Community Development

Proposed Motion:

Should the Planning Commission wish to recommend a ban on the establishment of new marijuana consumption clubs, staff recommends approval of the ordinance contained in Option 3, amending Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions) and Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana consumption club facilities

Should the Planning Commission wish to recommend regulations for the establishment of new marijuana consumption clubs, staff recommends the ordinance contained in Option 2, amending Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Sections 203 (Permitted Conditional and Accessory Uses) and 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana consumption club facilities.



MEMORANDUM

Date: February 9, 2016
To: City Planning Commission
From: Peter Wysocki, AICP, Planning and Community Development Director
Subject: City Planning Commission Meeting February 18, 2016
Marijuana Consumption Club Facilities Ordinance

Background:

The City of Colorado Springs (“City”) does not currently have specific zoning regulations or licensing requirements for marijuana consumption clubs and facilities. In 2014, during a zoning violation appeal hearing pertaining to Studio A64 – a marijuana consumption club located in downtown Colorado Springs - the City Council directed staff to develop regulations for marijuana consumption clubs. At that time, the City Council granted an appeal of a zoning violation issued to the club alleging a violation of the City’s Zoning Code. Specifically, the zoning violation alleged that a marijuana consumption club facility was not a permitted use in any zone district in the City. In permitting Studio A64’s land use, the City Council interpreted that Studio A64 was operating a “similar use” to a *social club*, which falls under the parent definition of a “(*membership*) club” as established in § 7.2.302 (D)(3) of the City Code. Based on that interpretation, the Manager made an official similar use determination pursuant to § 7.2.108 of the City Code that marijuana consumption club facilities are either permitted or conditionally permitted in zoning districts where (*membership*) clubs are permitted or conditionally permitted, including multi-family residential, commercial and industrial zone districts. Marijuana consumption club facilities operating within the parameters of the Manager’s similar use determination must comply with all other laws and all applicable zoning, subdivision, building and fire code requirements, and must have gone through the standard City review processes to legally operate.

On September 22, 2015, the City Council enacted a 6-month moratorium on the establishment of any new marijuana consumption clubs. The City Council directed staff to present for adoption draft regulations prior to the expiration of the moratorium. Pursuant to City Council direction, the marijuana consumption club regulations were excluded from a separate medical marijuana task force established by City Council through the adoption of a separate moratorium on new medical marijuana facilities. This “medical marijuana task force” is focused on preparing new regulations for medical marijuana facilities and home-grow operations and will not address marijuana consumption club facilities.

Proposed Ordinances:

The proposed marijuana consumption club ordinances were developed collaboratively by the Planning Department, City Clerk’s Office, Colorado Springs Police Department, Colorado Springs Fire Department

and the City Attorney's Office with input from the Mayor's Office and Councilmember Don Knight, who was a co-sponsor of the moratoria ordinances adopted by the City Council.

Option 1:

- Marijuana consumption clubs are permitted as a use by right only in M1 and M2 zoning districts
- A 1,000-foot separation from, schools, daycare centers, and drug or alcohol treatment facilities
- A 1,000-foot separation from residentially used or zoned properties
- 1,000-foot separations are measured by pedestrian access
- Requirement for an air filtration system
- Marijuana consumption facilities currently located in zoning districts other than M1 and M2, and were lawfully operating pursuant to the similar use determination established prior to the moratorium (September 22, 2015) would have "non-conforming development" status pursuant to City Code § 7.5.1201, et seq.
- All lawfully operating clubs must obtain a license pursuant to ordinances being developed in conjunction with the City Clerk's Office

Option 2:

- Marijuana consumption clubs are permitted as a conditional use in M1 and M2 zoning districts
- All other standards same as Option 1
- Requires a City Planning Commission hearing with the potential of an appeal to City Council

Option 3:

- Establishment of any new marijuana consumption clubs within City limits would be prohibited.
- Existing clubs that were lawfully operating pursuant to the similar use determination and prior to the moratorium are provided with a five (5) year amortization period and must cease operations no later than March 21, 2021
- All lawfully operating clubs must obtain a license for the duration of permitted operations

In conjunction with the proposed zoning regulations, City staff is also preparing an ordinance establishing licensing requirements and procedures similar to other business licenses already established in Chapter 2 of the City Code. Under the current proposals, all marijuana consumption club facilities will be subject to licensure by the City. The proposed licensing ordinances define a marijuana consumption club as: [a]n establishment, organization, association, club, teapad, or other similar entity or place where a purpose is to allow the consumption of marijuana, medical marijuana or marijuana product on the premises. The draft licensing ordinances also prohibit the transfer or sale of marijuana, cultivation, manufacturing of marijuana products or storage of marijuana, operation between 2AM and 7AM, and any person under the age of 21 to enter the club. Since these types of licenses are not included in the Zoning or Subdivision Code within Chapter 7, those particular ordinances do not fall under the purview of the City Planning Commission.

Recommendation:

In spring 2014, when the Council considered the Studio A64 appeal, the Council directed staff to prepare regulations for marijuana consumption clubs. Ordinances 1 and 2 reflect the direction given by a

previous City Council. However, it appears that some members of the current Council are open to considering a ban on the establishment of new marijuana consumption clubs. Therefore, staff prepared an ordinance (Option 3) that would prohibit new clubs within City limits. Option 3 is supported by Councilmember Don Knight. The Mayor's Office does not object to Option 3. A ban on marijuana consumption clubs within the City limits would be consistent with El Paso County's ban on similar uses in unincorporated areas of the County.

Should the Planning Commission wish to recommend a ban on the establishment of new marijuana consumption clubs, staff recommends approval of the ordinance contained in Option 3, amending Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions) and Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana consumption club facilities

Should the Planning Commission wish to recommend regulations for the establishment of new marijuana consumption clubs, staff recommends the ordinance contained in Option 2, amending Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) and Sections 203 (Permitted Conditional and Accessory Uses) and 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, pertaining to marijuana consumption club facilities.



INTEROFFICE MEMORANDUM

Date: May 28, 2014
To: LUR and DRE Staff
From: Peter Wysocki, Director
Subject: Marijuana/Cannabis Consumption Clubs

In denying City Administration's appeal of the Planning Commission's approval of Studio A64's appeal of the Notice and Order to cease the operation of the facility, the City Council interpreted that Studio A64 is a similar use to a *social club*, which falls under the parent definition of a (*membership*) club.

CLUB (Membership): A use providing meeting, recreational, or social facilities for a private, nonprofit or noncommercial association, primarily for use by members and guests, excluding uses with the chief activity being a service customarily carried on as a business.

- a. Recreational Clubs: A club providing indoor and/or outdoor athletic facilities, with or without social facilities. Typical uses include health clubs, country clubs, nonprofit recreation or community centers.*
- b. Social Clubs: A club providing social or meeting facilities. Typical uses include private social clubs and fraternal organizations.*

The definition does not stipulate that there must be a fee charged for the membership. Studio A64 happens to charge a nominal fee, although the City Council did not stipulate or otherwise ruled that a fee must be charged for the membership or specify terms of the membership.

Based on City Council's action, marijuana/cannabis consumption facilities are permitted or conditionally permitted in zoning districts where (*membership*) clubs are permitted. All standard review procedures shall continue to apply. Marijuana/cannabis consumption facilities are not to be interpreted as *hookah bars*.

The Council directed staff to craft an ordinance to regulate marijuana/cannabis consumption facilities.

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 302 (DEFINITIONS OF USE TYPES) OF PART 3 (LAND USE TYPES AND CLASSIFICATIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND SECTIONS 203 (PERMITTED, CONDITIONAL AND ACCESSORY USES) AND 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MARIJUANA CONSUMPTION CLUB FACILITIES

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, City Code § 7.2.102 sets forth the purpose and intent of the City's zoning and land use regulations is "to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions"; and

WHEREAS, in the November 2012 general election, the voters of the State of Colorado approved Amendment 64; and

WHEREAS, Amendment 64 added Section 16 of Article XVIII to the Colorado Constitution and created a limited exception from criminal liability under Colorado law for the cultivation, manufacturing, and transportation of marijuana and marijuana products; and

WHEREAS, Amendment 64 authorizes the City to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana retail stores, and retail marijuana establishments; and

WHEREAS, the City has exercised its local option and ordained it "unlawful for any person to operate a retail marijuana establishment within the City of Colorado Springs"; and

WHEREAS, on September 22, 2015 the City Council ordained a six (6) month moratorium on the establishment of any new marijuana consumption clubs within the City limits; and

WHEREAS, the situation regarding marijuana uses statewide and within the City have fundamentally changed since 2011 and requires a new analysis regarding the land uses related to approval of new medical marijuana facilities in the future and the change of location or expansion of currently operating medical marijuana facilities; and

WHEREAS, the increasing number of and new types of uses for medical marijuana facilities has created increasing health, safety and welfare concerns throughout the City; and

WHEREAS, marijuana consumption club facilities are not specifically defined in the City's Zoning Code as permitted land uses in any zone district and present unique health, safety and welfare issues that are not addressed in the City's zoning and land use regulations; and

WHEREAS, City Code § 7.2.107 ordains "it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in accord with the provisions of this Zoning Code."; and

WHEREAS, marijuana consumption club facilities operate throughout the City without land use approvals from the City; and

WHEREAS, the lack of specific land use regulations for marijuana consumption club facilities has illustrated the need for a comprehensive zoning and land use regulations to sufficiently protect the public health, safety and welfare and to mitigate the impacts of marijuana consumption club facility activities in accord with City Code § 7.2.102.

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

Section 1. Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the

Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.302: DEFINITIONS OF USE TYPES:

* * *

E. * * *

10. MARIJUANA CONSUMPTION CLUB FACILITY (MCC Facility): An establishment licensed by the City of Colorado Springs pursuant to City Code section 2.2.201, et seq.

~~10.11.~~ * * *

~~11.12.~~ * * *

~~12.13.~~ * * *

~~13.14.~~ * * *

~~14.15.~~ * * *

~~15.16.~~ * * *

~~16.17.~~ * * *

~~17.18.~~ * * *

~~18.19.~~ * * *

~~19.20.~~ * * *

* * *

Section 2. Section 203 (Permitted, Conditional and Accessory Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.203: PERMITTED, CONDITIONAL AND ACCESSORY USES:

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Industrial Use Types														
* * *														
Marijuana Consumption Club Facility								P	P					
* * *														

Section 3. Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

* * *

K. Marijuana Consumption Club Facility (MCC facility): A marijuana consumption club facility shall be subject to the following additional standards:

1. **The MCC facility must hold a valid local MCC license and local and State sales tax licenses, as applicable.**
2. **A ventilation and filtration system ensuring odors are not detectible outside of the MCC facility and preventing mold and moisture from accumulating within the MCC facility.**
3. **A MCC facility shall be located no less than one thousand feet (1000') from any public or private elementary, middle, junior high or**

high school, residential childcare facility, drug or alcohol treatment facility, or any residentially used or zoned property. This minimum distance shall be measured from the nearest portion of the building used for the MCC facility to the nearest property line of the school, residential childcare facility or drug and alcohol treatment facility using a route of direct pedestrian access.

4. No MCC facility located in a zone district in which it is not permitted shall be declared a legal nonconforming use or be granted any “grandfathered” land use rights unless prior to September 22, 2015 the MCC facility was lawfully operating pursuant to the “similar use determination” of the Manager, dated May 28, 2014.

KL. * * *

LM. * * *

AN. * * *

NO. * * *

OP. * * *

PQ. * * *

QR. * * *

RS. * * *

ST. * * *

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

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 302 (DEFINITIONS OF USE TYPES) OF PART 3 (LAND USE TYPES AND CLASSIFICATIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS AND LAND USE TYPES AND CLASSIFICATIONS) AND SECTIONS 203 (PERMITTED, CONDITIONAL AND ACCESSORY USES) AND 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MARIJUANA CONSUMPTION CLUB FACILITIES

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, City Code § 7.2.102 sets forth the purpose and intent of the City's zoning and land use regulations is "to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions"; and

WHEREAS, in the November 2012 general election, the voters of the State of Colorado approved Amendment 64; and

WHEREAS, Amendment 64 added Section 16 of Article XVIII to the Colorado Constitution and created a limited exception from criminal liability under Colorado law for the cultivation, manufacturing, and transportation of marijuana and marijuana products; and

WHEREAS, Amendment 64 authorizes the City to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana retail stores, and retail marijuana establishments; and

WHEREAS, the City has exercised its local option and ordained it "unlawful for any person to operate a retail marijuana establishment within the City of Colorado Springs"; and

WHEREAS, on September 22, 2015 the City Council ordained a six (6) month moratorium on the establishment of any new marijuana consumption clubs within the City limits; and

WHEREAS, the situation regarding marijuana uses statewide and within the City have fundamentally changed since 2011 and requires a new analysis regarding the land uses related to approval of new medical marijuana facilities in the future and the change of location or expansion of currently operating medical marijuana facilities; and

WHEREAS, the increasing number of and new types of uses for medical marijuana facilities has created increasing health, safety and welfare concerns throughout the City; and

WHEREAS, marijuana consumption club facilities are not specifically defined in the City's Zoning Code as permitted land uses in any zone district and present unique health, safety and welfare issues that are not addressed in the City's zoning and land use regulations; and

WHEREAS, City Code § 7.2.107 ordains "it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in accord with the provisions of this Zoning Code."; and

WHEREAS, marijuana consumption club facilities operate throughout the City without land use approvals from the City; and

WHEREAS, the lack of specific land use regulations for marijuana consumption club facilities has illustrated the need for a comprehensive zoning and land use regulations to sufficiently protect the public health, safety and welfare and to mitigate the impacts of marijuana consumption club facility activities in accord with City Code § 7.2.102.

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

Section 1. Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the

Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.302: DEFINITIONS OF USE TYPES:

* * *

E. * * *

10. MARIJUANA CONSUMPTION CLUB FACILITY (MCC Facility): An establishment licensed by the City of Colorado Springs pursuant to City Code section 2.2.201, et seq.

~~10.11.~~ * * *

~~11.12.~~ * * *

~~12.13.~~ * * *

~~13.14.~~ * * *

~~14.15.~~ * * *

~~15.16.~~ * * *

~~16.17.~~ * * *

~~17.18.~~ * * *

~~18.19.~~ * * *

~~19.20.~~ * * *

Section 2. Section 203 (Permitted, Conditional and Accessory Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.203: PERMITTED, CONDITIONAL AND ACCESSORY USES:

Use Types	OR	OC	PBC	C-5	C-6	PIP-1	PIP-2	M-1	M-2	PF	PK	PCR	APD	TND
Industrial Use Types														
* * *														
Marijuana Consumption Club Facility								C	C					
* * *														

Section 3. Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

* * *

K. Marijuana Consumption Club Facility (MCC facility): A marijuana consumption club facility shall be subject to the following additional standards:

1. **The MCC facility must hold a valid local MCC license and local and State sales tax licenses, as applicable.**
2. **A ventilation and filtration system ensuring odors are not detectible outside of the MCC facility and preventing mold and moisture from accumulating within the MCC facility.**
3. **A MCC facility shall be located no less than one thousand feet (1000') from any public or private elementary, middle, junior high or high school, residential childcare facility, drug or alcohol treatment facility, or any residentially used or zoned property. This minimum distance shall be measured from the nearest portion of the building**

used for the MCC facility to the nearest property line of the school, residential childcare facility or drug and alcohol treatment facility using a route of direct pedestrian access.

4. No MCC facility located in a zone district in which it is not permitted shall be declared a legal nonconforming use or be granted any “grandfathered” land use rights unless prior to September 22, 2015 the MCC facility was lawfully operating pursuant to the “similar use determination” of the Manager, dated May 28, 2014.

~~KL.~~ * * *

~~LM.~~ * * *

~~AN.~~ * * *

~~NO.~~ * * *

~~OP.~~ * * *

~~PQ.~~ * * *

~~QR.~~ * * *

~~RS.~~ * * *

~~ST.~~ * * *

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

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING SECTION 302 (DEFINITIONS OF USE TYPES) OF PART 3 (LAND USE TYPES AND CLASSIFICATIONS) OF ARTICLE 2 (BASIC PROVISIONS, DEFINITIONS) AND SECTION 205 (ADDITIONAL STANDARDS FOR SPECIFIC LAND USES) OF PART 2 (COMMERCIAL DISTRICTS) OF ARTICLE 3 (LAND USE ZONING DISTRICTS) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MARIJUANA CONSUMPTION CLUB FACILITIES

WHEREAS, the City of Colorado Springs ("City") is a home rule city and Colorado municipal corporation created and organized pursuant to Art. XX of the Colorado Constitution and the Charter of the City of Colorado Springs; and

WHEREAS, City Code § 7.2.102 sets forth the purpose and intent of the City's zoning and land use regulations is "to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions"; and

WHEREAS, in the November 2012 general election, the voters of the State of Colorado approved Amendment 64; and

WHEREAS, Amendment 64 added Section 16 of Article XVIII to the Colorado Constitution and created a limited exception from criminal liability under Colorado law for the cultivation, manufacturing, and transportation of marijuana and marijuana products; and

WHEREAS, Amendment 64 authorizes the City to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana retail stores, and retail marijuana establishments; and

WHEREAS, the City has exercised its local option and ordained it "unlawful for any person to operate a retail marijuana establishment within the City of Colorado Springs"; and

WHEREAS, on September 22, 2015 the City Council ordained a six (6) month moratorium on the establishment of any new marijuana consumption clubs within the City limits; and

WHEREAS, the situation regarding marijuana uses statewide and within the City have fundamentally changed since 2011 and requires a new analysis regarding the land uses related to approval of new medical marijuana facilities in the future and the change of location or expansion of currently operating medical marijuana facilities; and

WHEREAS, the increasing number of and new types of uses for medical marijuana facilities has created increasing health, safety and welfare concerns throughout the City; and

WHEREAS, marijuana consumption club facilities are not specifically defined in the City's Zoning Code as permitted land uses in any zone district and present unique health, safety and welfare issues that are not addressed in the City's zoning and land use regulations; and

WHEREAS, City Code § 7.2.107 ordains "it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in accord with the provisions of this Zoning Code."; and

WHEREAS, marijuana consumption club facilities operate throughout the City without land use approvals from the City; and

WHEREAS, the lack of specific land use regulations for marijuana consumption club facilities has illustrated the need for a comprehensive zoning and land use regulations to sufficiently protect the public health, safety and welfare and to mitigate the impacts of marijuana consumption club facility activities in accord with City Code § 7.2.102; and

WHEREAS, the City Council determines that marijuana consumption club facilities are not similar to other civic use types; and

WHEREAS, the City Council determines that the proliferation of marijuana consumption club facilities is injurious to the public's health, safety and welfare; and

WHEREAS, the City Council determines that a five (5) year period for the licensing and winding down of operations for marijuana consumption club facilities is appropriate and protects the rights of the public and property owners.

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

Section 1. Section 302 (Definitions of Use Types) of Part 3 (Land Use Types and Classifications) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.2.302: DEFINITIONS OF USE TYPES:

* * *

D. * * *

3. * * *

b. Social Clubs: A club providing social or meeting facilities. Typical uses include private social clubs and fraternal organizations. **A Marijuana Consumption Club as defined in City Code § 2.2.202 shall not be considered a social club under this Zoning Code.**

* * *

Section 2. Section 205 (Additional Standards for Specific Land Uses) of Part 2 (Commercial Districts) of Article 3 (Land Use Zoning Districts) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

7.3.205: ADDITIONAL STANDARDS FOR SPECIFIC LAND USES:

* * *

K. Marijuana Consumption Club Facility (MCC facility): MCC facilities are prohibited within the City limits unless prior to September 22, 2015 the MCC

facility was lawfully operating pursuant to the “similar use determination” of the Manager, dated May 28, 2014. Those MCC facilities operating pursuant to the similar use determination shall be considered non-conforming uses under this Zoning Code, must be licensed by the City of Colorado Springs prior to May 31, 2016, and shall cease operations no later than March 21, 2021. Any MCC facility operating after March 21, 2021 shall be considered an unlawful use under this Zoning Code.

KL. * * *

LM. * * *

MN. * * *

NO. * * *

OP. * * *

PQ. * * *

QR. * * *

RS. * * *

ST. * * *

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:

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



Memorandum

File #: 16-00063, **Version:** 2

A request by Kimley-Horn & Associates on behalf of Garden of the Gods Club LLC for approval of a zone change from R/HS (Residential Estate with Hillside Overlay) and R-5/HS (Multi-family with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay).

The subject property is located south of Fillmore Street and Grand Vista Circle, is currently zoned R/HS (Residential Estate with Hillside Overlay) and R-5/HS (Multi-family with hillside overlay) and consists of 25.62 acres. This item was referred back to the City Planning Commission by City Council based on an appeal filed to consider Chapter 6 of the Comprehensive Plan.

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the zone change from R-5/HS (Multi-family Residential with Hillside Overlay) and R/HS (Residential Estate with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay) to allow a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 beds for skilled nursing care; a maximum building height of 67-feet consisting of 25.62 acres. This recommendation is based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).

N/A

7.5.603: FINDINGS:

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)

DEVELOPMENT APPLICATION REVIEW CRITERIA

PUD ZONE CHANGE REVIEW CRITERIA:

7.3.603: ESTABLISHMENT AND DEVELOPMENT OF A PUD ZONE:

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



Memorandum

File #: 16-00075, **Version:** 2

A request by Kimley-Horn & Associates on behalf of Garden of the Gods Club LLC for approval of a PUD concept plan proposing a multi-story facility with a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 skilled nursing units with a maximum building height of 67-ft.

The subject property is located south of Fillmore Street and Grand Vista Circle, is currently zoned R/HS (Residential Estate with Hillside Overlay) and R-5/HS (Multi-family with hillside overlay) and consists of 25.62 acres. This item was referred back to the City Planning Commission by City Council based on an appeal filed to consider Chapter 6 of the Comprehensive Plan.

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the concept plan for Sentinel Ridge Senior Living facility based on the finding the plan complies with the review criteria in City Code Section 7.3.605 (Review Criteria for PUD Concept Plans) subject to compliance with the following significant and technical and/or informational modifications to the concept plan:

Significant Modifications

1. Continue coordination with the Colorado Geologic Survey and City staff regarding acceptance of the geologic hazard report. Place a note on the Concept Plan stating "Site design and layout may be altered based on the conclusions and outcome of the geologic hazard report".

Technical and Informational Modifications to the Concept Plan:

1. Finalize an agreement with the City Parks Department on parkland dedication and to the requirement to rezone land dedicated to the PK (Public Park) zone.
2. Provide a note on the plan stating "Off-site signage not approved with this plan".
3. Show and callout the speed line of sight with the adequate sight distance length (footage) for the proposed accesses off of Grand Vista Circle.
4. Show and callout the appropriate location(s) of the proposed gate(s) for each access.
5. Add the anticipated plat name to the Concept Plan.
6. Show and call out the detached sidewalk and entrances along Grand Vista Circle (note: public improvement easement will be necessary where the sidewalk goes outside the ROW).
7. Label all streets as either private or public.
8. Label and identify Grand Vista Circle, the right-of-way width, classification, and clarify the property boundaries.
9. Pull back the median, at the eastern entrance, behind the City's R.O.W. and assure it does not

obstruct the pedestrian crossing.

10. Label existing storm sewer pipes and structures.

11. Assure the concept plan reflects any changes made to the drainage report.

12. The Geologic Hazard Report was missing a few details. Contacted the Engineering Consultant who is waiting on the revised Geologic Hazard Report.

13. CSU acceptance of the Wastewater Master Facility Report is required prior to development plan approval.

14. Vacation of the existing utility easement for the 20-inch water main will be required after relocation is complete.

N/A

CITY PLANNING COMMISSION AGENDA

ITEM NOS.:

STAFF: MIKE SCHULTZ

FILE NOS.:

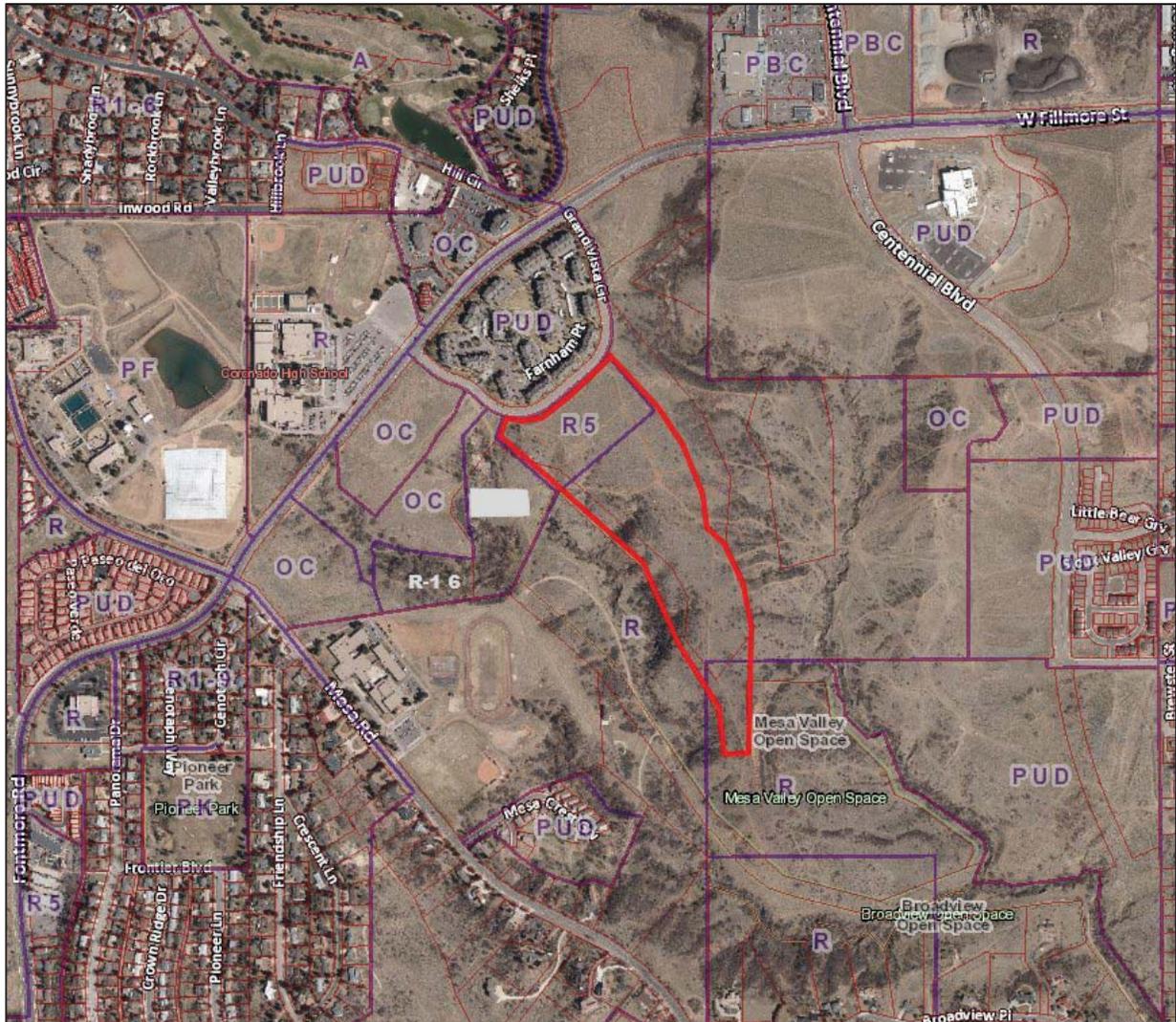
CPC ZC 15-00107 – QUASI-JUDICIAL

CPC CP 15-00108 – QUASI-JUDICIAL

PROJECT: SENTINEL RIDGE SENIOR LIVING

APPLICANT: KIMLEY-HORN AND ASSOCIATES

OWNER: GARDEN OF THE GODS CLUB, LLC



PROJECT SUMMARY:

1. **Project Status / Prior Determination:** An appeal was filed by James Kin, et al (see attached appeal) regarding Planning Commission's recommendation to approve the PUD (Planned Unit Development) zone change and PUD Concept Plan. The City Council, at its January 26th meeting, decided to refer the matter back to the City Planning Commission, citing the need for staff and City Planning Commission to take into consideration all of the goals and objectives within City Comprehensive Plan as it relates to this request, particularly in context of Chapter 6 of the Comprehensive Planning pertaining to community character. Council also recommended staff utilize a greater notification area to allow more citizen input on the project.
2. **Project Description:** The proposed development includes a change of zone and concept plan to allow a maximum build out for 266 independent living units, 40 memory care units, 66 assisted living units, and 56 beds for skilled nursing care. The applicant proposes a multi-story facility with a maximum building height of 67-feet.

The initial request for the change of zone was to R-5 (Multi-family Residential); but after determining the extent of the proposed building height, staff recommended a rezone to PUD (Planned Unit Development) in order to address the fact that the requested height exceeded the maximum for the R-5 zone. Although the file numbers remain the same, the applications have been modified to rezone the property from R-5/HS and R/HS (Residential Estate with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay). The corresponding concept plan will act as the Planned Unit Concept Plan (PUP) (**FIGURE 1**). Staff will ensure the files document the change in the requests.

The subject property is located south of Fillmore St. and Grand Vista Circle and consists of 25.62 acres.

3. **Applicant's Project Statement:** **FIGURE 2**
4. **Planning and Development Team's Recommendation:** Approve the PUD zone change and the Sentinel Ridge Senior Living PUD concept plan for the subject property subject to addressing the significant and technical and/or informational modifications to the plan.

BACKGROUND:

1. **Site Address:** No address
2. **Existing Zoning/Land Use:** Vacant
3. **Surrounding Zoning/Land Use:**
 - North: PUD / Multi-family Residential (Apartments)
 - South: R / City Open Space (Mesa Valley Open Space)
 - East: R / Vacant
 - West: R, PUD, and OC / Vacant, Skilled Nursing/Assisted Living under construction, and Holmes Middle School lies beyond the open space along Mesa Road
4. **Comprehensive Plan/Designated 2020 Land Use:** General Residential and Candidate Open Space
5. **Annexation:** Mesa Addition #2
6. **Master Plan/Designated Master Plan Land Use:** Garden of the Gods Club Master Plan / Multi-family (12-24.99 DU's per acre) (**FIGURE 3**)
7. **Subdivision:** The property is not yet platted
8. **Zoning Enforcement Action:** None

9. Physical Characteristics: The site is comprised of a mesa that extends south to the Mesa Valley Open Space. The mesa area itself is relatively flat but slopes to the south; steep grades exist to the east, west and south of the flat portion of the mesa.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Originally public notice was provided to 37 property owners within a modified 1,000 foot buffer from the property on two separate occasions; during the internal review and prior to the Planning Commission meeting. The modified buffer included residents located off of Broadview Place to the south. Posters were also posted along Grand Vista Circle to help provide notice to the residents of the apartment complex to the north.

Staff received several e-mails (**FIGURE 4**) voicing concern over the proposed building height of the project. Due to the limited number of citizen inquiries, no neighborhood meetings were held regarding the proposal.

After Planning Commission recommended approval of both the zone change and the concept plan, James Kin and others submitted an appeal of Commission's decision (**FIGURE 5**). City Council, at its January 26th meeting, heard from both the applicant and the appellant regarding the proposed applications. Council's decision was to refer the matter back to City Planning Commission for further consideration, particularly regarding compliance with the Comprehensive Plan and evaluation of the building height.

City Council also suggested staff should consider a greater notification area in order to allow surrounding property owners an opportunity to review the project and potentially attend the public hearing. Staff sent notices to 136 property owners and/or HOA members located within an approximate 2,000 foot buffer area informing them of the upcoming City Planning Commission meeting. Surrounding HOA's included:

- Broadview Ranch
- Friendship / Crescent
- Kissing Camels
- La Posada
- Mesa Neighborhood Assoc.
- Mesa Pointe
- The Park at Kissing Camels Estates

Additionally, a neighborhood meeting sponsored by CONO (Council of Neighbors and Organizations) will be held on February 9th to discuss this project along with other recent development on the mesa and the perceived impact to residents as well as the intended nature of the mesa.

Staff has also encouraged the applicant and the appellant to hold discussions to determine if a consensus can be reached regarding the project. As of the writing of this report, staff is not aware of any separate meetings between the two groups.

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

1. Review Criteria/Design & Development Issues:

The project site contains a total of 25.62 acres and is located southwest of W. Fillmore Street and Grand Vista Circle (immediately south of the Oasis Apartments). The requested zone change and concept plan applications are necessary to allow the proposed independent living and human service establishment use on the subject property along with addressing the proposed 67-foot building height that includes the hillside overlay zone. Two access points will serve the site, the concept plan illustrates three exclusive but interconnected uses; the plaza area that will house memory care, assisted living, and skilled nursing care. The commons area will provide a meeting and shared facility for the patients with the plaza and the independent living wings. The independent wings will be located on the southern extent of the interconnected buildings. Structured, off-street parking will be provided within the building as a drive under feature as well as surface parking.

Height Proposal / Recent Examples

The applicant is proposing a 5-story building as part of the independent living wing of the facility, on the southern extent of the site. The concept plan illustrates two potential building wings to be constructed in two phases. To assist in the analysis, a view shed diagram provides four points of view of the proposed building and the ultimate height of the structures (**FIGURE 6**).

Staff examined surrounding examples (**FIGURE 7**) where the City has allowed the height maximum to exceed the typical 45-foot limit (45-feet is typical within the R-5 zone and most of the commercial zones). In 2004, the City approved the Centennial PUD concept plan (**FIGURE 8**) located at both the southeast and southwest corners of Fillmore Street and Centennial Blvd. The PUD zoning permitted two pockets within the site with a maximum building height of 60-feet (one of the sites includes the VA Hospital). As part of the rezoning, the hillside overlay zone was removed from the property citing that there were no significant natural features within the area.

In 2007, a zone change request from the Garden of the Gods Club involved a proposed single-family development located south of Fillmore Road between Mesa Road and Grand Vista Circle. That proposal also included a portion of the subject property. The City agreed to remove the hillside overlay zone as part of the PUD zone change and development plan finding that the PUD would ultimately control height, type, and density of the site. The adjacent Oasis Apartments were rezoned to PUD/HS in 1995 with a maximum building height of 44-feet to allow 252 multi-family dwelling units. The hillside overlay zone remained as part of the zoning.

The above property was again rezoned in 2014 involving multiple zone change requests (including Office Complex and Multi-Family Residential) in order to allow for an independent living and human service facility. The maximum building height within both of those zones is 45-feet. The hillside overlay zone was not reapplied to the site as part of the zone change.

Recently the City Planning Commission and City Council approved the Penrose St. Francis Hospital campus, with a maximum building height of 200-feet, at the northeast corner of Fillmore Street and Centennial Boulevard. Earlier this year the City approved a request to remove hillside overlay zoning from a site southwest of the VA Hospital along Centennial Boulevard.

Another example requesting additional building height on the west side involves the PUD zone for the Brookdale Senior Housing development at Lower Gold Camp and South 26th Street (for apartments and skilled nursing/assisted living). Zoning was granted to allow a 62-foot 5-inch maximum building height. One building on the site is five stories (flat roof design) along with several four story buildings.

Although there are surrounding examples of the hillside overlay zone being removed as part of the zoning allowing the PUD to dictate overall development of the site, staff felt the mesa feature, as well as the surrounding Mesa Valley Open Space, warranted maintaining the overlay. Staff supports the height request allowing a maximum building height of 67-feet, however the building heights will be calculated using the hillside formula. This formula utilizes the existing building grade and the entire height of the structure (to top of peak) and determines height on an isometric analysis. City Zoning Code defines the non-hillside building height formula by averaging the major building corners and measures the height to 5-feet below the peak on a sloped roof.

Geologic Hazards

The applicant has submitted a preliminary geologic hazard report that was forwarded to the Colorado Geologic Survey office (CGS acts as a reviewing consultant on behalf of the City) for review and comment. Although CGS agreed that the mesa could be developed with the intent of multi-family residential, they are requesting additional information from the preparer (Terracon) regarding slope stability analysis before full support can be provided. One concern is that the configuration of the future expansion and the drainage facility “cannot be fully evaluated for slope stability hazards based on the current submittal” (**FIGURE 9**). A copy of the response letter from Terracon is included that begins to address the CGS comments. (**FIGURE 10**)

Staff supports the requested rezone and concept plan for the property on the basis that the Garden of the Gods Club master plan has envisioned high-density multi-family development. The zone change request anticipates a maximum dwelling unit and height scenario, which is already partially reflected on the master plan. The number of dwelling units and intensity will depend upon the eventual review and approval of the geologic hazard report which may ultimately impact the overall site design shown on the development plan.

Parkland Dedication

The applicant and the City Parks Department are working out an arrangement regarding required parkland dedication. The property is located within a candidate open space area as well as being adjacent to the Mesa Valley Open Space. The amount of parkland dedication is important because it will impact the overall net density of the site. However, even with the 8+ acres that is anticipated to be dedicated (**FIGURE 11**) the density will be within the range of the 24.99 unit maximum demonstrated on the master plan (322 units/17.22 acres = 18.7 dwelling units per acre. Note that staff does not include the skilled nursing and memory care units as dwelling units within the calculation.

The dedicated parkland area will require Planning Commission review as a rezone request as agreed to by the applicant and City Parks Department. That portion of the property will be rezoned from PUD to PK.

2. PUD Review Criteria

(This section contains new analysis and information from staff)

Generally staff does not provide analysis of each individual review criteria, but due to the circumstances of the appeal and referral back to the City Planning Commission, staff wanted to ensure each review criteria has been considered.

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

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

The proposal of high-density residential and long-term care was considered as part of the Garden of the Gods Club Master Plan adopted in 2008. With that approval staff, Planning Commission and Council confirmed the intended land use was consistent with the Comprehensive Plan and 2020 Land Use Map (**FIGURE 12**).

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

High-density residential and long-term care facilities are identified within the General Residential land use categories provided within the Comprehensive Plan.

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

The proposed development is consistent with the Garden of the Gods Club Master Plan that was adopted in 2008.

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

The proposed development is consistent with the intent and purposes of the City Zoning Code including evaluation of the hillside overlay.

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

The proposed development is located along a mesa land formation, which the development will only be adjacent to proposed public and private open space areas.

F. Does the development pattern proposed within the PUD concept plan provide an appropriate transition or buffering between uses of differing intensities both on site and off site?

The development pattern shown on the concept plan demonstrates a three-story skilled nursing care building adjacent to Grand Vista Circle, which the adjacent Oasis apartment

development consists of two (2) and three (3) story buildings. Future intended land uses surrounding the subject property includes public and private open space.

G. Does the nonresidential development pattern proposed within the PUD concept plan promote integrated activity centers and avoid linear configurations along roadways?

The development is designed to run linear with the mesa and not the adjacent roadway. Activity of the property is primarily self-contained to the residents, patients and staff of the facility.

H. Are the permitted uses, bulk requirements and required landscaping appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community?

The uses, multi-family residential and long-term resident care, are allowed uses within the General Land Use designation of the Comprehensive Plan. Bulk, in terms of proposed building length and height, is part of the issue regarding the appeal. The applicant has incorporated building wings and large recesses within the independent living building (the southernmost building) in order to break up the massing and bulk of the building, particularly on the western side. Proposed landscaping of the site will be evaluated during the review of the development plan.

I. Does the PUD concept plan provide adequate mitigation for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes)?

The adjacent land use to the north of the site is multi-family residential. The adjacent land uses to the east, west and south are intended to be a combination of public and private open space. Based on the Garden of the Gods Club Master Plan, this development will essentially be secluded upon the mesa from any other surrounding land uses aside from the existing apartments to the north. The concept plan also takes into consideration steep topography through the review of geologic hazard study. Preliminary indications are that buildings should be set back a minimum of 40-feet from any 3:1 slopes. The geo-hazard report will continue to be reviewed by staff and the Colorado Geologic Survey. Any conditions of approval will be reflected on the concept plan.

J. Does the PUD concept plan accommodate automobile, pedestrian, bicycle and transit modes of transportation as appropriate, taking into consideration the development's primary function, scale, size and location?

The development will essentially be secluded from any further development within the mesa area due to topography. The applicant is continuing discussions with City Parks Department regarding dedication of open space that would be added to the existing Mesa Valley Open Space area. At this time, City staff does not anticipate any negative impacts to the City road network, primarily along Fillmore Street.

K. Does the PUD concept plan include a logical hierarchy of perimeter and internal arterial, collector and local streets that will disperse development generated vehicular traffic to a variety of access points and ways, reduce through traffic in adjacent

residential neighborhoods and improve resident access to jobs, transit, shopping and recreation?

Two private access points are proposed onto Grand Vista Circle. These should provide sufficient access for residents, staff and guests.

L. Will streets and drives within the project area be connected to streets outside the project area in a way that minimizes significant through traffic impacts on adjacent residential neighborhoods, but still improves connectivity, mobility choices and access to jobs, shopping and recreation?

No streets or drives will extend beyond the development.

M. Does the PUD concept plan provide safe and convenient vehicle and pedestrian connections between uses located within the zone district, and to uses located adjacent to the zone district or development?

Sidewalks exist along Grand Vista Circle. Because of the nature of the facility, needing a safe and secure environment for its residents, staff will continue working with the applicant to determine if trail connections could be made to the public open space.

N. Will adequately sized parking areas be located to provide safe and convenient access, to avoid excessive parking ratios and avoid excessive expanses of pavement?

Yes, on-site parking will be provided with at grade surface lots along with a structured parking facility that will be part of the independent living building. The structured parking would help minimize excessive paved expanses that would normally have been necessary for its residents.

O. Are open spaces integrated into the PUD concept plan to serve both as amenities to residents/users and as a means for alternative transportation modes, such as walking and biking?

The applicant and City Parks continue to discuss dedication of open space to be made part of the Mesa Valley Open Space. Private open spaces and courtyards can be found throughout the site; a planned gazebo would overlook the public open space.

P. Will the proposed development overburden the capacities of existing or planned streets, utilities and other public facilities?

The proposal would not overburden existing streets, utilities, park or other public facilities.

Q. Are the areas with unique or significant natural features preserved and incorporated into the design of the project?

Staff is requesting that the hillside overlay zone be preserved on the property in order for the site design to incorporate the existing land contours and topography.

3. Conformance with the City Comprehensive Plan
(This section contains new information and analysis from staff)

The issue of conformance with the City's Comprehensive Plan was raised at both the City Planning Commission meeting as well as the City Council meeting. The purpose of the Comprehensive Plan is to provide the City a long range guide to the physical growth and development of the city by framing specific objectives and goals toward desired results. The Plan further outlines policies that are intended as specific action statements in order to achieve a desired objective.

Thus, the Comprehensive Plan is intended to be a guide for more global policy and land use decisions such as future annexations, infill development, etc., as well as a guide when master plans are considered and how the intended land uses of that master plan mesh with the 2020 Comprehensive Plan goals and objectives.

The 2020 Land Use Plan within the Comprehensive Plan includes the site within the General Residential Land Use category, which supports medium to high-density residential as well long-term care needs. Adjacent to this site the Land Use Plan identifies existing public open space, candidate open space, low-density residential and commercial center (at the corners of Fillmore and Centennial).

Staff typically provides the City Planning Commission noted strategies, objectives or goals that support a particular proposal regarding land use decisions. In this case, staff had identified the below strategies and objectives for not only the project, but how the project relates to the master plan which reflects the 2020 Land Use Map.

The Garden of the Gods Club Master Plan was adopted in 2008, which became a subset plan of the original 1982 Hill Properties Master Plan. The 2008 adopted plan identified the subject property as high-density residential (12 – 24.99 DU's/Acre) with surrounding public and private open space. Staff analyzed the proposed land uses as they related to the City's Comprehensive Plan goals and objectives. Staff identified many of the same goals and objectives outlined below that were eventually supported by City Planning Commission and City Council. Attached is a copy of the staff report presented to the Planning Commission considering certain Comprehensive Plan goals and strategies (**FIGURE 13**) along with a copy of the original Garden of the Gods Master Plan (**FIGURE 3**).

Below are the strategies and objectives originally cited by staff regarding the proposed zone change to allow the PUD zoning and the assisted living project:

Strategy LU 202a: Use Natural and Scenic Areas and Greenways to Frame the Development Pattern of the City.

Utilize the 2020 Land Use Map, the Open Space Plan, Master Plans, and site-specific land suitability analyses to weave natural areas and greenways into a citywide open space system that frames the overall development pattern of the city.

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

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

Objective LU 4: Encourage Infill and Redevelopment
Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Below are the Comprehensive Plan strategies and objectives that were outlined by the appellant regarding the proposed project.

Objective CCA 1: Maintain a Positive Relationship between the Built Environment and the Natural Setting

Colorado Springs is a uniquely identifiable community due to its spectacular natural setting at the base of Pikes Peak. One of the greatest challenges facing the community is to develop a city worthy of that setting. Thoughtful design and enhancement of the community's civic buildings, public and private places, residential areas, gateways, and streets strengthen the community's identity and convey a positive visual image. Colorado Springs will maintain a positive relationship between its built environment and its natural setting and scenic qualities.

Policy CCA 101: Preserve the Character of the Community's Natural Setting

Preserve and enhance the character of the community through design that maintains views to the Front Range and other significant landmarks and integrates natural features into the land use pattern.

Strategy CCA 101a: Achieve Consistency between the Open Space Plan, the Land Use Map and Individual Master Plans

Require open space areas and preservation areas in individual master plans to be generally consistent with the Open Space Plan and the 2020 Land Use Map.

Strategy CCA 101b: Protect Significant Views

Protect views and view sheds of significant natural features, including stream corridors, prominent landforms and the foothills. Utilize a combination of incentives, acquisition where appropriate, and regulations such as height controls, site location criteria, and design standards.

Strategy CCA 101c: Support Efforts to Protect and Enhance the Mountain Backdrop

Support public and private efforts to protect, enhance, and restore the scenic and environmental quality of the mountain backdrop.

Policy CCA 102: Use the Natural Environment to Shape the City's Form

Conserve, manage, and use natural features, greenways and other aspects of an open space network to shape the form of the city.

Objective CCA 3: Improve the Character of Individual Areas and Elements of the City

Colorado Springs is made up of individual and unique areas and elements that contribute to the overall character and identity of the City. The man-made counterpart to the City's natural setting is its historic character and legacy. This legacy is continually evolving and being created anew in the City's diverse areas. It is important that the

appearance and character of these individual areas, old and new, are preserved and enhanced in order to maintain their individuality and to ensure the overall character of the city is upheld. Defining and improving the image of individual areas and elements will enhance the City's overall character and appearance and reinforce its unique identity.

Policy CCA 301: Foster the Character of Individual Areas and Elements within the Community

The City will help to define and foster the unique character, image, and identity of individual areas and elements within the community.

Strategy CCA 301a: Develop Design Standards and Guidelines for Land Use Designations

Develop design standards and guidelines that apply generally to the land use designations on the 2020 Land Use Map. Treat the land use designations as types of places, including neighborhoods, community activity centers, commercial and employment centers, regional centers, and corridors, each with its own general standards for function and appearance.

It is important to note that the land use evaluation of the proposed Garden of the Gods Master Plan, including evaluation of the plan to the City's Comprehensive Plan goals and strategies, were considered in 2008. This led to the eventual approval of the Master Plan to allow high-density development along the mesa.

Utilization of the City's Comprehensive Plan goals and strategies are typically considered for land use applications, but those goals and strategies do not necessarily provide measurable review criteria which to base evaluations of individual projects. Those goals and strategies are intended when considering more global zoning criteria and review parameters (e.g. adoption of view corridors, adoption of context sensitive design, etc.) or if the specific plan is not associated with an already adopted master plan.

Consideration of the PUD zoning, more specifically the requested building height, and concept plan should be reviewed and considered with the PUD concept plan review criteria (provided earlier in the staff report).

It should also be noted that the City does not have any adopted view protection standards or regulations. Without an objective methodology to measure the level of impact or conformance with such broad policy directives such as the community character policies stated in Chapter 6 of the City's Comprehensive Plan, City staff has no practical standard by which the project can be evaluated on. Absent any adopted standards, staff relies on past practices and decisions of the City to help formulate a recommendation. The requested 67-foot height for a portion of one of the buildings is reasonably within the height of many other buildings constructed with the City.

4. Conformance with the Area's Master Plan:

Staff finds that the proposed zone change and development would be in conformance with the Garden of the Gods Club Master Plan which allows multi-family residential with a maximum density of 24.99 dwelling units per acre.

STAFF RECOMMENDATIONS:

CPC ZC 15-00107 – Change of Zone to PUD

Approve the zone change from R-5/HS (Multi-family Residential with Hillside Overlay) and R/HS (Residential Estate with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay) to allow a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 beds for skilled nursing care; a maximum building height of 67-feet consisting of 25.62 acres. This recommendation is based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).

CPC CP 15-00108 – Planned Unit Development Concept Plan

Approve the concept plan for Sentinel Ridge Senior Living facility based on the finding the plan complies with the review criteria in City Code Section 7.3.605 (Review Criteria for PUD Concept Plans) subject to compliance with the following significant and technical and/or informational modifications to the concept plan:

Significant Modifications

1. Continue coordination with the Colorado Geologic Survey and City staff regarding acceptance of the geologic hazard report. Place a note on the Concept Plan stating “Site design and layout may be altered based on the conclusions and outcome of the geologic hazard report”.

Technical and Informational Modifications to the Concept Plan:

1. Finalize an agreement with the City Parks Department on parkland dedication and to the requirement to rezone land dedicated to the PK (Public Park) zone.
2. Provide a note on the plan stating “Off-site signage not approved with this plan”.
3. Show and callout the speed line of sight with the adequate sight distance length (footage) for the proposed accesses off of Grand Vista Circle.
4. Show and callout the appropriate location(s) of the proposed gate(s) for each access.
5. Add the anticipated plat name to the Concept Plan.
6. Show and call out the detached sidewalk and entrances along Grand Vista Circle (note: public improvement easement will be necessary where the sidewalk goes outside the ROW).
7. Label all streets as either private or public.
8. Label and identify Grand Vista Circle, the right-of-way width, classification, and clarify the property boundaries.
9. Pull back the median, at the eastern entrance, behind the City's R.O.W. and assure it does not obstruct the pedestrian crossing.
10. Label existing storm sewer pipes and structures.
11. Assure the concept plan reflects any changes made to the drainage report.
12. The Geologic Hazard Report was missing a few details. Contacted the Engineering Consultant who is waiting on the revised Geologic Hazard Report.
13. CSU acceptance of the Wastewater Master Facility Report is required prior to development plan approval.
14. Vacation of the existing utility easement for the 20-inch water main will be required after relocation is complete.

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

NEW BUSINESS CALENDAR

NEW BUSINESS CALENDAR	
ITEM NO.	PROJECT DESCRIPTION
ITEM NO. 9.A-9.B CPC ZC 15-00107 (Quasi-Judicial) CPC CP 15-00108 (Quasi-Judicial) PARCEL NO.: 73354000009 PLANNER: Mike Schultz	<p>A request by Kimley-Horn & Associates on behalf of Garden of the Gods Club LLC for approval of the following applications:</p> <ol style="list-style-type: none">1. A change of zone. The proposed change of zone would rezone the subject property from R/HS (Residential Estate with hillside overlay) and R-5/HS (Multi-family with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay).2. A PUD concept plan proposes a multi-story facility with a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 skilled nursing units with a maximum building height of 67-ft. <p>The subject property is located south of Fillmore Street and Grand Vista Circle, is currently zoned R/HS (Residential Estate with hillside overlay) and R-5/HS (Multi-family with hillside overlay) and consists of 25.62 acres.</p>

NEW BUSINESS CALENDAR

DATE: December 17, 2015
ITEM: 9.A – 9.B
STAFF: Mike Schultz
FILE NO.: CPC ZC 15-00107 and CPC CP 15-00108
PROJECT: Sentinel Ridge

STAFF PRESENTATION

Mr. Mike Schultz, Principle Planner, presented PowerPoint slides (Exhibit A).

Applicant:

Jonathan Carey Senior Vice President with Lifestyles Corporation and Sentinel Ridge Senior Living. With him today is Ryan Thyrst from Terracon, Megan Turner from Kimley-Horn, Gene Gerkowski from AG Architecture and Maggie Illiff with AG architecture.

Lifestyles Corporation was founded after their first senior living home was opened in Dallas and 2002. They are not for profit developer and the 29th largest not for profit senior developer. They operate five communities in Texas and one in Carmel Indiana.

In every city that they go too they want to elevate the senior care that is available. They contended a significant amount of market investment in every community they introduce themselves to and provide a minimal impact to the infrastructure of each city while providing a very small impact on the traffic of that city and they are also a provider of jobs.

Their proposed site plan for Sentinel Ridge is being worked through the final details of the project. The development would be approximately 400,000 SQ feet, provide 144 independent living units, 48 assisted living units, 20 memory care units, and 40 skilled nursing units. They have designed it for the possibility of expansion. They expect that this community will initially between 25 and 150 jobs for the community.

There are heights concerns with the independent living portion of the building and have done efforts to minimize the impact of the site while respecting the constraints of the site and the needs of our residents.

Gene Gerkowski with AG Architecture gave further technical detail. Mr. Gerkowski speaks about what a continuing care retirement community is in general. Typically these types of communities involve a number of different components. One, they provide the opportunity for people to live independently in an apartment like setting; another piece of it is to provide supportive living; to some degree each one of those components involve some amount of 24 hour care. These types of components are generally have commons area that are the central gathering point.

The site has its challenges. The building is laid out in a way to respond to the challenges of the lay of the land itself and to take advantage of the views.

With their plans they're always trying to create two main points of access. One is relating to that independent living component. So their design layout is to take advantage of the relatively flat area on top of the mesa. Their secondary point of access is from the plaza building.

They're also trying to take advantage of the views. So as you walk into the building they want to have some type of transparency and as you're dropped off and you walk into the common area to be able to see the views. The wan that same idea with development of the independent living apartments. With the independent living they have arranged them to create as many units as they can that look west, north, and south. In addition we need to be prudent in terms of planning of expansion.

The site is further complicated by the main slopes and steep slopes. We have been very respectful of the edge of the steep slope and respected the setbacks required in order to maintain those steep slopes. We are also creating an emergency path around the building. We've made reference to enclosed parking close to the building that is adjacent to the independent living areas.

Maggie Illiff discussed the building elevations and the variety and heights. At the north end at Grand Vista is the three story plaza building which has similar heights of the multifamily development across the street. In the center is a one story commons building and they have a partial five story independent living building. The site is continuously sloping downhill from the north to the south for a total of over 20 feet at the building location as you move away from the road. So even though the building down toward the south is five stories the roof peak elevation is about the same elevation as the three-story building on the north side. Only a certain part of the plaza building is actually five stories and that part of the building is looking primarily east. Measuring the building height on a complicated site has been a little bit of a challenge and they have worked to establish a common grade plain.

The independent living grade building is 65 feet maximum load of that average grade plain. However they had been looking at recalculating it at the existing grade and that actually does raise the average grade plain but not a significant amount.

Mr. Gerkowski stated this aspect is critical to their design. There are challenging ways to measure on sloped sites. For the independent living building the average grade plane is 64 feet plus or minus. So if you measure to the highest point into that pitch roof that is where you get the 65 feet. Some of the reasons they might think they could exceed the height limitation are the extraordinary physical conditions that do not exist in the surrounding district. Most of the area adjacent to this development is flat so this is a very unusual piece of land. Secondly the long linear nature of this buildable area limits the viable configurations.

The most important thing though has to do with the quality of life. Their typical resident entry age is now 82 years old. So when you are at this age long walking distances are hard for older people. So the main reason they have to make things vertically is to reduce those walking distances. Yes you probably could make it lower in height but it comes at the cost of the residents who would have to walk farther. Their increased height limit is a relatively small section of the overall development. The receding nature of the topography helps mitigate the effect of the tall building and the height of it especially from the adjoining street.

Megan Turner with Kimley-Horn & Associates said they are trying to put together an overall plan that has a good design perspective.

They are pursuing a PUD with hillside overlay so with that they would allow for a use consistent with the R5 zoning which has already covering part of the site; the setbacks would also be consistent with that. Density would be consistent with the comprehensive plan as well.

The land use proposed is also consistent with your 2020 land use map. One other thing they wanted to point out regarding traffic is with senior living there is significantly less residential traffic.

The site is very unique in its being adjacent to mesa valley open space as well as with the topography that accompanies the east and west edges. They worked with Terracon and proposed a typical 40 foot offset from the top of any steep slopes per the 2012 IBC. Additional slope study measures will be provided per Terracon's recommendations. They are also

continuing to work with Colorado Geologic Survey (CGS) to address concerns to perform additional test for analysis.

They are donating approximately 8.4 acres to the city for Parks and open space.

With PUD concept plan review criteria it is really important they are consistent with the comprehensive plan, consistent with the 2020 land use map, consistent with the intent of the zoning code, and promote stabilization of existing or planned uses, that the provided use is complementary, the transition of uses are provided with the proposal, the uses and landscaping is consistent with code, there are no detrimental use relationships, the modes of transportation are appropriate for the project, there is no through traffic that will be generated by the project, and it will be safe and convenient for auto pedestrian travel, plus provided parking, open space dedication is planned, infrastructure is sufficient for planned use, and significant natural features will be preserved.

In summary they are asking that the commission all the recommendation of staff to recommend approval of the project with the height designated as has been discussed

Questions:

Commissioner Shonkwiler asked if the proposed future expansion, he appreciates what they are saying regarding mobility, so how do you propose to get people from the independent living units to the common area in that area.

Mr. Gerkowski stated it would be connected with a series of corridors and walking paths. The maximum distance traveled would be about 600 feet that people would walk. For the future they are looking at possibly connecting the buildings with a sky bridge. Commissioner Shonkwiler asked if they would anticipate a sky bridge with elevators that would get a from a lower level to an upper level, then walk through, then back up again so that people who have mobility issues would be able to get to these areas somehow.

Mr. Gerkowski said the building is all interconnected with corridors, three or four different locations for elevators and the ability to tie in these two buildings together with a sky bridge. Commissioner Shonkwiler said you are anticipating that or that is part of the design now. Mr. Gerkowski said they are anticipating it now by strategically locating a elevators, points in the building that that will naturally become corridors and connecting points.

Commissioner Shonkwiler asked if Mr. Gerkowski was comfortable with the zoning that is being recommended. Mr. Gerkowski stated in their experience that some sort of PUD (Planned Unit Development) is usually the best way to go with something like this.

Commissioner Donley said he was looking at the heights of the building in particular the independent care / independent living building - it appears to him as if the slope declines by 15 feet going from the north to the south and yet there is an absolutely flat roof all the way across that face. He does not understand why we cannot step that building down one story halfway through in order to decrease the impact to the mesa or open space.

Mr. Gerkowski said as they have talked about this and thinks that considerations like that are noteworthy and the as they continue to look at their design perhaps there is a way they can do that.

Commissioner Smith asked what the height of future expansion was. Ms. Illiff said the future expansion is not fully planned yet. With the zoning request they are asking that it be consistent with the independent living building which has a 67 foot limitation, however, that would decrease as you go along with the grade.

Commissioner Smith asked if they had considered flat roofs as opposed to pitch roofs. Ms. Illiff said a lot of the character of the neighborhood and the high level design that they're trying to implement is what determines that. Mr. Gerkowski also stated that the decision makers as SQ LC feel that a pitched roof is appropriate for the Colorado area. They are trying to find a way to integrate the height of the building because they are looking for the best way to transition between two particular areas and they felt the sloping roof was a better way to do it.

Commissioner Walkowski following up on Commissioner Donley thought process of a stepped up look, and that is going to be very important as you're looking from the mesa up. He thought that was critical. Since the expansion facility has not been designed yet what is the slope differential between that and the building next to it. How far down does that slope.

Ms. Illiff said it's going down significantly. What they might envision for that expansion is a similar approach to the three building masses that they have presently. Commissioner Walkowski stated so if he was hearing her right you are suggesting that it very well could have a stepped up look. She said that was correct

Commissioner Walkowski also asked regarding interconnected activity, part of the issued the PUD review criteria calls for connecting pedestrian trails, with the open space is there a connection to the open space. Mr. Thyrst said no, and the reason is for the safety and security of their residents. They are providing them with a secure environment and that includes the entire site and property that they have on.

Commissioner Shonkwiler stated that if it's somebody is living in the independent living unit they wouldn't be able to have access to the public trail system? Mr. Thyrst said no but there will be a trail system or some type all walk or pathway within the property boundaries that would be limited to the use of residents only. Commissioner Shonkwiler clarified he was asking whether the residents would have access to the trails and open space because he would think that you would want your independent living people to have access to those trails for their own purposes. The applicant stated he understood but having been on the property many times they would not advise that due to the steep nature of the trails in that area.

Commissioner Henninger said one concern at he has is in order to get to the site there are two access point that come around the apartment complex and then you get down and you have continuing access to these facilities, however in an emergency response situation do you feel you have enough access. Mr. Thyrst said yes they are limited from a public right of way standpoint. They are just getting access off of Grand Vista Circle in two locations. They do

have an access road that is going the entirety of the perimeter of their buildable area as well as in the future expansion. This provides both for emergency vehicles, fire access, and possible walking paths things such as that; so from an access stand point they have the two at the right-of-way and their location throughout. While the access they provide throughout the site might feel a little tight, there is a good distance between these two points so if for whatever reason one access point was blocked there would be access through the other.

Supporters:

None

Opposition:

Tad Foster, Mesa Road property owner. The Back of his home adjacent to Sonderman Park. They are able to see the VA hospital roof area and the future development of the new Penrose Hospital. They will probably not be able to see any of the proposed development. However, they have been on the mesa since 1977 and spent extensive time spent in Sonderman Park and open space. He feels he speaks for a lot of people who live in this area and this type of development was only noticed to 1000 feet of inquiry of the neighborhood.

He stated would like this to be adjourned for a later date to allow for a larger neighborhood input.

When they talk about Sentinel Ridge, it's a ridge seen from many different directions. A PUD (Planned Unit Development) as being asked for. A PUD is supposed to allow for innovation, efficiency and compatible uses. Compatible uses should also mean the open space and uses that are a joining it. We heard from the planning department that the zone change is being requested instead of a variance where hardship might be too difficult to prove. So what are the criteria that you should be considering when you are considering a height variance in the context of a PUD? There is no criteria in your attached the appendix as to what is applicable to height. A PUD concept plan criteria does not address height explicitly. It refers to bulk.

Your comprehensive plan Chapter 6 is probably one way of addressing ambiguity and absences of criteria. That Chapter 6 is not even included in your appendixes of criteria. James Kin sent you a letter that lists some of the criteria. When talking about height have to really measure the risks. Height can be a significant problem; height on a ridge line is considered bad planning.

He recommended that your consideration of concept plan criteria #7 which requires a development to provide a gradual transition between uses. He also recommends that you look at 7.3.605 paragraph 7, does the development plan provide an appropriate transition between uses. Paragraph G are the bulk requirements compatible. Paragraph Q are the areas with unique or significant natural features preserved and incorporated into the design of the project.

His final comment is regarding the stability of that hillside. You should also recall that there is some major sewer interceptor along that road. Any significant amount of pressure or weight on that hillside should be a concern to both the developer and the city and its potential instability.

Allen Strass, La Mesa street property owner which is due south of proposed project. He has direct line of sight to development. His concern is not about the direct line of sight but the impact to character of the mesa in general. He supports the development in general but their needs to be a discussion of the building height along the mesa. The renderings do not show what it is from the south. When they finish their development and you walk the trails system you are going to look up at the mesa that has a high-rise structure. To him that is not protecting the unique characteristics of the mesa. There can be development on the mesa like the VA facility which has a height of 42 feet. It is designed in a way that is compatible and doesn't destroy the nature of the mesa

He also has a process issue. Did anyone look at the Chapter 6 of the comprehensive plan, go through the objective policies and strategies that this development is supposed to be compatible with and say what it means and how this project is compatible with this process.

He doesn't see how you could approve this without some analysis as required by the code regarding compliance with the comprehensive plan of which chapter 6 is a part of. Strategy 101.B, specifically says height controls to protect significant views. There has been no analysis. He did not think a PUD should be approved until height issue is specifically addressed. He would encourage the commission that it is premature to approve this, but you need a more in depth concept plan before going forward.

Questions of staff:

Commissioner Markewich asked Mr. Schultz with the current zoning what is the height allowance with a hillside overlay and zoning without any change. Mr. Schultz stated R5 would allow the 45 foot height maximum, R Estate he believes is 35 feet. Commissioner Markewich stated so part of this area is R Estate and what part of it is R5. Mr. Schultz said that just that northern one third is R5.

Commissioner Markewich said if we change to PUD with Hillside Overlay what is the maximum height allowed there? Mr. Schultz said they are requesting the 67 feet allowance.

Commissioner Markewich said that what was being asked for is a PUD with Hillside Overlay 67 foot. Mr. Schultz said yes. Commissioner Markewich said if we had PUD without the Hillside what would be the maximum. Mr. Schultz stated he thought his recommendation that if we do change that would be to go down to the 60 feet maximum height. That would allow them to do some grading and finished grade rather than existing grade.

Commissioner Markewich said ultimately if they did with or without the Hillside Overlay you are going to end up being about the same height within a couple of feet. Mr. Schultz said yes. Mr. Schultz said if you remove the hillside the only difference is that they have the ability to do more over lot grading on the property whereas in hillside you still have those restrictions and they still have to meet that intent with the hillside overlay of trying to minimize those impacts.

Commissioner Henninger stated that looking at the area up there between Fillmore and Mesa Ridge/Drive; has the Commission approved another project in there for multi-family use? Mr. Schultz said yes, The Main Street Project which is another assisted living facility. Commissioner Henninger said they took off the hillside overlay for that site, Mr. Schultz stated it was actually removed prior to that project. Commissioner Henninger asked what is the height for that area. Mr. Schultz said 45 feet.

Commissioner Donley said he was trying to understand slope analysis. There are multiple lines on drawing that denote 33%, 40% with so many feet offset. Commissioner Donley wanted to focus on the area past the trash enclosure. What is the max slope being impacted in that area. Mr. Schultz said his understanding for the slope analysis setback with a 3/1 slope, there is only one small portion impacted. Commissioner Donley said there is an area impacted but only small area in the overall development plan. Mr. Schultz said with further analysis they could make the determination does that building have to be pulled back does the analysis actually allow for a slight encroachment, so with that further analysis they will be able to make that determination and remember again, concept plan at this level of the stage of development.

Commissioner Donley stated it's great they are donating the ground to the Mesa Open Space but if there is slope failure occurs, it's no longer their problem because land belongs to someone else so there is a disconnect there that is troubling to him.

Connie Perry with Parks Department stated that one clarification that needed to be made is that a proposal has been set forward for 8.4 acres of open space in lieu of paying fees is under consideration, but not determined. They usually settle that process with the plat and that plat application will come in after this concept plan; so whether its preservation in the area or actual open space is yet to be determined. Commissioner Donley stated regardless as to whether this applies towards fees, the Park Department is interested in accepting this as an open space track. Ms. Perry said yes. Mr. Chris Lieber and Ms. Perry drove the site as part of the pre-application and he was willing to entertain that idea before for the concept plan was scheduled to come to you. They got a proposal for 8.4 acres and they are set up in January to follow up on and will be working with city engineering on the issues and asking for reports.

Commission Shonkwiler stated that from the write up the staff feels they have the most comfort level, cooperation and flexibility with the PUD and hillside overlay zone. Mr. Schultz said yes. Commission Shonkwiler stated staff feels this way because? Mr. Schultz said the reason for the switch to the R5 and not the nonuse variance is that staff did not feel comfortable that the variance would actually meet the review criteria. They have rezoned multiple properties in this zone with the PUD rather than the R5 because of the height allowances allowed with that. So they felt under the PUD that they would meet that criteria but the property was unique enough to warrant the PUD Zone Change.

Commission Shonkwiler said when you look at the community benefits there are many. Mr. Schultz says there is not a weight all of those uses, site set up as a multi-family facility, being close proximity to several schools. It would be more of a benefit if there were people moving in with school age children. But it meets the intent of multi-family facility and provides benefit to community so that it still meets those criteria.

Commissioner Shonkwiler it's still multi-family just a different age group so you look at the community benefits with PUD's and so forth it seems like they are relevant and this has all of those things. It has hospitals, a VA clinic, shopping, traffic connections so it's hard to approve something all by itself. Mr. Schultz said we do have an aging population and given the last couple of years we have seen more applications in last year for assisted living facilities than the previous 5-6 years.

Commissioner Smith said the response to criticism not look at Chapter 6, what about that. Mr. Schultz said in their staff reports we outline what we feel what each project meets in comprehensive plan criteria. We are required to provide that.

Commissioner Walkowski follows up on evacuation routes with this area regarding Centennial Blvd expansion and when it would be completed. Ms. Krager said that Centennial Blvd between Fillmore and Fontanero interchange is under design. There is funding for project and hope to start construction in 2016. Ms. Krager added that with regard to their questions about emergency access to this property. She has no concerns for a typical type, but if they build here it will be very important to work with OEM to have an emergency plan for evacuation if entire building needed to be evacuated.

Commissioner McDonald asked Mr. Schultz about the analysis for recommendations for geological hazard report, is it in play with the planning department. Mr. Schultz said it is still in play, they will ask for revisions, continue discussions with Terracon and CGS and if notes are necessary and restrictions are placed on the plan those would be done per the recommendation of the geologic hazard report.

Commissioner McDonald said stability is in question through entire report. So say it comes back and the stability is not there and they just cannot meet criteria to keep it stable, what then does planning department do at that point. Mr. Schultz stated that Terracon could probably answer. But if that were the case they could relocate buildings, use different foundations or footers to stabilize that area. So there are different alternatives that can occur in those areas. Commissioner McDonald said she was sure they don't want building to slide down the hill either. Mr. Schultz said as much as possible avoidance is preferred and any steps beyond that is taken into consideration.

Commissioner Markewich stated Commissioner McDonald's questions regarding slope stability. There are two reports in agenda, Terracon and CGS reports. Mr. Schultz provided the review to Terracon's report and the second letter is the respond to CGS's letter.

Commissioner Markewich said CGS recommended to not go forward with this site. Mr. Schultz said yes, that during his presentation he had a follow-up email with CGS that they were comfortable with the correspondences they had received with Terracon on addressing some of those issues and they were more comfortable moving forward with the zone change and the concept plan knowing that they still have to get the full document and the geologic hazard report approved and the development plan submitted to them for review.

Commissioner Markewich said it's uncomfortable when you have conflicting geological reports and you are asking us to approve zone change and concept plan without knowing additional information. It makes him very uncomfortable voting for something that is obviously in question. Mr. Schultz stated that if you read CGS first paragraph in their letter they indicate they believe that the site is suitable for development but that additional analysis is required.

Commissioner Markewich wanted to know if they were taking in consideration that you are putting on a 67 ft. high building on the site. Mr. Schultz stated the received a copy of concept plan for their review and a copy of the development plan that had been submitted earlier.

Commissioner Markewich said that he was up there and couldn't remember if there were traffic signals on both ends of Grand Vista Circle. Ms. Krager said no signals are warranted but they will keep an eye on it and check volumes and if they needed can signalize at least one of them. Commissioner Markewich stated that right now there are both ends of Grand Vista Circle are full movement. Ms. Krager said yes there are no restrictions.

Commissioner Donley said he heard Mr. Schultz say that the development plan had already been submitted and is in process. Mr. Schultz said the development plan has been submitted they felt like if they could have postponed this review another month they could have come back in January or February with both the concept plan and the development plan but this item was on the rapid response.

Commissioner Donley was thinking about asking for a rendering from Sonderman Park Mesa, somewhere in there from the view from their side and it's interesting to note that in your list of comp plan items they are LU items and use items and not CC items which are the environmental criteria. Commissioner Donley both are important considerations; if you think about Biedelman and if you put a building up Rampart Range that is undesirable in his opinion. He recognizes we don't protect views, but open space has another level of support in the comp plan. Commissioner Donley stated he just wanted to back up and asked if they have that option to have the development plan come back to the Commission. Commissioner Donley said he was more looking at it in terms of the fast track side of this. Mr. Schultz said if they kept it on the fast track they could probably make decision in next few days to get on the January agenda. So they could refer development plan at a later date but he would not be sure what that would do to the applicant's time frames.

Commissioner Markewich stated that regarding comprehensive plan, our task is to review the full Comprehensive Plan and not including the CC section in Chapter 6 intentionally, those are just as important considerations and the LU part so why leave them out. So why would you leave something like that out intentionally.

Commissioner Phillips stepped in and stated that he did not believe it was intentional and 2nd of all as Commissioners we all have been over the Comprehensive Plan so he did not think it was unknown to us.

Mr. Schultz responded that when they present the comprehensive plan information in the staff report it's supportive for staff and what is positive and usually not combative because that can

make the project more confusing. So if staff is lending support and we have gone on through the Comprehensive Plan chapters its benign, vague and broad and we pick and choose what supports our position. Commissioner Markewich said that having this information in front of him is important and whether it gets put into our packet as part of the appendix are important considerations.

Rebuttal:

Meggan Iliff stated just one point of clarification. As they have these comments up here the protection of the view to the west are of the 3 story building; the 5 story building is looking east is generally only the vantage point you would see that.

Geological

Terracon – Ryan Thyst will make some statements. He performed the hazard study for the site. They have been working with CGS and coming to a resolution on some of the outstanding issues on this site. Some of their comments is more of a cleanup issue but the overall stability of the site is feasible. With regard to the comments with regard to the weight of the structure although it looks big it's not much weight in the grand scheme of things but it is taken into consideration as part of the stability analysis.

On the west side where it crowds that slope they intentionally put the slope right next to the building; the global stability is greater than the minimum safety factor accepted of 1.5. There's clean up on the western side and they have asked that we do some global stability analysis on the eastern side of the slope. The crest of the slopes are 100 ft. away from the development so they are going to be doing some additional exploration; CGS agrees with our methodology for the supplemental exploration and that will be occurring in the next month or so.

Commissioner Smith asked if they have given any recommendations or considerations to the foundation systems you would be using; what kind of preliminary work have you done. The mesa has an oliveal cap of about 50 ft. of sand and gravel is a fairly dense material so the native soils are good. Drill piers are not needed for the foundation and the spread footing is what you would typically use. When you are analyzing global stability you are looking at circular failures of that slope and that cuts through that sand and gravel layer as well as the bedrock. The bedrock is approximately 30-40 ft. above the creek level. Commissioner Smith asked if the bedrock is expansive. Mr. Thyst said it was but it is 50 ft. down but not a concern for this site.

Meggan Herrington Planning Land Use Review Manage, said if there was some consideration to have the development plan come back next month or a later date and there are pieces you want to see I'd ask that you in your deliberations to explain what you would want.

Continued Rebuttal:

Meggan Illiff said one specific item with regard to zone change and concept plan and the fact that they are on the rapid response time frame, they respectfully ask to leave the development plan with the staff and as they move forward to the various considerations and work with them through the process to address any concerns that might be brought to the table. From a timing perspective it's hard to move forward if we push it out further.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Shonkwiler said he fully supports the development. The location geographic wise, the mixed use concept but does not think it worth their while to bring it back for another review. Mostly what is being discussed is from a geotechnical point of view and not a design issues. Also this project has a tight time line but he trusts the staff to be able to the necessary analysis. The PUD with the Hillside overlay gives the most protection to the site, the neighborhood, and also to the process. So he thinks they have the most control by doing that so he is in favor of all those kinds of issues.

Commissioner Donley said that he was supportive of the use and supportive of the high density project but the thing he is struggling with is the 67 ft. height that is part of it. This is a really steep site and it's got some heavy impacts on adjacent open space. His first preference would be to simply see a stepped building that would have a 60 ft. height maximum and in fact as it gets further south he would like to see it step down even further to 45 ft. so that you're looking from below you are stepping down but suffice to say that 60 ft. is the maximum in his mind. If in fact there is a desire to do to the 67 he wants it to come back to planning commission so that we can review the development plan. He is supportive of the land use, it's a good infill but he is not going to support a 67 ft. height.

Commissioner Gibson stated she also has reservations about the height. She appreciates the project coming forward it is something we do need in Colorado Springs but given the bulk and scale of the project she is looking at their criteria and she does not think it meets the 7.5.603B and she does not think it meets the 7.3.605 that they have in front of them. Mr. Schultz made a comment that the geological report said it was suitable for development but doesn't mean that it is suitable for this particular development. So with that she will not be supporting the project.

Commissioner Henninger said there was lots to consider. The location, matching it with the comprehensive plan and the master plan he thinks it fits in with the all the them. The whole mesa area is going to change over time. There will be another change in the area once Centennial starts to run down through it and other projects that are going to be infilling. He thinks it's an interesting design, it's laid out well on the area that is defined. He does have concern about geology but with the recommendations with the people that say it's ok he will be supporting this project.

Commissioner Markewich stated that at this point he was not really sure whether he was in support of the project or not. He echoes Commissioner Donley's comments about the missed opportunity to step the building down. He looks at 7.5.603 which is the establishment or change of zone and # 2 is the proposal consistent with the goals and policies of the comprehensive plan. Yes it is consistent with the LU part of the comprehensive plan but can easily see that

CCA points that are in front of us that it is not consistent. That is troubling to him. When you get to the concept plan review criteria is specifically states are permitted uses, bulk requirements and required landscaping appropriate to the type of development in the neighborhood and community. He is specifically looking at the bulk requirements and it just doesn't seem like you've done enough to minimize the bulk requirements and that 67 height also troubling to him. If they were to lower it and if you designing with the contours of the landscaping you could do substantial minimization of the bulk. Then, does the proposed development promoted the stabilization and preservation of existing properties in adjacent areas and Sounding residential neighborhoods. He is not sure if it meets that criteria either. So at this point he is torn because he thinks the site needs developed, it's a perfectly appropriate use, he just wished you could take some off the top and go forward with a change.

Commissioner Smith said he spent an hour on the site; he also looked at Centennial and Fillmore and looked at the perspective that was provided. He was at the intersection of Fillmore and Mesa Rd and looked at it and he thinks it should be noted that there is potential for development at the southwest corner, at Fillmore and Centennial for a 60 ft. high project. There is going to be development at the corner of Fillmore and Mesa Rd and these developments are going to mask what will be seen with view. He is satisfied with the geological issues, so he will be in favor of the project

Commissioner Walkowski said that he felt the PUD criteria is generally met; the Comprehensive Plan is generally in compliance too except for if he was going to carve out the design he thinks there is great effort made towards the design but there could be better effort made to step it down or offset the look so that it is not so bulky and he thinks the bulk is driving a lot of this conversation so he thinks he will hold and see what Commissioner Donley proposes.

Commissioner McDonald said she was going to vote in favor of this proposal. Sentinel Ridge is a good project. It's met review criteria required. She feels they have built several projects that all have made a name for this type of a project and they are not going to build something on there that will be detrimental to our area, it will fit in, and it's going to be a beautiful building. As far as the height of building, she has a little different view of 60 – 67 ft. the buildings are so big any way it doesn't make that big a difference. Voting in favor as it has come forward.

Commissioner Phillips said he agrees with Commissioner McDonald. He will be supporting the project and he believes that Commissioner Shonkwiler would like to make a motion.

Commissioner Henninger stated the thing he likes about this project is as you drive around the town the senior care requirements are being met in many types of different neighborhoods and areas and has no difficulty with this type of facility in this particular location and would fit quite well.

Moved by Commissioner Shonkwiler and seconded by Commissioner Smith to approve **Item 9.A, File No. CPC ZC 15-00107- change of zone to PUD.** A zone change from R-5/HS (Multi-family Residential with Hillside Overlay) and R/HS (Residential Estate with Hillside Overlay) to PUD/HS (Planned Unit Development with Hillside Overlay) to allow a maximum of 266 independent living units, 40 memory care units, 66 assisted living units and 56 beds for skilled

nursing care and a maximum building height of 67-feet consisting of 25.62 acres. This recommendation is based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).

Motion passed **5-4**

Moved by Commissioner **Shonkwiler** and seconded by Commissioner **Smith** to approve **Item 9.B, File No. CPC ZC 15-00108** the concept plan for Sentinel Ridge Senior Living facility based on the finding the plan complies with the review criteria in City Code Section 7.3.605 (Review Criteria for PUD Concept Plans) subject to compliance with the following significant and technical and/or informational modifications to the concept plan:

An Amendment by Commissioner Donley and seconded by Commissioner Walkowski to have the Development Plan come back to the Planning Commission that would include a rendering from locations to the south specifically Biedelman Center and further north on the Mesa Open Space.

Motion for the amendment failed 3-6

Vote on the original motion with the Technical and Information Modification listed:

Significant Modifications

1. Continue coordination with the Colorado Geologic Survey and City staff regarding acceptance of the geologic hazard report. Place a note on the Concept Plan stating "Site design and layout may be altered based on the conclusions and outcome of the geologic hazard report".

Technical and Informational Modifications to the Development Plan:

1. Finalize an agreement with the City Parks Department on parkland dedication and to the requirement to rezone land dedicated to the PK (Public Park) zone.
2. Provide a note on the plan stating "Off-site signage not approved with this plan".
3. Show and callout the speed line of sight with the adequate sight distance length (footage) for the proposed accesses off of Grand Vista Circle.
4. Show and callout the appropriate location(s) of the proposed gate(s) for each access.
5. Add the anticipated plat name to the Concept Plan.
6. Show and call out the detached sidewalk and entrances along Grand Vista Circle (note: public improvement easement will be necessary where the sidewalk goes outside the ROW).
7. Label all streets as either private or public.
8. Label and identify Grand Vista Circle, the right-of-way width, classification, and clarify the property boundaries.

9. Pull back the median, at the eastern entrance, behind the City's R.O.W. and assure it does not obstruct the pedestrian crossing.
10. Label existing storm sewer pipes and structures.
11. Assure the concept plan reflects any changes made to the drainage report.
12. The Geologic Hazard Report was missing a few details. Contacted the Engineering Consultant who is waiting on the revised Geologic Hazard Report.
13. CSU acceptance of the Wastewater Master Facility Report is required prior to development plan approval.
14. Vacation of the existing utility easement for the 20-inch water main will be required after relocation is complete.

Motion passed **6-3**

December 17, 2015

Date of Decision

Planning Commission Chair

DRAFT

PUD ZONE CHANGE REVIEW CRITERIA:

7.3.603: ESTABLISHMENT AND DEVELOPMENT OF A PUD ZONE:

A. A PUD zone district may be established upon any tract of land held under a single ownership or under unified control, provided the application for the establishment of the zone district is accompanied by a PUD concept plan or PUD development plan covering the entire zone district which conforms to the provisions of this part.

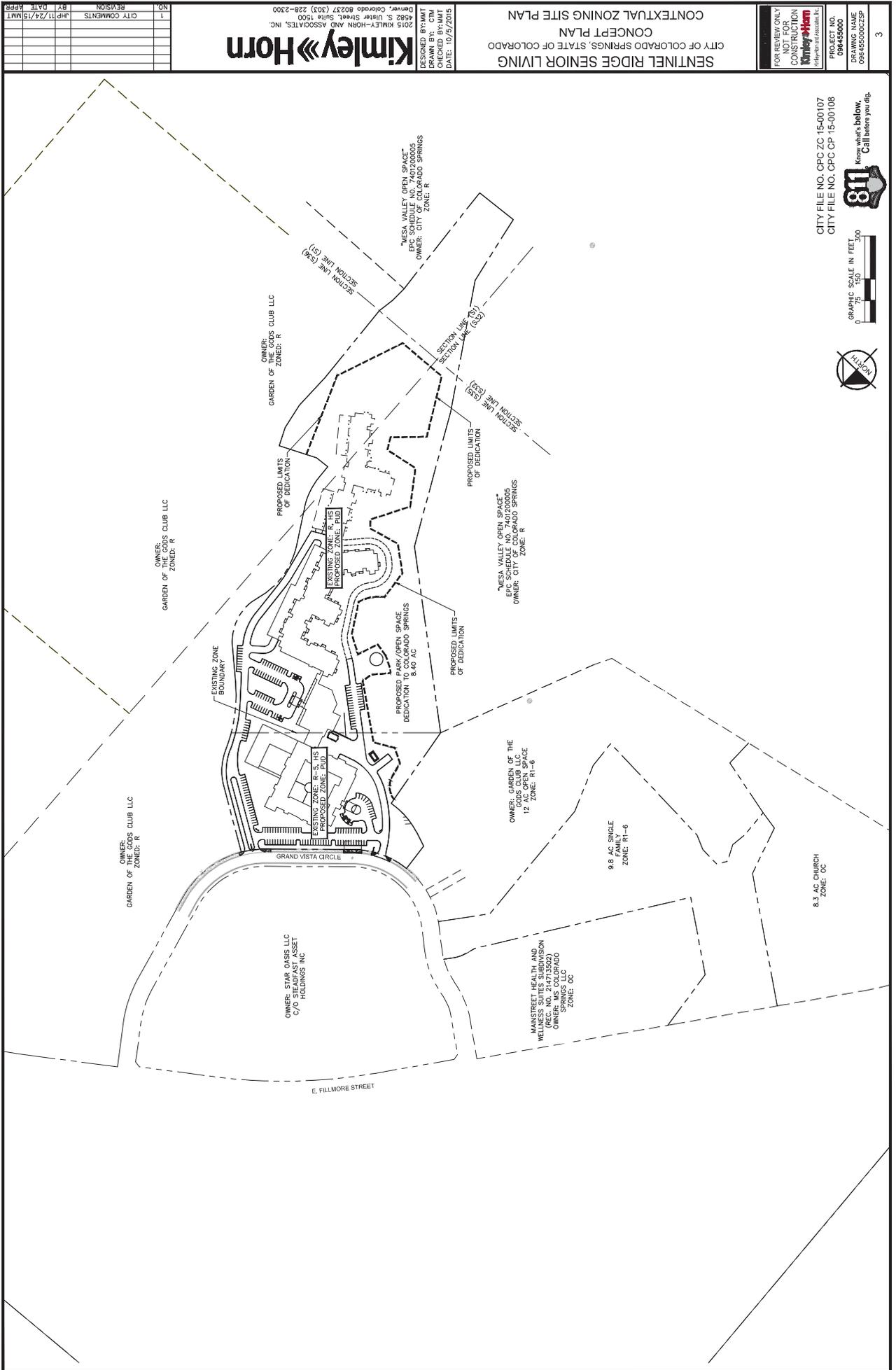
B. An approved PUD development plan is required before any building permits may be issued within a PUD zone district. The PUD development plan may be for all or a portion of the

entire district. The review criteria for approval of the PUD concept plan and approval of a PUD development plan are intended to be flexible to allow for innovative, efficient, and compatible land uses.

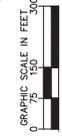
(Ord. 03-110, Ord. 12-68)

FIGURE 1

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CITY FILE NO. CPC ZC 15-00107
CITY FILE NO. CPC CP 15-00108



FOR REVIEW ONLY
NOT FOR
CONSTRUCTION
Kimley-Horn
2015-11-24 (11:12 AM)

PROJECT NO.
096455000

DRAWING NAME
096455000CSP

3

**SENTINEL RIDGE SENIOR LIVING
CONCEPT PLAN
CONTEXTUAL ZONING SITE PLAN**

CITY OF COLORADO SPRINGS, STATE OF COLORADO

Kimley-Horn

DESIGNED BY: AMT
DRAWN BY: CTM
CHECKED BY: AMT
DATE: 10/27/2015

2015 KIMLEY-HORN AND ASSOCIATES, INC.
4525 S. UHLER STREET, SUITE 1500
DENVER, COLORADO 80237 (303) 228-2300

NO.	DATE	BY	REVISION
1	11/24/2015	AMT	CITY COMMENTS

NO.	REVISION	DATE	BY	CHKD	APPD
1	CITY COMMENTS	11/24/15	JMP		

DESIGNED BY: JIMMY HORN
 DRAWN BY: JIMMY HORN
 CHECKED BY: JIMMY HORN
 DATE: 10/15/2015

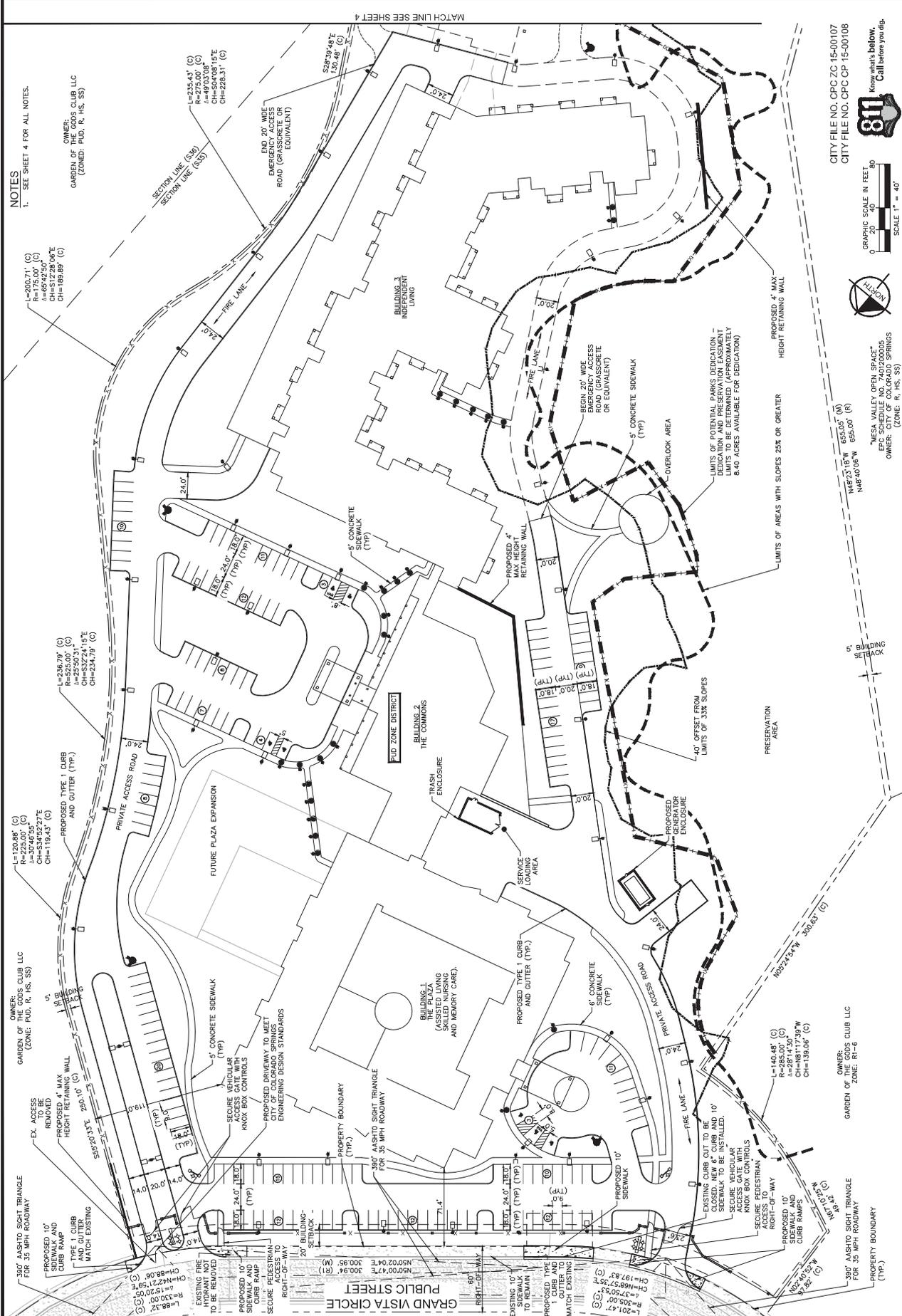
5815 KIMLEY-HORN AND ASSOCIATES, INC.
 2852 S. UTEH STREET, SUITE 1500
 DENVER, COLORADO 80237 (303) 228-2300

CITY OF COLORADO SPRINGS, STATE OF COLORADO
 CONCEPT PLAN
 CONCEPT SITE PLAN-NORTH

FOR REVIEW ONLY
 NOT FOR
 CONSTRUCTION

Kimley-Horn
 A KIMLEY-HORN COMPANY

PROJECT NO. 086455000
 DRAWING NAME 086455000SP
 CITY FILE NO. CPC ZC 15-00108
 CITY FILE NO. CPC CP 15-00108



NOTES
 1. SEE SHEET 4 FOR ALL NOTES.

OWNER:
 GARDEN OF THE GODS CLUB LLC
 (ZONED: PUD, R, HS, SS)

L=200.71' (C)
 R=175.00' (C)
 CH=172.28' (C)
 CH=189.89' (C)

L=236.79' (C)
 R=252.00' (C)
 CH=322.44' (C)
 CH=234.79' (C)

L=120.88' (C)
 R=225.00' (C)
 CH=334.52' (C)
 CH=119.43' (C)

L=140.48' (C)
 R=281.43' (C)
 CH=139.09' (C)

L=201.43' (C)
 R=187.83' (C)
 CH=375.00' (C)
 CH=197.83' (C)

L=240.00' (C)
 R=240.00' (C)
 CH=240.00' (C)

CITY FILE NO. CPC ZC 15-00107
 CITY FILE NO. CPC CP 15-00108

KNES VALLEY OPEN SPACE
 EASEMENT
 OWNER: CITY OF COLORADO SPRINGS
 (ZONE: R, HS, SS)

GRAPHIC SCALE IN FEET
 0 20 40 80
 SCALE 1" = 40'

OWNER:
 GARDEN OF THE GODS CLUB LLC
 (ZONED: PUD, R, HS, SS)

L=140.48' (C)
 R=281.43' (C)
 CH=139.09' (C)

L=201.43' (C)
 R=187.83' (C)
 CH=375.00' (C)
 CH=197.83' (C)

L=240.00' (C)
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L=240.00' (C)
 R=240.00' (C)
 CH=240.00' (C)

L=240.00' (C)
 R=240.00' (C)
 CH=240.00' (C)

FIGURE 1

NO.	REVISION	DATE	BY
1		11/24/15	KMT
2			
3			
4			

DESIGNED BY: KIMLEY-HORN & ASSOCIATES, INC.
 2015 S. UTE STREET, SUITE 1500
 DENVER, COLORADO 80237 (303) 228-2300

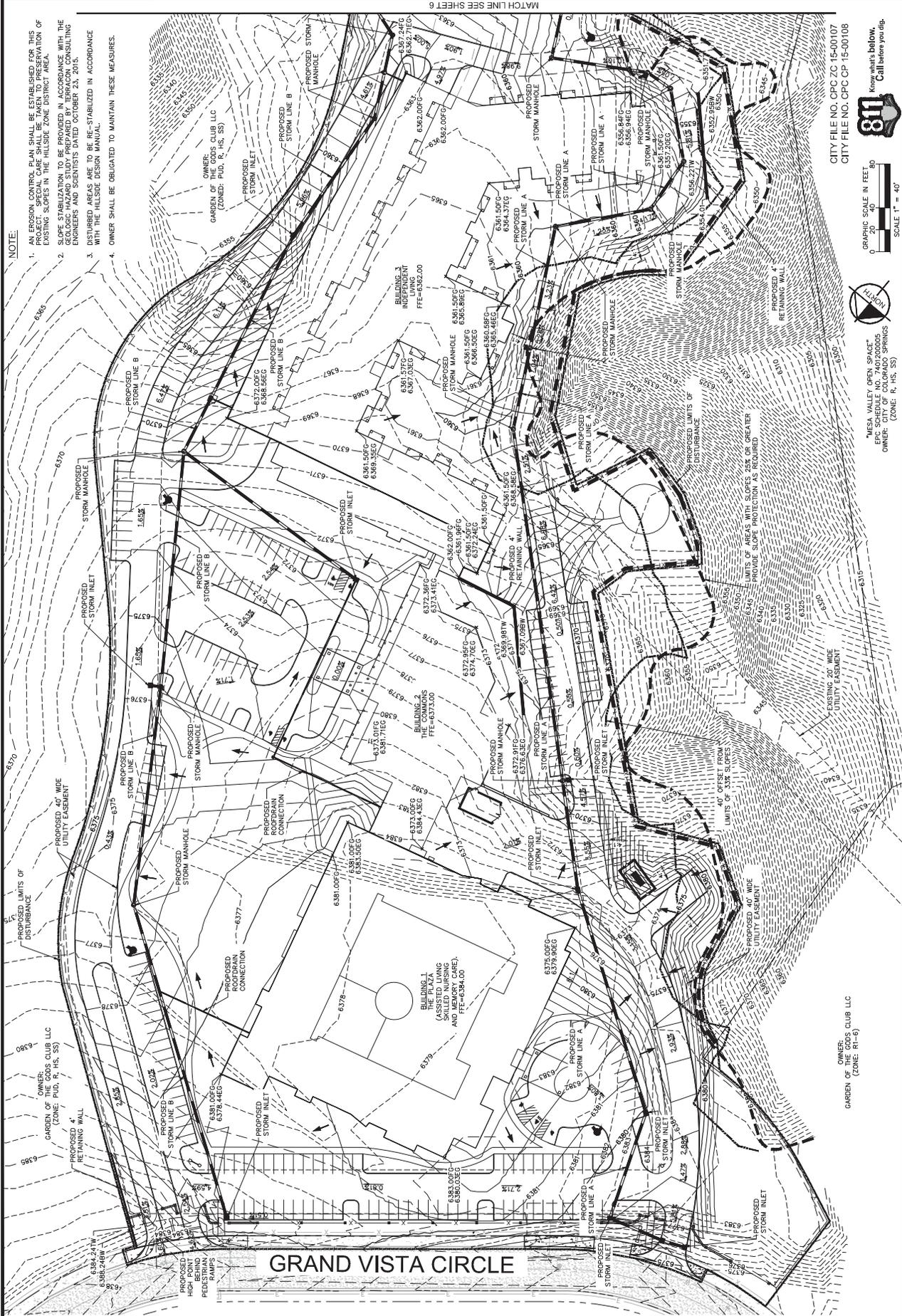
PROJECT NO. 15-00107
 DRAWN BY: JMM
 CHECKED BY: AMT
 DATE: 10/5/2015

SENTINEL RIDGE SENIOR LIVING
 CITY OF COLORADO SPRINGS, STATE OF COLORADO
 CONCEPT PLAN
 CONCEPT GRADING PLAN-NORTH

FOR REVIEW ONLY
 NOT FOR
 CONSTRUCTION

Kimley-Horn
 An American Consulting Engineering Firm

PROJECT NO. 096455000
 DRAWING NAME 096455000GD
 SHEET NO. 6



- NOTE:**
1. AN EROSION CONTROL PLAN SHALL BE ESTABLISHED FOR THIS PROJECT. SPECIAL CARE SHALL BE TAKEN TO PRESERVE EXISTING SLOPES IN THE HILSLOE ZONE DISTRICT AREA.
 2. SLOPE STABILIZATION TO BE PROVIDED IN ACCORDANCE WITH THE HILSLOE ZONE DISTRICT REGULATIONS AND CONSULTING ENGINEERS AND GEOTECHNICALS DATED OCTOBER 20, 2014.
 3. DISTURBED AREAS ARE TO BE RE-STABILIZED IN ACCORDANCE WITH THE HILSLOE DESIGN MANUAL.
 4. OWNER SHALL BE OBLIGATED TO MAINTAIN THESE MEASURES.

CITY FILE NO. CPC ZC 15-00107
 CITY FILE NO. CPC CP 15-00108

GRAPHIC SCALE IN FEET
 0 20 40 80
 SCALE 1" = 40'

KNOWN AS: MESA VALLEY OPEN SPACE
 EPIC SCHEDULE NO. 740700005
 OWNER: CITY OF COLORADO SPRINGS
 (ZONE: R, HS, SS)

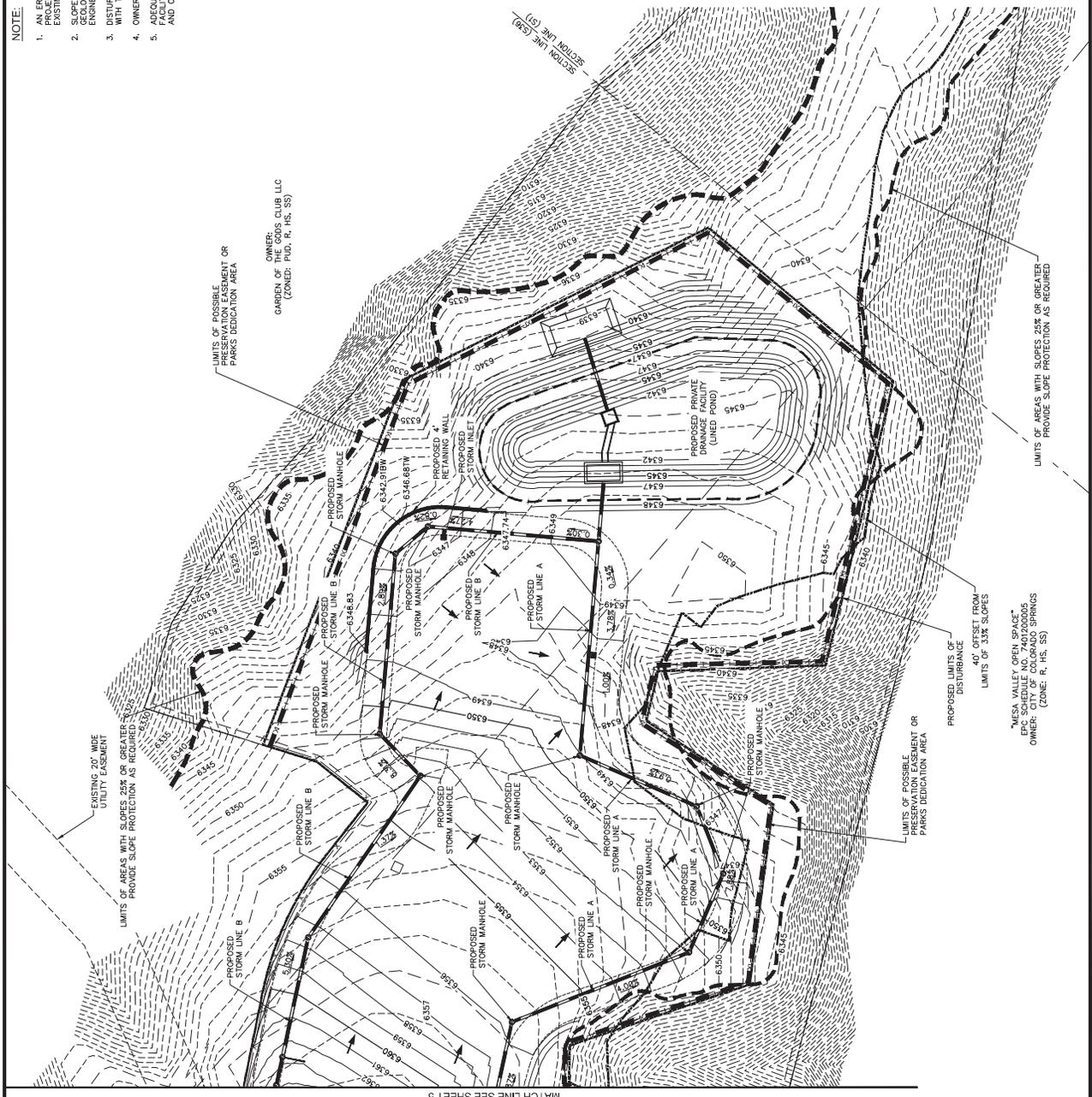
KNOWN AS: GARDEN OF THE GODS CLUB LLC
 (ZONE: R1-6)
 Call before you dig.

FIGURE 1

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FIGURE 1

K:\06\civil\096455000\CAD\plan\sheet\concept Site Plan\096455000.dwg Porter, jake 11/24/2015 10:14 AM



NOTE:

1. AN EROSION CONTROL PLAN SHALL BE ESTABLISHED FOR THIS PROJECT. THE EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE EROSION CONTROL PLAN SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
2. SLOPE STABILIZATION SHALL BE PROVIDED IN ACCORDANCE WITH THE GEOLOGIC HAZARD STUDY PREPARED BY TERRACON CONSULTING ENGINEERS AND SCIENTISTS DATED OCTOBER 23, 2015.
3. DISTURBED AREAS ARE TO BE RE-STABILIZED IN ACCORDANCE WITH THE HILLSIDE DESIGN MANUAL.
4. OWNER SHALL BE OBLIGATED TO MAINTAIN THESE MEASURES. ADEQUATE ACCESS TO THE PROPOSED PRIVATE DRAINAGE FACILITY WILL BE PROVIDED TO MAINTAIN THE BOTTOM OF BASIN AND OUTLET STRUCTURE.



 GRAPHIC SCALE IN FEET



 SCALE 1" = 40'

CITY FILE NO. CPC ZC 15-00107

 CITY FILE NO. CPC CP 15-00108



 Know what's below.

 Call before you dig.

DESIGNED BY: AMT

 DRAWN BY: CTM

 CHECKED BY: AMT

 DATE: 10/27/2015

2015 KIMLEY-HORN AND ASSOCIATES, INC.

 4522 S. URBAN STREET, SUITE 1500

 DENVER, COLORADO 80237 (303) 228-2300



NO.	REVISION	DATE	BY
1		11/24/15	MT

FOR REVIEW ONLY

 NOT FOR

 CONSTRUCTION

PROJECT NO.

 096455000

 DRAWING NAME

 096455000S

NO.	1
REVISION	
CITY COMMENTS	
BY	JPH
DATE	11/24/15
APP.	

DESIGNED BY: JPH
 DRAWN BY: JPH
 CHECKED BY: JPH
 DATE: 10/15/2015

5015 KIMLEY-HORN AND ASSOCIATES, INC.
 2582 S. Ute Street, Suite 1500
 Denver, Colorado 80237 (303) 228-2300

Kimley-Horn

CITY OF COLORADO SPRINGS, STATE OF COLORADO
SENTINEL RIDGE SENIOR LIVING
 CONCEPT PLAN
 CONCEPT DRAINAGE PLAN

FOR REVIEW ONLY
 NOT FOR
 CONSTRUCTION

Kimley-Horn
 Kimley-Horn and Associates, P.C.

PROJECT NO.
 096455000

DRAWING NAME
 096455000R

8

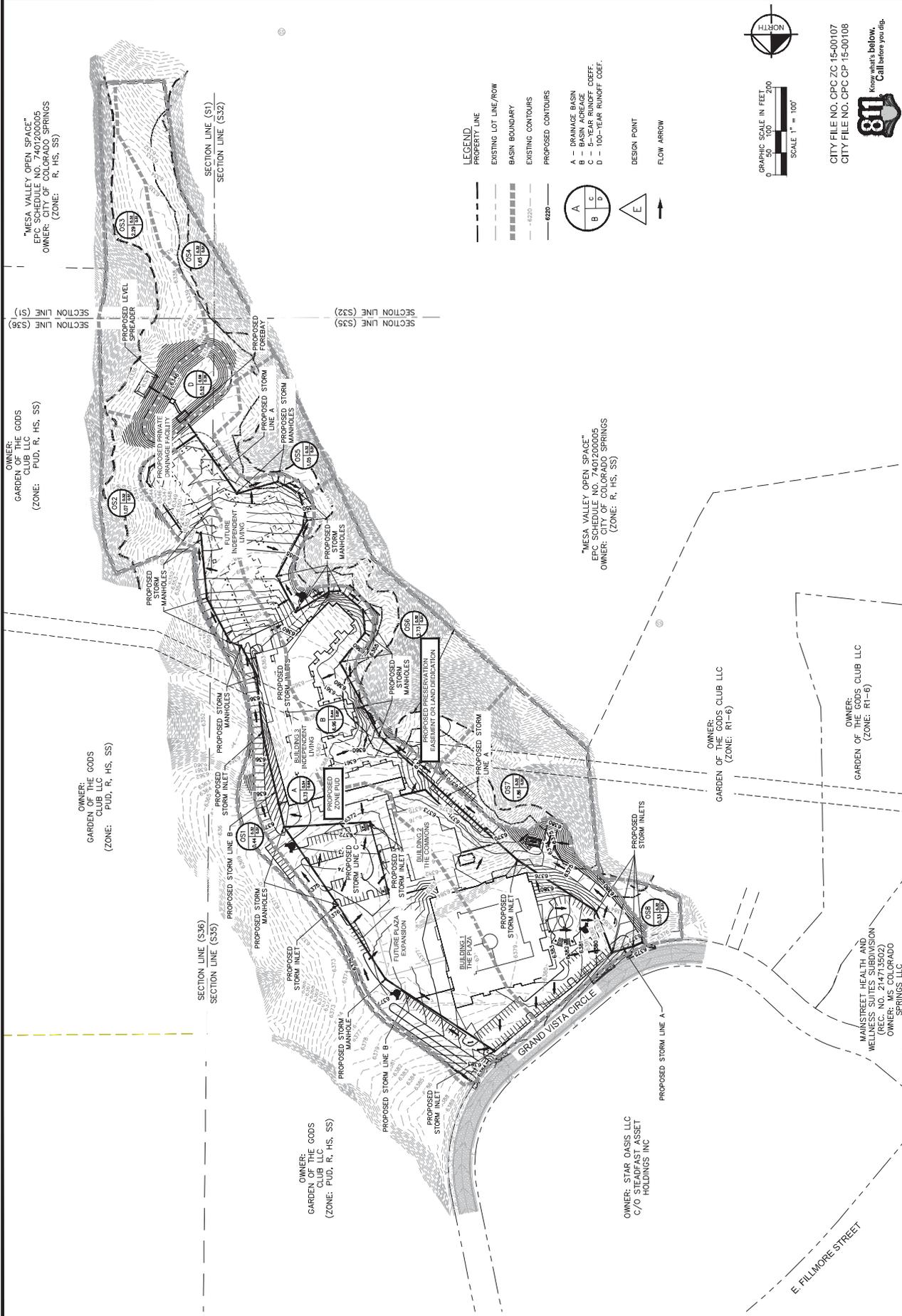


FIGURE 1

\\srm-csl\096455000\CADD\PrintSheets\Concept Site Plan\096455000R.dwg Printer: Joke 11/24/2015 10:14 AM

NO.	DATE	BY	DATE	REVISION
1	11/24/2015	JMT		CITY COMMENTS

SENTINEL RIDGE SENIOR LIVING
CONCEPT PLAN
CONCEPT UTILITY PLAN-NORTH

CITY OF COLORADO SPRINGS, STATE OF COLORADO

DESIGNED BY: AMT
 DRAWN BY: CNU
 CHECKED BY: JMT
 DATE: 10/27/2015

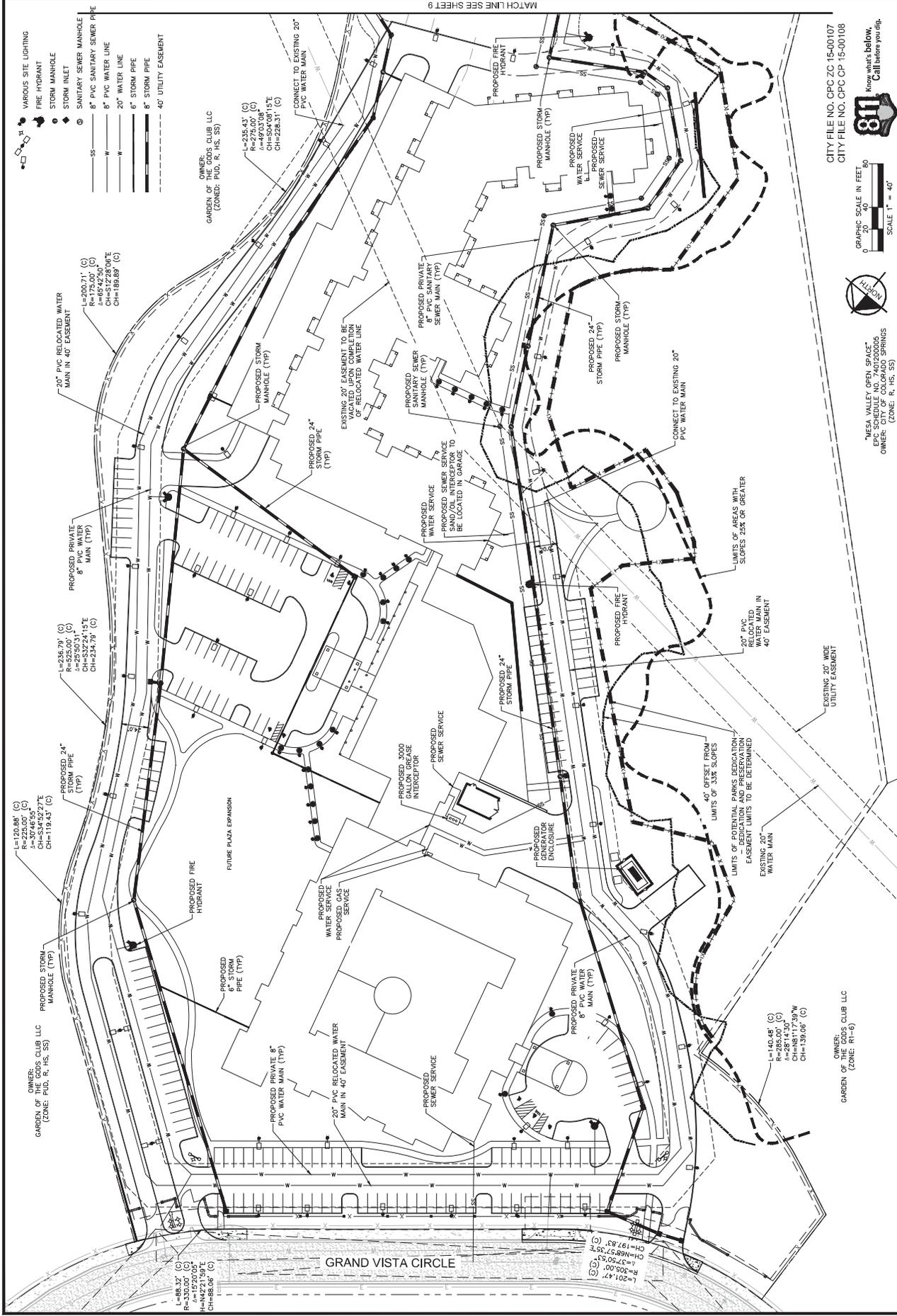
2015 KIMLEY-HORN AND ASSOCIATES, INC.
 4825 S. Ute Street, Suite 1500
 Denver, Colorado 80237 (303) 228-2300

Kimley-Horn

FOR REVIEW ONLY
 NOT FOR
 CONSTRUCTION

Kimley-Horn
 1100 14th Street, Suite 100
 Colorado Springs, CO 80902

PROJECT NO. 09455000
 DRAWING NAME 0945500001
 SHEET NO. 9



CITY FILE NO. CPC ZC 15-00107
 CITY FILE NO. CPC CP 15-00108

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

GRAPHIC SCALE IN FEET
 0 20 40 80
 SCALE 1" = 40'

MEASUREMENT
 "MESA VALLEY OPEN SPACE"
 EPC SCHEDULE NO. 7401200005
 OWNER: GARDEN OF THE GODS CLUB LLC
 (ZONE: R, HS, SS)

FIGURE 1

GARDEN OF THE GODS CLUB LLC
 (ZONE: R1-6)

GRAND VISTA CIRCLE

FIGURE 1



CITY FILE NO. CPC ZC 15-00107
CITY FILE NO. CPC CP 15-00108



FOR REVIEW ONLY
NOT FOR
CONSTRUCTION

PROJECT NO.
096455000

**SENTINEL RIDGE SENIOR LIVING
CONCEPT PLAN
LAND SUITABILITY PLAN**
CITY OF COLORADO SPRINGS, STATE OF COLORADO

DESIGNED BY: LMT
DRAWN BY: CTM
CHECKED BY: LMT
DATE: 10/27/2015

Kimley»Horn
2015 KIMLEY-HORN AND ASSOCIATES, INC.
4825 S. Ulster Street, Suite 1500
Denver, Colorado 80237 (303) 228-2300

NO.	DATE	REVISION	BY	DATE	APPROVED
1	11/24/2015				

K:\DGN\Civil\096455000\CAD\Plansheets\Concept Site Plan\096455000.dwg Plotter: sds 11/24/2015 10:24 AM



November 24, 2015

Mr. Mike Schultz, AICP
Senior Planner
Planning and Development Department
Land Use Review Division
City Administration Building
30 South Nevada Avenue, Suite 105
Colorado Springs, CO 80901-1575

RE: *SQLC at Sentinel Ridge*
Zone Change and Concept Plan (CPC ZC 15-00107/CP 15-00108)
Concept Statement

Dear Mr. Schultz,

Thank you for accepting this Zone Change and Concept Plan package for the above-noted Project. We are pleased to be working with Senior Quality Lifestyles Company (Sentinel Ridge Senior Living Corporation, LLC) and AG Architecture on the facility located in the currently vacant land south of Grand Vista Circle, adjacent to the Mesa Valley Open Space.

The proposed Sentinel Ridge project will include the construction of a new Continuing Care Retirement Community (CCRC) consisting of residential based living units as well as common spaces for seniors, providing multiple levels of care from Independent Living through Skilled Nursing. In order to support this development, we are proposing a Zone Change from R/R5/HS to a PUD Zone District. A portion of the site where grades exceed 4:1 slopes will also be designated as a Preservation Area and will either be covered by a Preservation Easement or be dedicated to the City Parks Department as a land dedication. The areas along the project perimeter will be left in their natural state which will relate well to the existing open space on the west and vacant land on the east. The character of the project mass and scale will similarly relate to the existing multi-family residences north of Grand Vista Circle.

Project Program

The campus will be configured to consist of two primary building components: the Plaza Building, consisting of three stories of Memory Support, Assisted Living and Skilled Nursing care with a common entrance and the Independent Living building consisting Independent Living apartments with enclosed parking, two stories of common spaces for residents and a common entrance. The Independent Living building will be generally 3-stories in height on the north and east facing facades and 5-stories in height on the west and south facing facades. A supplemental letter has been provided to more clearly show the building height throughout the site.

The current program includes the following present and future components:

Present Condition (Phase I)

- 148 one and two bedroom Independent Living apartments with underground/enclosed parking and balconies/patios
- 48 one and two bedroom Assisted Living apartments
- 20 units of Memory Support
- 40 private and semi-private beds for Skilled Nursing

Future Expansion (Phase II+)

- 118 Independent Living apartments with underground/enclosed parking and balconies/patios
- Plaza Wing Expansion to consist of approximately 18 assisted living apartments, 20 units of memory support, and 16 beds for Skilled Nursing.

- The expansion areas are shown on this plan for reference; however, those improvements will be reviewed and permitted separate from this Application. The drainage facility; however, has been designed to account for the final build-out scenario.

Both building components will consist of a number of amenities and common spaces for resident use including multiple dining venues, living and activity spaces and fitness/therapy spaces. Exterior walking paths, public patios and outdoor spaces for resident gathering are also proposed. A portion of the building will consist of a service component, including receiving, service drive, commercial kitchen as well as mechanical and staff support spaces. Approximately 405,000 SF is anticipated.

The building components will be constructed of both light gauge metal and wood framing systems, with exterior materials consisting of highly durable products including cement board siding, cultured stone and exposed wood timbers in select areas.

Based on the significant topography of the site as well as the planned approach to provide connection of all facilities within the community, further information is provided relative to building height provided for by the PUD zoning. The design provided allows for flexibility of design, architecture to match the community and provides a consistency with the discussions during our Pre-Application meeting with Mr. Steve Tuck. Perspectives of the site relative to the surroundings are also provided for additional context. It should be noted that the Project provides for building mass of a maximum of three stories with the exception of a portion of the Independent Living which is located furthest away from the Grand Vista Circle right-of-way (over 600 feet away) and the proposed finish floor of the building is approximately sixteen feet lower than the adjacent right-of-way.

Site Access and Utilities

Site Access

The site obtains access from two points of entry from Grand Vista Circle as previously envisioned by the existing curb cuts in the roadway. The existing curb cut locations are only slightly modified with the Project. This provides for separation of the classifications of use in the community. The Site will also

be gated for both vehicles and pedestrians as discussed in the LDTC. Gates will be placed sufficiently away from the vehicular access points to the adjacent right-of-way and Knox box access will be provided for fire access. Curb ramps will be provided at the site access points as well as throughout the site.

A continuous access path is provided throughout the site. The western portion of the access road will be limited to emergency vehicle access and a small portion of employee parking. At all times a minimum of 20' wide path is provided. Pedestrian connectivity will be provided throughout the site with ADA ramps as well as connections to the adjacent right-of-way and the overlook area shown on the west.

Utility Connections

The Project will connect to the existing utility infrastructure adjacent to the Site as possible. Gas and Electric service is anticipated to come from the Grand Vista right-of-way.

Sanitary sewer is available in Grand Vista Circle; however, due to the topography of the Site, it is only plausible to utilize this existing main for the Plaza Building, at most. The remainder of the sanitary sewer flows generated by the project will be collected and conveyed south to the existing sanitary sewer main off-site approximately 500 LF through the City Owned Mesa Valley Open Space. This will require private and public sanitary sewer mains for the Project.

The Project will provide a private storm sewer system to collect and convey developed runoff from the Project to a drainage facility located at the southern end of the Site. The drainage facility is located to allow for future expansion of the Independent Living portion of the Project as noted above. Due to the lack of public storm sewer main in the area as well as the adjacent grades, the controlled release from the pond is due to discharge to the south.

The water service for the Project will create a new looped 8" water main through the site to provide separate domestic and fire services for each building and fire hydrants throughout. Irrigation is assumed to connect to this proposed main as well. Additionally, an existing 20" water main bisects the Site. Colorado Springs Utilities is in process of locating this line. The Project will be relocating this line around the Project and locate it within a new 40' wide easement.

Zone Change Justification

The following review criteria were examined as a part of this application:

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

The Project will enhance the public interest, health, safety and general welfare of the public by providing a CCRC in an area that has this strong need.

2. The proposal is consistent with the Comprehensive Plan

The Site is indicated as General Residential under the 2020 Land Use. Based on our Pre-Application meeting, we understand that the density proposed is further consistent with the City's Comprehensive Plan.

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

The Site is a part of the Central Planning Area, more specifically part of the Hill Properties. Our proposal is consistent with this plan.

Additionally, the only issue raised during the Pre-Application meeting was the proximity to the steep slopes. This concern has been mitigated with the preparation of the Geological Hazard Study as well as minimizing development in the areas slope stability concern. A land suitability analysis is also provided with this application for reference. The Project team is continuing to work with the Colorado Geological Survey to ensure their concerns are addressed as well.

PUD Concept Plan Review Criteria

The following review criteria were examined as a part of this application:

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

The 2020 Land Use Map reflects residential on the site as well as candidate open space at the edge of the site. This project intends to be fully in keeping with this approach and our proposal includes land dedication which can further the goals of the plans.

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

Yes, the proposed uses are consistent with the land uses identified as residential on the Comprehensive Plan.

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

The project is not known to be subject to a site specific City approved master plan.

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

The Project is consistent with the intent and purpose of the Zoning Code and the PUD District. As noted, the "district encourages the flexibility in design to create a better living environment, to

preserve the unique features of the site, and to provide public services in a more economic manner.” This project provides unique design to serve seniors in the community on a site that preserves the natural features of the existing land in either preservation easements or land dedication to the Parks Department.

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

The provided use is complementary to the existing neighborhood and the long term development will provide stability for the neighborhood and residents of the community as a whole.

- F. Does the development pattern proposed within the PUD concept plan provide an appropriate transition or buffering between uses of differing intensities both on site and off site?

The site provides natural fall and separation between the public right-of-way and the more dense independent living portion of the project.

- G. Does the nonresidential development pattern proposed within the PUD concept plan promote integrated activity centers and avoid linear configurations along roadways?

This criteria is not applicable for this Project.

- H. Are the permitted uses, bulk requirements and required landscaping appropriate to and compatible with the type of development, the surrounding neighborhood or area and the community?

The uses and landscaping are consistent with the zoning code and the surrounding neighborhood. No bulk requirements are defined by the PUD.

- I. Does the PUD concept plan provide adequate mitigation for any potentially detrimental use to use relationships (e.g., commercial use adjacent to single-family homes)?

The proposed senior living uses are complementary to the existing neighborhood and in context with the existing zoning. While no buffering is needed, natural buffering will occur due to the open space on the west as well as the separation required by the topography to the east.

- J. Does the PUD concept plan accommodate automobile, pedestrian, bicycle and transit modes of transportation as appropriate, taking into consideration the development's primary function, scale, size and location?

The project plan provides accommodations for vehicles, pedestrians, bikes and emergency vehicles for travel to and through the site. The site will also be gated to provide a secure environment as needed for the residents. Vehicular gates will be provided at a sufficient distance

from the right-of-way for entry and pedestrian gates and sidewalks will be provided for secure pedestrian/bicycle access as well.

- K. Does the PUD concept plan include a logical hierarchy of perimeter and internal arterial, collector and local streets that will disperse development generated vehicular traffic to a variety of access points and ways, reduce through traffic in adjacent residential neighborhoods and improve resident access to jobs, transit, shopping and recreation?

Due to the size and function of the Site, only internal private access drives are required. No public streets are planned.

- L. Will streets and drives within the project area be connected to streets outside the project area in a way that minimizes significant through traffic impacts on adjacent residential neighborhoods, but still improves connectivity, mobility choices and access to jobs, shopping and recreation?

There will be no through traffic on other sites to access this Project. The only access points are to Grand Vista Circle which is public right-of-way. There is no availability for vehicular traffic to cut through other sites to access the project.

- M. Does the PUD concept plan provide safe and convenient vehicle and pedestrian connections between uses located within the zone district, and to uses located adjacent to the zone district or development?

Residents and visitors of the community will have safe and convenient connections through the site for vehicles and external and internal ADA routes will be provided for pedestrians.

- N. Will adequately sized parking areas be located to provide safe and convenient access, to avoid excessive parking ratios and avoid excessive expanses of pavement?

Parking is provided for the community based on the Owner's detailed knowledge of what is necessary for the project and is sized and spaced sufficiently for the Project and the various facilities. Garaged parking is provided for the Independent Living portion of the Project which minimizes expanses of pavement as well.

- O. Are open spaces integrated into the PUD concept plan to serve both as amenities to residents/users and as a means for alternative transportation modes, such as walking and biking?

Open and community spaces will be provided for the residents and visitors of the Project for amenities and health opportunities. In addition to ADA paths exterior to the facilities which provide direct access to the right-of-way, an internal courtyard is available to the Plaza building and several other outdoor spaces are provided.

- P. Will the proposed development overburden the capacities of existing or planned streets, utilities and other public facilities?

The project will not overburden the capacities of the existing roadway network or existing utilities.

- Q. Are the areas with unique or significant natural features preserved and incorporated into the design of the project? (Ord. 03-110; Ord. 03-190; Ord. 09-70; Ord. 09-80; Ord. 12-68)

Significant areas are proposed for dedication as either preservation easements or a land dedication to the City of Colorado Springs Parks department for use. The natural features, slopes, and landscaping will be preserved in a large portion of the site.

Project Requests

As a part of the Zone Change and Concept Plan submittals, the Project respectfully requests consideration of the following:

- Inclusion in the City’s Rapid Response Program
- Support of our Applications to allow for a Rezone Completion no later than February 1, 2016

Closing

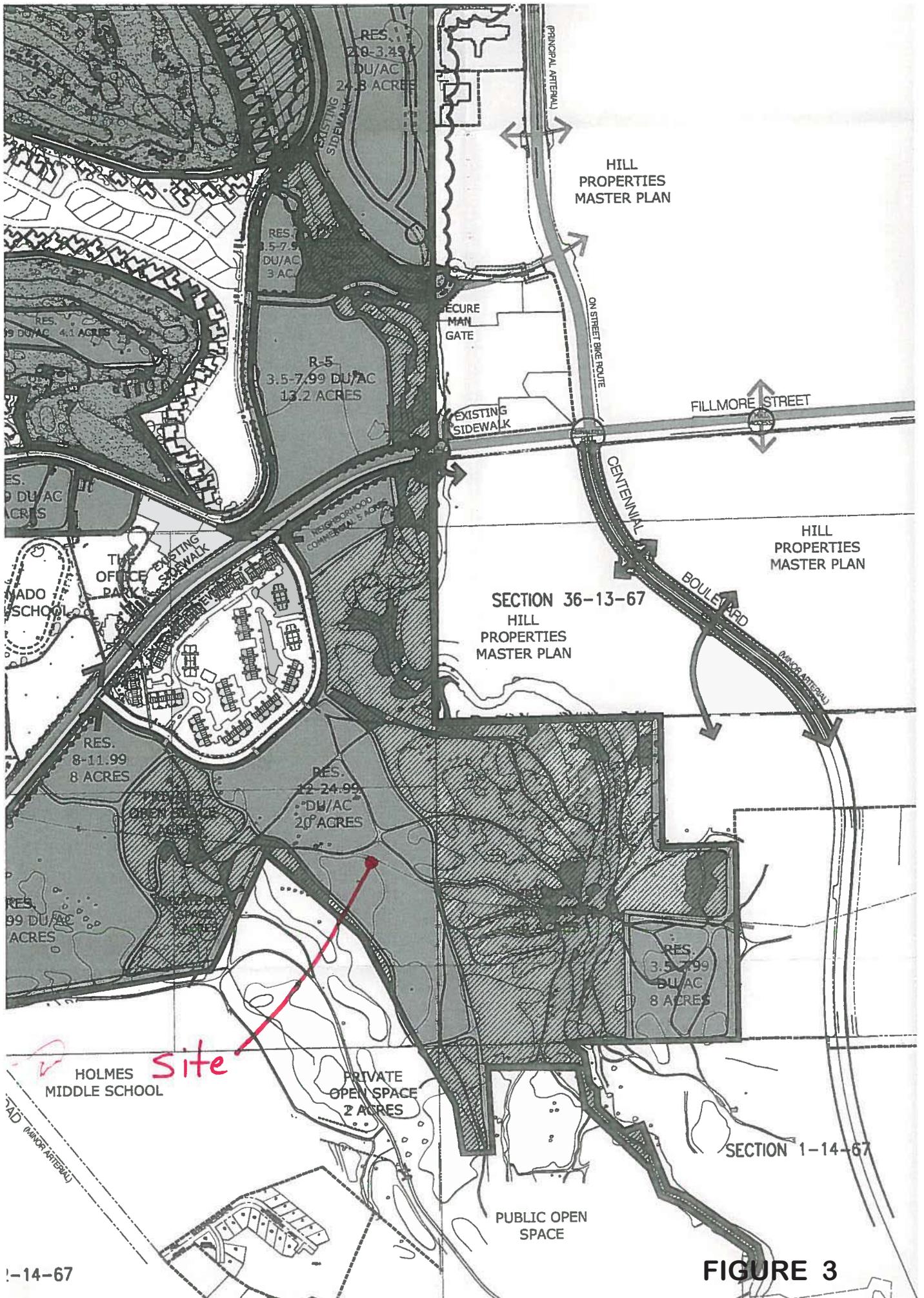
Thank you for your consideration of this request. We appreciate all of your help and look forward to working with you and the City to develop this property to serve and enhance the local community. Should you have any questions or need further information, please do not hesitate to call me direct at (303) 228-2322.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Meaghan M. Turner, PE, LEED AP
Associate / Senior Project Manager



Schultz, Michael

From: George Maentz <mesaroad@comcast.net>
Sent: Thursday, November 12, 2015 10:22 AM
To: Schultz, Michael
Subject: SQLC at Sentinel Ridge

Hello Mike,

Thank you for the opportunity to comment on the Development Plan and non-use variance request for the proposed Sentinel Ridge Senior Living facility. I do not object to the zone change from PUD to R-5.

I am concerned, however, by the proposed non-use variance to allow for a 66' building (not 60' according to their conceptual drawing) on a prominent ridgeline. The stated rationale that only one building would soar to that height seems to completely disregard the scale of adjacent developments and the site's prominent location on the highest ridge in the area. In both the City's Comprehensive Plan and Hillside Overlay Ordinance special mention is given to ridgeline properties as significant natural features that require careful handling when considered for development. Specifically, Policy NE 204: "Improve hillside and ridge line development to avoid negative aesthetic and environmental consequences to the immediate and surrounding area. Do not degrade the views and vistas to and from public areas." A 66' building on this site does not align with this objective.

In the City's Design Manual for development in the Hillside Overlay Zone, the values of ridgelines are cited 22 times. The general theme is to "mitigate visual impacts." Specific guidance is offered in the Architectural Features, Design Objectives: "Building Form - Building form should be planned to enhance to the site's natural features. The form, mass, profile, and architectural features of the structure should be designed to blend with the natural terrain and preserve the undulating profile of the hillside. Positive ratings are offered for avoidance of multi-story structures on ridgelines."

I am aware of the Penrose Hospital proposal for a 200' building on the property east of KingSoopers off Centennial Blvd. and of some concerns expressed by adjacent residents. I do not think that deliberations regarding that project should influence the outcome of this non-use variance request. A 66' building on this site is not compatible with existing or proposed adjacent development nor does it conform to the City's guidelines for appropriate growth in Hillside Areas. I do not think that any of the building heights in this proposal should exceed the R-5 zoning stipulations.

Thank you for considering these comments.

Respectfully,
George Maentz
1815 Mesa Road
475-7624

Schultz, Michael

From: alan strass <alan.r.strass@gmail.com>
Sent: Tuesday, November 10, 2015 11:32 AM
To: Schultz, Michael
Subject: Re: SQLC at Sentinel at Ridge Comments and Concerns

Michael,

Thank you very much for that feedback.

For clarification, as I understood the existing concept plan, the multiple family area was going to be on the north end of the plot (near the existing apartment complex and single family homes would be on the south end effectively providing a smooth transition to the existing single family neighborhoods to the south (in essence the new single family lots would serve as a "buffer" to the additional multi family construction).

My number one concern is the excessive height of the planed phase one and two apartment buildings. Everyone I have talked to so far, is opposed to granting a height variance because of the negative impact and incompatibility it would have on the unique open rural character of this section Colorado Springs..

Thanks again for the timely response,

alan strass

On Tue, Nov 10, 2015 at 8:57 AM, Schultz, Michael <MdSchultz@springsgov.com> wrote:

Alan – Thank you for your comments regarding the proposed SQLC at Sentinel Ridge development. To clarify the prior plans from 2014 for the site in question allowed R-5 (Multi-family) with a density range of 12 – 24.99 units per acre; this was for only 7.7 acres of the mesa site (allowing a number of dwelling unit range of 92 to 192 units). The concept plan does not specify building height, but it's assumed that building heights will meet the existing zoning (in this case R-5 allows a maximum building height of 45-feet). If you go back even further, the prior plan from 2007 called for 88 single-family homes from Mesa Rd, along the frontage of Fillmore and wrapped behind the apartments along Grand Vista Circle (that plan obviously never came to fruition). The Garden of the Gods Master Plan for that area has always called out for "Multi-family (12 – 24.99 DU's per Acre)" on that site (comprising of roughly 20 acres).

I'm not sure what you are referring to as the "buffer"; there are areas of the site that the City is currently negotiating with the applicant to acquire as public open space and be made part of the City owned Mesa Open Space.

At this time the zone change and concept plan applications are still under review (as well as the development plan and non-use variance); when the project is ready to move forward a public notification will again be sent to surrounding property owners informing them of the City Planning Commission meeting date.

Let me know if you have any other questions.

December 24, 2015

Mailed

Colorado Springs City Clerk
PO Box 1575, Mail Code 110
Colorado Springs, CO 80901-1575

Hand Delivered

Colorado Springs City Clerk
30 S Nevada Ave, Suite 101
Colorado Springs, CO 80903

CITY CLERK'S OFFICE
2015 DEC 28 P 2:42

Re: Appeal of Planning Commission Action regarding CPC ZC 15-00107 and CPC CP 15-00108, taken December 17, 2015, Sentinel Ridge Senior Living.

Dear Sirs:

The undersigned appeal the recommendations of the Planning Commission regarding the above matters related to Sentinel Ridge Senior Living Project before Planning Commission on December 17, 2015 in accordance with Chapter 7, Article 906(B)(1) of the City Code. A check in the amount of \$176.00 is attached as the application fee.

The applicant sought a variance of the height restriction, by a zone change to PUD and approval of a Planned Unit Development Concept Plan, to a height limitation of 67' where 45' is required. The application and planning process did not address Chapter 6, Community Character/Appearance, of the Comprehensive Plan which contains numerous Objectives, Policies and Strategies material to the proposals. Applicants seek a denial of the application and a referral of the matter back to the planning department and Planning Commission for a determination with community input of the city's concept and vision for preservation of the mesa area as an integral part of the view of the Front Range and Pikes Peak, the foothills and backdrop of the city and a determination whether this proposal conforms to Chapter 6 of the Comprehensive Plan.

LEGAL FRAMEWORK AND BACKGROUND

The City Code requires that any zone change or concept plan be consistent with and in substantial compliance with the goals, objectives, policies, strategies and elements of the Comprehensive Plan.

The City Code provides in part:

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

B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
2. The proposal is consistent with the goals and policies of the Comprehensive Plan

7.3.605: PUD CONCEPT PLAN REVIEW CRITERIA:

Substantial compliance with the criteria is necessary for the approval of the PUD plan. The Director may determine that certain criteria are not applicable based on the characteristics of the

individual project. PUD plans shall be reviewed based on the following review criteria:

A. Is the proposed development pattern consistent with the Comprehensive Plan, the 2020 Land Use Map, and **all applicable elements** of the Comprehensive Plan (including the Intermodal Transportation Plan and the Parks, Recreation and Trails Master Plan)?

Chapter 6, Community Character/Appearance of the Comprehensive Plan provides in part:

The character and appearance of Colorado Springs are a function of several key elements of the community. The basic element is the city's natural setting at the foot of Pikes Peak. This setting captures many of the defining characteristics of the Pikes Peak Region: foothills, canyons, rock formations, views, streams, forests, grasslands and plains. In addition to its scenic beauty, the natural setting offers residents a range of diverse environments in which to live, work, and play. It also points up the importance of maintaining a positive relationship between the natural environment and the man-made environment.

Objective CCA 1: *Maintain a Positive Relationship between the Built Environment and the Natural Setting* Colorado Springs is a uniquely identifiable community due to its spectacular natural setting at the base of Pikes Peak. One of the greatest challenges facing the community is to develop a city worthy of that setting. Thoughtful design and enhancement of the community's civic buildings, public and private places, residential areas, gateways, and streets strengthen the community's identity and convey a positive

visual image. Colorado Springs will maintain a positive relationship between its built environment and its natural setting and scenic qualities.

Policy CCA 101: Preserve the Character of the Community's Natural Setting

Preserve and enhance the character of the community through design that maintains views to the Front Range and other significant landmarks and integrates natural features into the land use pattern.

Strategy CCA 101b: Protect Significant Views

Protect views and view sheds of significant natural features, including stream corridors, prominent landforms and the foothills. Utilize a combination of incentives, acquisition where appropriate, and regulations such as height controls, site location criteria, and design standards.

Strategy CCA 101c: Support Efforts to Protect and Enhance the Mountain Backdrop

Support public and private efforts to protect, enhance, and restore the scenic and environmental quality of the mountain backdrop.

Policy CCA 102: Use the Natural Environment to Shape the City's Form

Conserve, manage, and use natural features, greenways and other aspects of an open space network to shape the form of the city.

Unique Areas

Objective CCA 3: Improve the Character of Individual Areas and Elements of the City

Colorado Springs is made up of individual and unique areas and elements that contribute to the overall character and identity of the City. The man-made counterpart to the City's natural setting is its historic character and legacy. This legacy is continually evolving and being created anew in the City's diverse areas. It is important that the appearance and character of these individual areas, old and new, are preserved and enhanced in order to maintain their individuality and to ensure the overall character of the city is upheld. Defining and improving the image of individual areas and elements will enhance the City's overall character and appearance and reinforce its unique identity.

Policy CCA 301: Foster the Character of Individual Areas and Elements within the Community

The City will help to define and foster the unique character, image, and identity of individual areas and elements within the community

Strategy CCA 301a: Develop Design Standards and Guidelines for Land Use Designations

Develop design standards and guidelines that apply generally to the land use designations on the 2020 Land Use Map. Treat the land use designations as types of places, including neighborhoods, community activity centers, commercial and employment centers, regional centers, and corridors, each with its own general standards for function and appearance.
[Emphasis added]

Chapter 6 of the Comprehensive Plan Was Totally Ignored in the Planning Process.

The staff report and the agenda of the Planning Commission did not reference Chapter 6 of the Comprehensive Plan in the review of the Sentinel Ridge Project. See 2. Conformance with the City Comprehensive Plan, Agenda page 372. No reference is made to Chapter 6. No explanation is given for Chapter 6 being excluded from consideration in determining conformance with the Comprehensive Plan. Nor does the appendix include any criteria from Chapter 6. The PUD Review Criteria of 7.5.605 as listed above requires substantial compliance with the review criteria and the review criteria requires that the development pattern be consistent with the Comprehensive Plan and all applicable elements of the Comprehensive Plan.

requires substantial compliance with the criteria and the criteria requires that the development pattern be consistent with the Comprehensive Plan and all applicable elements of the Comprehensive Plan.

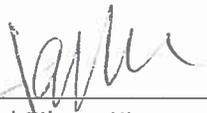
The mesa is a key element of the foothills, the view of the Front Range and Pikes Peak and the backdrop of the city. No effort was made by planning staff to review this project in light of the goals, objectives, policies, strategies and elements of Chapter 6 of the Comprehensive Plan. The Planning Department admitted that they did not consider all criteria in the Comprehensive Plan, although it is required by the Code. When planning staff was asked by a planning commissioner why the zoning proposal did not address compliance with Chapter 6 of the Comprehensive Plan, the planner responded that Staff did not want to confuse the Planning Commission with information that would not support their recommendation. It would appear the Planning Department concluded that the Sentinel Ridge Project did not conform to the goals, objectives, policies, strategies and elements of Chapter 6 of the Comprehensive Plan and, therefore, did not include Chapter 6 in their report.

There has been an undisputed failure to comply with the criteria for review and approval of the proposed zone change and concept plan. Consequently, the recommendation of the Planning Commission for approval of the zone change to PUD and the concept plan for Sentinel Ridge should be rejected and the application for approval of the zone change to PUD and the concept plan for Sentinel Ridge should be denied.

Colorado Springs City Clerk
Appeal Regarding Sentinel Ridge
December 24, 2015
Page 5 of 7

In addition, from what can be determined the city has no concept, vision or policy for the preservation of the mesa as a key element of the foothills and the city's backdrop or its integration into the views of Pikes Peak and the Front Range with which to guide development of the mesa. In addition to denial of the current proposal, City Council should instruct the Planning Department and Planning Commission to determine, with community input, what characteristics of the mesa should be preserved and enhanced in the context of the Objectives, Policies and Strategies of Chapter 6 of the Comprehensive Plan and report their findings and recommendations to Council.

Respectfully,



James and Eileen Kin
1530 Mesa Road
Colorado Springs CO 80904
jwkin.gkh@gmail.com

Alan Strass and Helene Strass
1445 La Mesa Street
Colorado Springs CO 80904
alan.r.strass@gmail.com

Tad and Melissa Foster
1565 Mesa Road
Colorado Springs CO 80904
tadfoster@tsfosterlaw.com

George Sawayas
2330 Mesa Road
Colorado Springs CO 80904
george@sawayas.com

Jim and Caroline Easton
31 Friendship Lane
Colorado Springs CO 80904
jpeaston97@hotmail.com

Colorado Springs City Clerk
Appeal Regarding Sentinel Ridge
December 24, 2015
Page 6 of 7

Greg and Cheryl Burrell
1855 Mesa Road
Colorado Springs, CO 80904
cburr777@comcast.net

Joyce and Philip Stafford
11 Friendship Ln
Colorado Springs, CO.80904
pjstafford@msn.com

Alan L. Cook
33 Friendship Lane
Colorado Springs, CO 80904
acook.personal@gmail.com

Bernelle and Deborah Demo
12 Friendship Lane
Colorado Springs, CO. 80904
dandbdemo@yahoo.com

Walt and Katherine Hieronymus
1585 Mesa Road
Colorado Springs, CO 80904
hier2u@msn.com

Richard Serby
2350 Mesa Road
Colorado Springs CO 80904
rich2350@hotmail.com

Frederick R. Keller and Cathy Toles
1906 Mesa View Court
Colorado Springs CO 80904
rick@natests.com

Sara Kinney and Albert Butkus
2370 Mesa Rd
Colorado Springs, CO. 80904
sarakinney@me.com

Colorado Springs City Clerk
Appeal Regarding Sentinel Ridge
December 24, 2015
Page 7 of 7

Harvey and Frances McAnulty
40 Friendship Lane
Colorado Springs, CO. 80904
harvmca@gmail.com

Patti Freudenberg and Tony White
23 Friendship Land
Colorado Springs, CO 80904
pfreudenburg@gmail.com

Chris and Kim Abrams
24 Friendship Lane
Colorado Springs, CO 80904
cabrams25@msn.com

Nancy Bentley and John Atkinson
1220 W High Point Ln
Colorado Springs CO 80904
nancybentley@q.com

Correspondence should be directed to:

James Kin
1530 Mesa Road
Colorado Springs, CO 80904



VIEW FROM CENTENNIAL BOULEVARD AND FILLMORE STREET
Sentinel Ridge Senior Living
Colorado Springs, CO

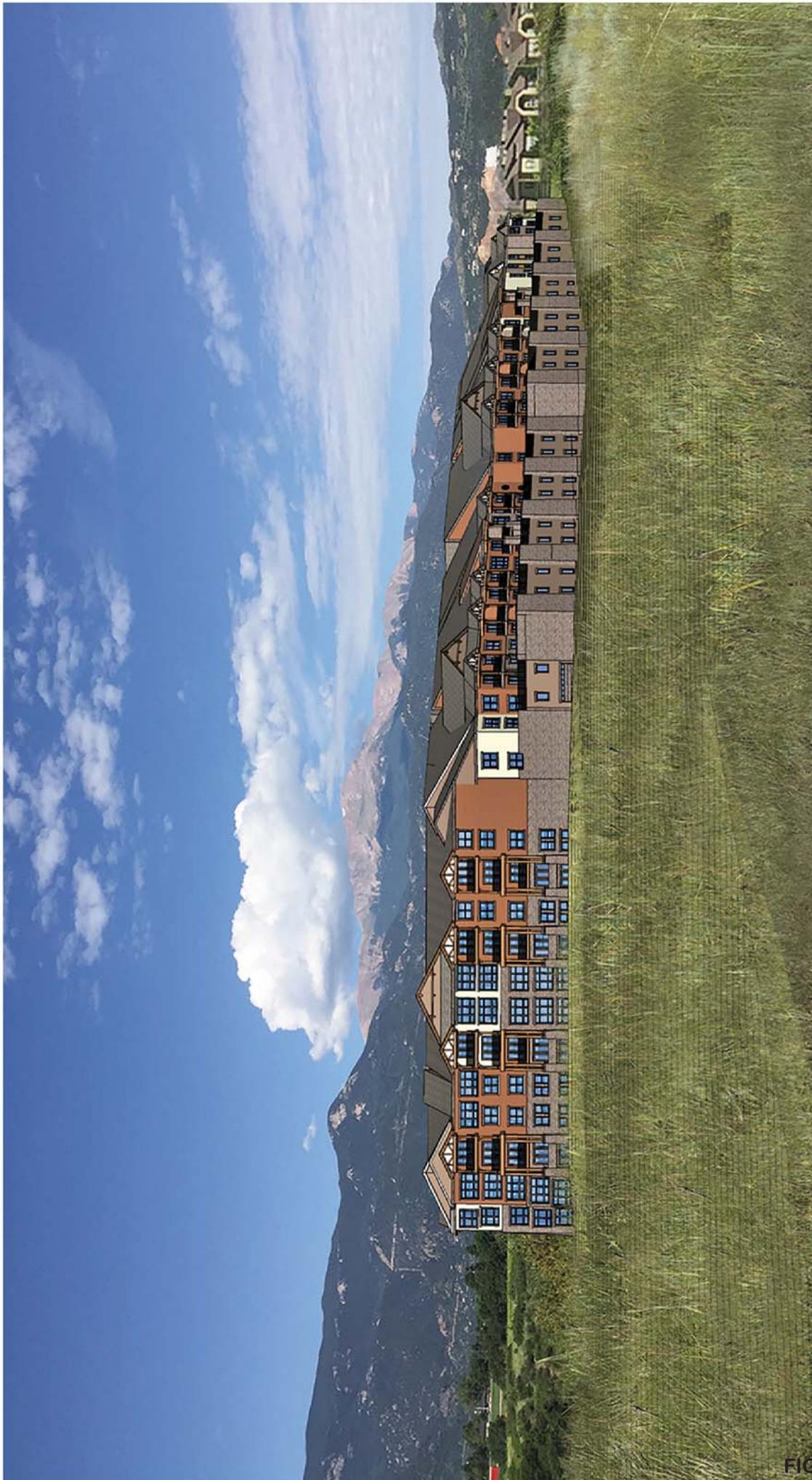
FIGURE 6



VIEW FROM MESA ROAD
Sentinel Ridge Senior Living
Colorado Springs, CO



FIGURE 6



VIEW FROM MESA VALLEY
Sentinel Ridge Senior Living
Colorado Springs, CO

FIGURE 6



VIEW FROM GRANDVIEW CIRCLE
Sentinel Ridge Senior Living
Colorado Springs, CO

FIGURE 6

Hillside Overlay within Mesa Valley/Sonderman Park Area

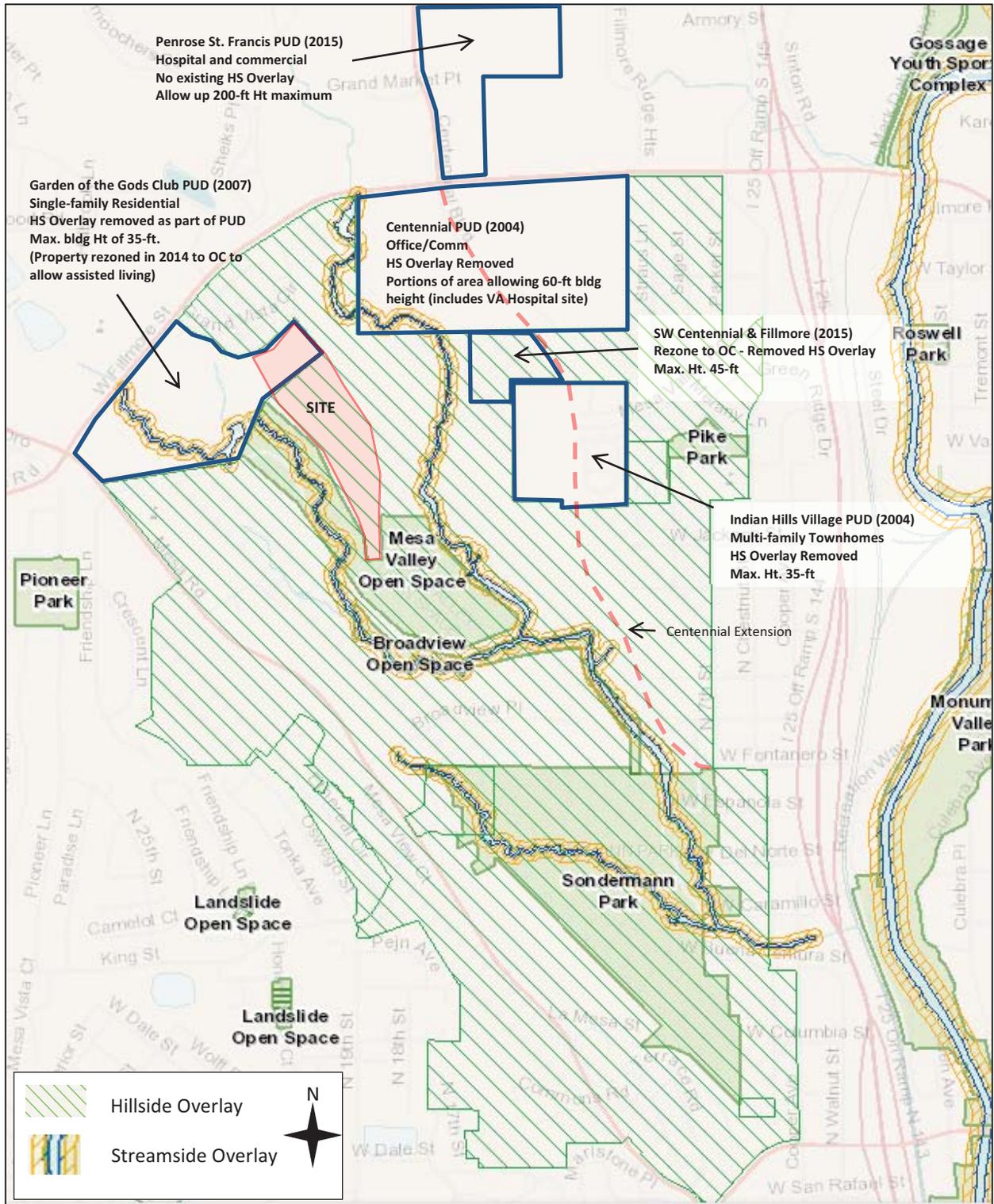


FIGURE 7

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

November 5, 2015

Mr. Mike Schultz
Land Use Review Division
City Administrative Building
30 South Nevada Avenue, Suite 105
Colorado Springs, CO 80901-1575

Location:
SE ¼ Sec. 35
T13S, R67W of the 6th P.M.
38.8713, -104.851 degrees

Subject: Sentinel Ridge Senior Living Facility – Zone Change and Concept Plan
File CPC CP 15-00108; City of Colorado Springs, El Paso County; CGS Unique No. EP-16-0007

Dear Mr. Schultz:

The Colorado Geological Survey has reviewed the above-referenced concept plan referral. We understand the applicant proposes an independent and assisted living facility on a 25.615 acre parcel located south of Fillmore Street and Grand Vista Circle. With this referral, we received a Project Narrative and a Concept Plan (Kimley-Horn, October 5, 2015), a Preliminary Drainage Report and a Land Suitability Analysis (Kimley-Horn, October 2, 2015), and a Geologic Hazards Study (Terracon, October 23, 2015).

Potentially Unstable Slopes

The Land Suitability Analysis includes a summary of Identified Hazards and planned mitigation on page 6. Kimley-Horn concludes that the “the site appears suitable for development as planned.” We concur that this site is generally suitable from a geologic standpoint for this development. Kimley-Horn goes on to state that “Additional evaluation will be conducted; however, the only areas of identified concern is the proximity to the steep slopes along the Project perimeter.” Based on this identification, and the consultant’s slope stability analysis, a list of mitigation measures is presented on page 6 for slope stability concerns. This includes utilizing a setback defined by the 2012 International Building Code for buildings adjacent to stable slopes. This setback is given as “Face of footings to be setback from the crest of slopes 3:1 or steeper a distance of one third the height of the slopes or 40 feet, whichever is less.” **The slope stability analysis provided by Terracon should be expanded to determine if this setback is sufficient.**

The area is within the landform locally known as “The Mesa.” Erosion and mass wasting along the edges of The Mesa are the normal processes in the ongoing weathering of this landform. Great care must be exercised in developing along the top edges of the mesa, such as at this location, where these weathering processes are active. As discussed in the “Colorado Springs Landslide Susceptibility Map” (Colorado Geological Survey Map Series 42, 2003) this area is prone to both deep seated (bedrock) and shallow (alluvium and colluvium) landslide problems. All slopes along the edges of the mesa are considered potentially unstable and in many locations, including adjacent to this proposed development, there are observable landslide features. The bedrock at this location is the claystone of the Pierre Shale. Slope failures originate in the underlying Pierre Shale and propagate upwards through the overlying surficial material.

Terracon models circular slope failures in the overlying sands, gravels and clays and finds that such failures have factors of safety appropriate for the development. However, the underlying claystone is the potentially unstable material that makes the overall slopes in the project area susceptible to landslides. The claystone weathers and

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



Karen Berry
State Geologist

November 5, 2015

Mr. Mike Schultz
Land Use Review Division
City Administrative Building
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loses strength, especially in the presence of water and air. The analysis should model slope failures originating within the claystone to evaluate whether the IBC setback criteria is appropriate. **Additional cross-sections should be evaluated along the west side, similar to section EE’.** The cross-sections should extend into the drainage where the claystone is exposed, and should be oriented perpendicular to the steepest portion of the slopes.

Structurally, the underlying bedrock is reported to dip about 10 degrees to the northeast, providing additional propensity for landsliding in the eastern direction. While the proposed development appears 100 feet or greater from 25% slopes on the east side, historic landslides can be observed both east and south-east of the project along the east side of the mesa landform. Both of these landslides have headscarps that are about 100 feet away from the slump blocks associated with them. **Stability analysis should be conducted on cross-sections developed on the east side of the mesa and project.** This should include eastern cross-sections at the proposed drainage facility which, if unlined, will allow infiltration and lead to reduced strengths and possible slope failure at the proposed independent living facility, and possibly at building 3 depending on what is discovered in the analysis. The additional analyses on both the west and east sides should use residual strength for the bedrock to determine if the IBC setback is appropriate for this site.

Artificial Fill

Terracon reports that CTL|Thompson reports that there is artificial fill onsite. Terracon discusses CTL’s having observed some construction fill being placed somewhere along the north end of the project. During our site reconnaissance, we observed old trash and debris in the upper reaches of some of the western drainages. Additionally, there appears to be artificial fill placed in the upper portion of the large drainage on the east side, above that mapped on the Colorado Springs geologic map. There is no discussion of a site reconnaissance in the Terracon report or descriptions or maps of areas of visible trash, debris, and fill. Trash, debris, and debris-laden fill must be identified, removed and disposed of offsite. Undocumented fill material must be removed and, if suitable, replaced as densely compacted fill.

Erosion

Significant and damaging erosion creating gullies with the potential to undercut roads and structures presently occurs along the mesa hillsides especially where water flow is concentrated. Kimley-Horn’s drainage plan includes recommendations for control of surface runoff. These recommendations should be strictly adhered to.

Reliance on others

Terracon relies on the findings from three previous reports by CTL|Thompson. It is not clear what is used from this previous work in the slope stability analysis. We would like to at least see a summary of these reports in Terracon’s work. The maps, boring logs and laboratory test results should be included as appendices in their entirety rather than just excerpts of some of the exploratory borings. If discussion is made of slope stability in these previous reports this should also be included in the appendices.

We cannot recommend approval of the concept plan as currently proposed without additional slope stability analysis. A primary finding and recommendation given in the Executive Summary by Terracon is that “Based on the provided preliminary grading plan, a majority of the proposed locations of the development is considered suitable with respect to setback requirements contained in the 2012 International Building Code (IBC 2012) and slope stability analyses.” We believe that setback requirements given by IBC 2012 are relevant for *stable slopes only* and that the slope stability analyses conducted by the consultant are incomplete. The setback required at this site, due to potential for deep seated failure, may be greater than that required by IBC. However, this cannot be determined based on the current submittal. We believe that the mesa can be developed and that this is an appropriate development for this area. However, the configurations of Building 3, the Future Independent Living and the drainage facility cannot be fully evaluated for slope stability hazards based on the current submittal.

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Mike Schultz
November 5, 2015
Page 3 of 3

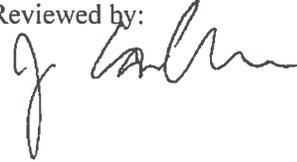
Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2654, or e-mail jlovekin@mines.edu.

Sincerely,



Jonathan R. Lovekin, P.G.
Senior Engineering Geologist

Reviewed by:



Jill Carlson, C.E.G
Engineering Geologist

November 24, 2015

Sentinel Ridge Senior Living Corporation
c/o SQLC
12720 Hillcrest, Suite 106
Dallas, Texas 75230

Attn: Mr. Jonathan Carrier

RE: Comment Response Letter:
Sentinel Ridge Senior Living Facility - Zone Change and Concept Plan (File CPC CP 15-00108; City of Colorado Springs, El Paso County; CGS Unique No. EP-16-0007 1 and 2)

Sentinel Ridge Senior Living
Fillmore Street and Grand Vista Circle
Colorado Springs, Colorado
Terracon Project Number: 23155025

Dear Mr. Lovekin:

Terracon Consultants, Inc. (Terracon) has included responses herein to the Geologic Hazard Report review comments provided in letters from the Colorado Geological Survey (CGS) dated November 5 and 11, 2015. We have listed the CGS comments with our responses in the text below.

POTENTIALLY UNSTABLE SLOPES

CGS Comment: The Land Suitability Analysis includes a summary of Identified Hazards and planned mitigation on page 6. Kimley-Horn concludes that the “the site appears suitable for development as planned.” We concur that this site is generally suitable from a geologic standpoint for this development. Kimley-Horn goes on to state that “Additional evaluation will be conducted; however, the only areas of identified concern is the proximity to the steep slopes along the Project perimeter.” Based on this identification, and the consultant’s slope stability analysis, a list of mitigation measures is presented on page 6 for slope stability concerns. This includes utilizing a setback defined by the 2012 International Building Code for buildings adjacent to stable slopes. This setback is given as “Face of footings to be setback from the crest of slopes 3:1 or steeper a distance of one third the height of the slopes or 40 feet, whichever is less.” The slope stability analysis provided by Terracon should be expanded to determine if this setback is sufficient.

Terracon Response: *The Terracon slope stability analysis will be expanded and additional analysis will be performed with respect to setback requirements contained in the 2012 International Building Code (IBC 2012).*



CGS Comment: Terracon models circular slope failures in the overlying sands, gravels and clays and finds that such failures have factors of safety appropriate for the development. However, the underlying claystone is the potentially unstable material that makes the overall slopes in the project area susceptible to landslides. The claystone weathers and loses strength, especially in the presence of water and air. The analysis should model slope failures originating within the claystone to evaluate whether the IBC setback criteria is appropriate. Additional cross-sections should be evaluated along the west side, similar to section EE'. The cross-sections should extend into the drainage where the claystone is exposed, and should be oriented perpendicular to the steepest portion of the slopes.

Terracon Response: As part of our evaluation for the Geologic Hazard Study, we performed stability analyses, both within the overburden soils and extending into the underlying bedrock. We included the overburden stability analyses in our Geologic Hazard Study. As part of our updated analyses, we will include additional analyses showing the slope stability factors-of-safety within the underlying bedrock. *An additional slope stability cross section will be evaluated for the drainage valley adjacent to current cross section B-B' along the west side of the project site. This section will extend further west into the existing drainage feature where claystone is exposed at the toe of the slope.*

CGS Comment: Structurally, the underlying bedrock is reported to dip about 10 degrees to the northeast, providing additional propensity for landsliding in the eastern direction. While the proposed development appears 100 feet or greater from 25% slopes on the east side, historic landslides can be observed both east and south-east of the project along the east side of the mesa landform. Both of these landslides have headscarps that are about 100 feet away from the slump blocks associated with them. Stability analysis should be conducted on cross-sections developed on the east side of the mesa and project. This should include eastern cross-sections at the proposed drainage facility which, if unlined, will allow infiltration and lead to reduced strengths and possible slope failure at the proposed independent living facility, and possibly at Building 3 depending on what is discovered in the analysis. The additional analyses on both the west and east sides should use residual strength for the bedrock to determine if the IBC setback is appropriate for this site.

Terracon Response: *Terracon proposes to conduct two to four supplemental borings to collect soil and bedrock data for use in evaluating the stability of the slopes along the east side of the project site.*

ARTIFICIAL FILL

CGS Comment: Terracon reports that CTL Thompson reports that there is artificial fill onsite. Terracon discusses CTL's having observed some construction fill being placed somewhere along the north end of the project. During our site reconnaissance, we observed old trash and debris in

CGS Comment Response Letter

Sentinel Ridge Senior Living ■ Colorado Springs, Colorado
November 24, 2015 ■ Terracon Project No. 23155025



the upper reaches of some of the western drainages. Additionally, there appears to be artificial fill placed in the upper portion of the large drainage on the east side, above that mapped on the Colorado Springs geologic map. There is no discussion of a site reconnaissance in the Terracon report or descriptions or maps of areas of visible trash, debris, and fill. Trash, debris, and debris-laden fill must be identified, removed and disposed of offsite. Undocumented fill material must be removed and, if suitable, replaced as densely compacted fill.

Terracon Response: *Terracon agrees that undocumented fill material must be removed and, if suitable, replaced as densely compacted fill during the construction of the project. We intend to perform a supplemental boring within an area identified as an artificial fill zone east of the proposed Independent Living Building 3, to observe the composition and approximate thickness of the fill.*

EROSION

CGS Comment: Significant and damaging erosion creating gullies with the potential to undercut roads and structures presently occurs along the mesa hillsides especially where water flow is concentrated. Kimley-Horn’s drainage plan includes recommendations for control of surface runoff. These recommendations should be strictly adhered to.

Terracon Response: *Terracon agrees with the above comment.*

RELIANCE ON OTHERS

CGS Comment: Terracon relies on the findings from three previous reports by CTL Thompson. It is not clear what is used from this previous work in the slope stability analysis. We would like to at least see a summary of these reports in Terracon’s work. The maps, boring logs and laboratory test results should be included as appendices in their entirety rather than just excerpts of some of the exploratory borings. If discussion is made of slope stability in these previous reports this should also be included in the appendices.

Terracon Response: *Terracon relied on the results of our most recent geotechnical exploration for use in our slope stability analysis to prepare our Geologic Hazard Study Report dated October 23, 2015. Data from the previously performed CTL Thompson studies was used to prepare our Preliminary Geologic Hazard Study, dated October 5, 2015, in advance of our own geotechnical exploration and as a supplement to our October 23, 2015 Hazard Report. We will add the referenced CTL Thompson studies as appendices in our revised report.*

CGS Comment Response Letter

Sentinel Ridge Senior Living ■ Colorado Springs, Colorado
November 24, 2015 ■ Terracon Project No. 23155025



ADDITIONAL COMMENTS

CGS Comment: Page 7 of the DPPS states, “Additionally, it is anticipated that the Drainage Facility will be lined to avoid infiltration into potentially erodible soils.” **The city should require that the drainage pond be lined**, to reduce the potential for both erosion and slope instability, since an unlined pond will allow infiltration into the underlying claystone, thereby lowering its strength and increasing the potential for slope failure.

Terracon Response: *Terracon agrees with the above comment. Our Geologic Hazard Study provided recommendations to line the detention basin with a minimum 2-foot thick layer of relatively impervious compacted clay soils or an impervious man-made product, such as an HDPE liner.*

If you have any questions regarding this letter, or if we may be of further assistance to you, please contact us.

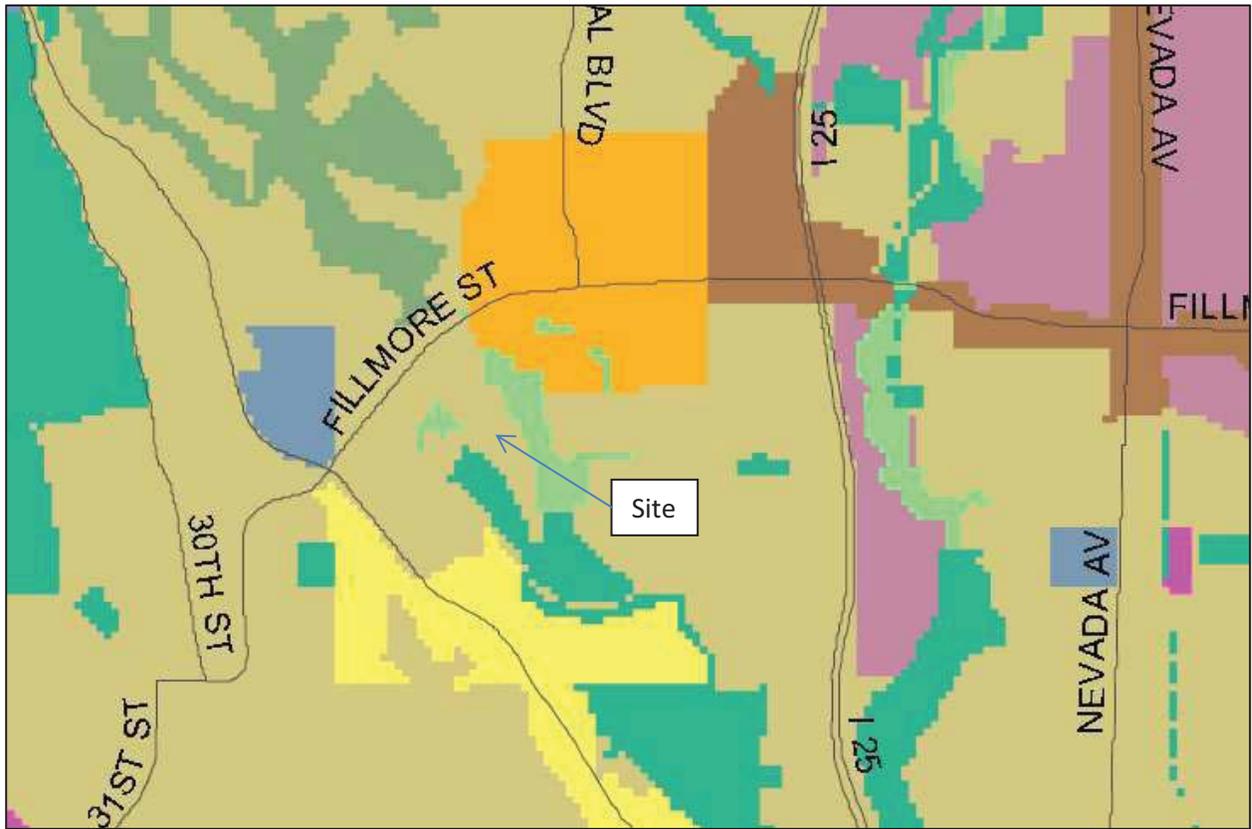
Sincerely,

Terracon Consultants, Inc.

Robert M. Hernandez, P.E.
Geotechnical Services Manager
Farmington, NM

Ryan W. Feist, P.E.
Geotechnical Services Manager
Colorado Springs, CO

Copies to: Addressee (1 pdf)



- | | |
|-------------------------------|----------------------------------|
| Low Density Residential | Employment Center |
| General Residential | Regional Center |
| Community Activity Center | Major Institutional |
| Commercial Center | Candidate Open Space |
| New/Developing Corridor | Existing Park Land or Open Space |
| Mature Redevelopment Corridor | Golf Course or Cemetery |

FIGURE 12

It is the finding of the Planning Staff that this request complies with these specified City Comprehensive Plan goals, objectives and policies.

COMPREHENSIVE PLAN:

2001 Comprehensive Plan 2020 Land Use Map: General Residential which recommends a density of at least 3.5 dwelling units per acre. This development is below that.

COMPREHENSIVE PLAN AS IT RELATES TO GARDEN OF GODS CLUB

Objective LU 2: Develop A Land Use Pattern That Preserves the City's Natural Environment, Livability, And Sense of Community A focused pattern of development makes more efficient use of land and natural and financial resources than scattered, "leap frog" development. In contrast to dispersed patterns of development, a consolidated pattern helps to decrease traffic congestion and facilitates the ability of the City to provide needed services and public facilities, such as street maintenance, public transit, police and fire protection, and emergency services.

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

Objective LU 4: Encourage Infill and Redevelopment Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Strategy N 202c: Support School Districts in Their Efforts to Enhance Neighborhood Schools

Engage in cooperative programs with the school districts, to increase school enrollment in those facilities with existing or projected surplus capacity, and to enhance the quality of neighborhood schools.

Strategy N 402c: Support Multi-modal Transportation Options Plan, design and construct neighborhood traffic, transit, pedestrian and bicycle facilities to achieve the appropriate level of access and circulation for each mode.

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

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

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

Strategy N 203c: Support a Mix of Housing Types and Densities Amend and adopt zoning guidelines and standards to achieve a variety of housing types, styles, and densities in new and developing neighborhoods.

Strategy N 203d: Incorporate Natural Features Protect natural environmental features, including rock outcroppings, drainage areas, wildlife habitat, unique topographic features, and view corridors by incorporating them into new and developing neighborhoods, consistent with the guidelines of the Wildfire Mitigation Plan.

Strategy N 203e: Enhance Neighborhood Connectivity Standards Review subdivision and development standards requiring provision of sidewalks, walkways, trails, and appropriate transit and pedestrian facilities. Revise these standards to improve street, bicycle and pedestrian connectivity between neighborhoods and commercial developments, civic uses, and parks with the goal of making neighborhoods more accessible, walkable, and pedestrian friendly.

Objective N 4: Mitigate Transportation Impacts Design improvements to the transportation system that balance an efficient and convenient transportation system with the integrity and character of neighborhoods. Proposed improvements to the transportation system will take into account such issues as neighborhood cut-through traffic, residential traffic speeds, pedestrian and bicycle safety and accessibility, landscaping, historic features, and noise.

Strategy T 102a: Create a Balanced System Develop an integrated transportation system that includes a choice of modes and provides safe and convenient connections between modes.

Strategy T 102h: Transportation System Improvement Considerations Address the following when considering proposed transportation improvements: Traffic demand by mode; System mobility; Vehicular, pedestrian and bicycle safety; Preservation of neighborhood character; Ease of traffic operations and traffic circulation patterns including efficient signalization, parking, and access management; Protection of natural and historic resources; Utility, stormwater, and other facility needs; Energy conservation; and Maintenance costs.

Policy T 103: Transportation System and Land Use Pattern Develop a land use pattern and a transportation system that are mutually supportive. Enhance access to housing, jobs, schools, goods and services, shopping, and recreation through the joint planning of land uses and transportation. Link sites used for living, working, shopping and recreating and make them accessible via transit, bike, foot and car.

Strategy T 201e: Bicycle and Pedestrian Safety Designed pedestrian and bicycle facilities, including sidewalks, on-road lanes, off-road trails, connections, crossings, signals, and bridges to facilitate movement in a safe and efficient manner. Facilitate convenient and safe bicycle and pedestrian movement at crossings and traffic signals.

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

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

CONFORMANCE WITH THE GARDEN GODS CLUB MASTER PLAN:

In accordance with City Zoning Code Chapter 7, Article 5, Section 408, a master plan amendment shall be reviewed using the criteria found in said section. Master plans, amendments to approved master plans and the periodic review of master plans shall be reviewed for substantial conformance with the criteria listed in said section. Conformance with these criteria shall be construed to constitute a community benefit. With regard to fiscal impact, it is recognized that the City has significant flexibility in assessing fiscal impact for master plans submitted as part of an annexation rather than for those master plans covering property already within the corporate boundaries.

It is the finding of the Planning Staff that the proposed amendment to the Garden of the Gods Club Master Plan meets the master plan criteria if modified as follows:

Technical and Informational Modifications to the Master Plan:

1. Explain what the various KC-22 etc means.



Memorandum

File #: CPC CU 15-00132, **Version:** 1

A request by Patrick Meade for Iron Mountain Demolition and Roll-Off for an approval of the following application:

A conditional use to allow a construction and demolition debris transfer facility within the M-1 (Light Industrial) zone district.

The subject property consists of 1.2 acres and is located at 3310 and 3320 North Cascade Avenue.

Presenter:

Hannah Van Nimwegen, Planner II, Planning and Community Development

Proposed Motion:

Approve the Conditional Use to allow a transfer station within the M-1 zone district at 3310 and 3320 North Cascade Avenue, based upon the finding that the request complies with the Conditional Use review criteria in City Code Section 7.5.704, subject to compliance with the following condition and technical modifications:

Condition of Approval

1. This Conditional Use shall be scheduled for review by the Land Use Review Division no later than February 28, 2017 to ensure recommendations have been implemented and to ensure the proposed mitigation strategies are effective for the surrounding neighborhood. If this action is not fully completed by February 28, 2017, the City may take any applicable enforcement action permitted under the City Code. If staff determines Iron Mountain Demolition and Roll-Off is not in compliance at this review, staff shall recommend the application to the City Planning Commission for further review and decision.

Technical and Informational Modifications to the Master Plan Amendment:

1. Provide a note stating "This Conditional Use shall be scheduled for review by the Land Use Review Division no later than February 28, 2017 to ensure recommendations have been implemented and to ensure the proposed mitigation strategies are effective for the surrounding neighborhood. If this action is not fully completed by February 28, 2017, the City may take any applicable enforcement action permitted under the City Code."
2. Provide a note on sheet three stating "All gates onsite shall utilize Knox padlocks for Fire Department access."
3. Show areas on the plans that will be kept open/clear for fire lanes.
4. Provide a drainage statement and address how the wash water from the discarded materials is collected, treated and disposed.

N/A

CITY PLANNING COMMISSION AGENDA

ITEM NO:

STAFF: HANNAH VAN NIMWEGEN

FILE NO:
CPC CU 15-00132 – QUASI-JUDICIAL

PROJECT: IRON MOUNTAIN TRANSFER STATION

APPLICANT: IRON MOUNTAIN DEMOLITION AND ROLL OFF; PATRICK MEADE

OWNER: MEADE HOLDINGS, LLC; PATRICK MEADE



PROJECT SUMMARY:

1. Project Description: This project is a Conditional Use to allow a construction and demolition debris transfer facility on a 1.27 acre property that is zoned M-1 (Light Industrial) and located at 3310 and 3320 North Cascade Avenue. Transfer facilities are a conditional land use within the M-1 zone district. This Conditional Use application is the result of a zoning enforcement action. The accompanying Site Plan illustrates an approximately 6,000 square foot existing office/warehouse building. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the Conditional Use subject to conditions and technical modifications.

BACKGROUND:

1. Site Address: 3310 and 3320 North Cascade Avenue
2. Existing Zoning/Land Use: M-1/Trucking and temporary debris storage with ancillary offices
3. Surrounding Zoning/Land Use: **(FIGURE 3)**
 - North: M-1/Talamine Court then office and warehouse uses
 - South: M-1/Single-family residential
 - East: M-1/Cascade Avenue, office and warehouse uses
 - West: M-1 / Office and warehouse uses, light fabrication
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: North Colorado Springs Addition No. 2, 1970
6. Master Plan/Designated Master Plan Land Use: None
7. Subdivision: Talamine Business Center Filing No. 1 and Talamine Business Center Filing No. 3
8. Zoning Enforcement Action: There is an active enforcement action for the operation of a transfer facility without an approved conditional use.
9. Physical Characteristics: The site is paved and developed. No significant changes in grade or other significant natural features.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Public notice was provided to 28 property owners within 500 feet of the site when the Conditional Use was submitted. Five letters of concern and complaint were received within the designated public comment time frame and an additional was received several weeks after the public comment period ended. A total of six letters were received **(FIGURE 4)**. The applicant has responded to the letters received within the public comment period **(FIGURE 5)**. The applicant also received three letters of support **(FIGURE 6)**.

Public notice was provided to 31 property owners within 500 feet of the site prior to the Planning Commission meeting (three additional business owners wished to be kept apprised to the status of the project and were added to the mailing list). The site was posted on two occasions: 1) after the submittal of the application, 2) prior to the Planning Commission meeting.

Staff also sent the plans to the standard internal and external review agencies for comments. Most comments have been addressed except three from the Fire Department and City Engineering. One of these comments requests an additional note be provided on the plan, that fire lanes are called out on the plan, and requesting a description of the drainage on site. 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.

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

1. Review Criteria / Design & Development Issues:

This project requires a Conditional Use to allow a construction and demolition debris transfer facility on a 1.27 acre property located at 3310 and 3320 North Cascade Avenue. This site is zoned M-1 (Light Industrial). A Certificate of Designation is not required for the proposed operation.

As an overview, Iron Mountain Demolition and Roll-Off, formerly Baldwin Demolition and Roll-Off, provide roll-off containers, trucking services, and demolition services to the construction industry. The roll-off containers placed at a construction site collect discarded construction materials. When full, those roll-off containers are transported to the subject site, the contents dumped, recyclable materials are sorted from the debris, and all material is placed into other trucks for transfer to either a landfill or an industrial recycling facility. This benefits the construction industry by lessening the number of trucks going to the landfill and ensuring recyclable materials are separated and sent to the appropriate outlet. Iron Mountain Demolition and Roll-Off does not accept hazardous, organic, or household waste at this site. Iron Mountain Demolition and Roll-Off only works with certified contractors and does not accept debris from average homeowners. See the applicant's project narrative for a more detailed explanation of the proposed business operations (**FIGURE 2**).

Currently, Meade Holdings, LLC also own 3106 and 3150 North Cascade Avenue. Iron Mountain Demolition and Roll-Off initially received a notice of zoning violation in January of 2015 for the operation at 3106 and 3150 North Cascade (**FIGURE 7**). These properties are zoned PUD (Planned Unit Development) and were intended for a mobile home park. The Land Use Inspector instructed the property owners to schedule a pre-application meeting with the Land Use Review Division following the issuance of the violation notice. The pre-application meeting, held in March of 2015, indicated a zone change to M-1 (Light Industrial) and a Conditional Use application would be required in order to operate a construction debris transfer facility with ancillary outdoor storage on these properties. However, this site has not been utilized and brought into compliance since the purchase of the subject property.

The subject sites, 3310 and 3320 were purchased by Meade Holdings, LLC in May of 2015. Iron Mountain Demolition and Roll-Off began operation of the transfer station in October of 2015. Another pre-application meeting was held on November 10, 2015, and because these properties were already zoned M-1, only a Conditional Use application was required to operate. The Conditional Use application was received by the Land Use Review Division on November 20, 2015. On November 24, 2015 an additional notice of zoning violation was issued and requested Iron Mountain to cease operation due to complaints received (**FIGURE 8**). On December 7, 2015, following the initial public notice, Land Use Review staff met with the applicant to discuss the letters of comment and concern and potential mitigation measures for the site. Staff felt comfortable with the agreement and permitted Iron Mountain Demolition and Roll-Off to continue operations at 3310 and 3320 North Cascade Avenue pending the decision of the City Planning Commission for the Conditional Use.

Iron Mountain Demolition and Roll-Off is proposing the following onsite and offsite mitigation measures to ensure little impact to the surrounding property, business owners,

and to the neighborhood as a whole. Following the letters of concerns and complaints received by staff and the meeting which was held, Iron Mountain Demolition and Roll-Off has committed to the following neighborhood impact mitigation measures (**FIGURE 9**). Many of those concerned complained of:

1. Dust generated by the operation. Iron Mountain Demolition and Roll-Off has covered the drivable area with asphalt millings to prevent dust from being kicked up by trucks entering and exiting the site. The construction debris will also be misted as it is dumped to capture dust particles.
2. Fly away refuse littering the neighborhood. Iron Mountain Demolition and Roll-Off has committed to cleaning the site, the surrounding block, roadways, and the neighboring single-family home's yard twice a week (**FIGURE 10**). Also, operations at this site will be shut down when wind exceeds 20 mph in order to reduce fly away debris.
3. Large trucks using Cascade Avenue near residential homes. Following the meeting staff held with the applicant, Iron Mountain Demolition and Roll-Off has rerouted truck traffic down Nevada Avenue, a designated truck route, to Commerce Street.
4. Hazardous material, including asbestos, potentially becoming airborne. All employees are trained to recognize suspicious material and send any suspect material to a lab for testing. An example of a returned lab result is attached to this staff report (**FIGURE 11**). Materials which contain known asbestos are not unloaded at the subject site, but are hauled directly to the landfill.

With these mitigation measures, staff believes the approval of the Conditional Use, subject to conditions and technical modifications, will not impact the value and qualities of the surrounding area. The surrounding area has developed into a light industrial corridor and contains many light industrial land uses including equipment storage yards, truck terminals, light fabrication of materials, distribution, another garbage service company, and warehousing with ancillary offices. The intent of the Zoning Code to promote the health, safety, and welfare of the general public has also been met with the proposed mitigation measures.

Land Use Review Division staff is recommending a Condition of Approval which allows staff to reevaluate the Conditional Use one year from the decision date. This will allow Iron Mountain Demolition and Roll-Off to fully implement these mitigation measures and any recommendations by the City Planning Commission. A date of which to re-review the Conditional Use will also allow staff to hear if there are any further complaints from those concerned or if a new issue has arisen. Iron Mountain Demolition and Roll-Off agrees to the proposed condition.

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Plan within the Comprehensive Plan indicates the site is within an Employment Center. It is the finding of the Land Use Review Division that the Iron Mountain Demolition and Roll-Off Conditional Use will substantially align with the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

Objective LU 8: Integrate Employment Centers into the Wider City Land Use Pattern

Colorado Springs has been successful at attracting and retaining major employers and growing small businesses, which has led to a healthy, thriving economy. However, the needs of employers, such as land requirements, location considerations, and availability

of housing, must be balanced with overall quality of life issues. Employment activities that are not integrated into the community lead to higher infrastructure costs, increase traffic and congestion, and create a sense of separation from the community. Employment centers should be developed so they meet the needs of the employers, while at the same time contributing to the quality of life in Colorado Springs. The City's efforts should focus on creating opportunities for quality employment at various economic levels for its residents, and on environmentally responsible industries that make a positive contribution to the community.

3. Conformance with the Area's Master Plan: No Master Plan exists for this site.

STAFF RECOMMENDATION:

Item No: CPC CU 15-00132 – CONDITIONAL USE

Approve the Conditional Use to allow a transfer station within the M-1 zone district at 3310 and 3320 North Cascade Avenue, based upon the finding that the request complies with the Conditional Use review criteria in City Code Section 7.5.704, subject to compliance with the following condition and technical modifications:

Condition of Approval

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Technical and Informational Modifications to the Master Plan Amendment:

1. Provide a note stating "This Conditional Use shall be scheduled for review by the Land Use Review Division no later than February 28, 2017 to ensure recommendations have been implemented and to ensure the proposed mitigation strategies are effective for the surrounding neighborhood. If this action is not fully completed by February 28, 2017, the City may take any applicable enforcement action permitted under the City Code."
2. Provide a note on sheet three stating "All gates onsite shall utilize Knox padlocks for Fire Department access."
3. Show areas on the plans that will be kept open/clear for fire lanes.
4. Provide a drainage statement and address how the wash water from the discarded materials is collected, treated and disposed.



75 Talamine Ct.
Colorado Springs, Co. 80907
Phone: 719-634-0611

February 3, 2016

Hannah Van Nimwegen
City of Colorado Springs
Land Use Review Division
30 S. Nevada Ave., Suite 105
Colorado Springs, CO 80901

RE: Iron Mountain Transfer Station – 1st Review
CPC CU 15-00132

Dear Ms. Van Nimwegen,
Iron Mountain Roll-off has reviewed the initial review letter from the City of Colorado Springs and have the following comments.

Broad Project Input:

Staff finds that the application is acceptable; however, the following technical modifications must be completed and neighborhood concerns must be addressed.

Public Notice and Involvement: All public comments have been addressed and are contained herein.

Land Use Review: (Hannah Van Nimwegen, 719-385-5365)

1. *Due to concerns from neighboring property owners, staff recommends placing the operation indoors to contain the dust, or consider installing a fabric sail (as an example) attached to the improved walls to help contain the debris.*
 - a. Iron Mountain is interested in doing what it takes to minimize or eliminate the dust generated from this operation. We feel it is important to understand where the dust is coming from. After many hours of observing these operations we feel the majority of the dust that is referenced is coming from the driving surface. The driving surface used to be crushed concrete bought from a local recycling yard. The material seems to degrade rapidly causing fine material to go airborne when agitated by vehicle traffic. We performed a test run using asphalt millings to notice that the asphalt compound held together and in hot temperatures binds itself together. We noticed a substantial reduction in airborne dust. Since then we have “paved” our yard area with asphalt millings and have observed minimal airborne dust from vehicles.
 - b. We understand the following activities also generate dust:
 - i. Dumping the contents into the pit for processing
 - ii. Processing materials on the pit floor
 - iii. Loading materials into the transfer trailer
 - iv. High wind events
 1. – We have added sprinkler systems to reduce the size of the water droplets sent to capture the dust particles. This too has greatly reduced the amount of airborne debris from each of the above mentioned activities. Our desire is to add a misting system to reduce the amount of water used and the make the water

droplets even smaller to capture more of the particles making the system more efficient. These misters can be mounted to the “high screens” that will be mentioned later in this report.

2. We have also implemented a policy to shut-down operations in high wind conditions. This threshold is currently set at 20mph as measured from our building.
2. *Operation must be fully screened from all sides.*
 - a. We feel we have satisfied this requirement.
3. *Reroute truck traffic down Nevada to Commerce Street when possible.*
 - a. We feel we have satisfied this requirement.
4. *Address the procedure for testing suspicious material for asbestos and other potentially harmful particles in the project narrative. Will the contractors who also utilize the transfer facility be held to the same procedure?*
 - a. Since we only handle construction debris and are only receiving materials from contractors (not the everyday homeowner), we feel we are managing this issue better than any other facility in the area! Contractors are responsible for securing a permit prior to starting most construction work. In order to obtain a permit for a renovation, contractors must satisfy prerequisites including surveys by a state licensed inspector. This inspector will indicate where, if any, asbestos or contaminated material exists. The property owner is responsible for properly disposing this material and getting an “all clear” report from the same inspector prior to getting the Demolition Application Notification Form signed and sent to the State Health Department for approval. Once this is approved and a “State Permit” is issued, the individual or contractor can then go to the local permitting office to obtain the local permit. At this level, every suspect material should have been tested by the inspector to confirm it is not contaminated.
 - b. All of our staff that is associated with the Transfer Station operations has their Asbestos Containing Materials Awareness Training. This educates them on “suspect materials” and what to look for.
 - c. We also have on staff two former “CDPHE certified management planners/ inspectors/ supervisors”. These individuals have over 20 years of experience with Regulation 8 of the Colorado Department of Health Air Quality and Solid Waste Guidelines. They continue to observe materials delivered on a daily basis including sending suspect materials off for lab analysis. All materials have returned non-detect.
 - d. We had an unannounced inspection by the State Health Department on 10/21/2015. This was just after we had started operations. Brian Long noted no violations in his report.
5. *Address strategies or steps to help reduce dust in the project narrative.*
 - a. Please see Line 1 for the methods for managing dust.
6. *There is a 20’ utility and drainage easement along the southern property line, and a 10’ drainage easement along the western property line. Ensure there are no structures interfering with this easement. If there are structures within the easement, a partial easement vacation or encroachment permit may be required.*
 - a. We feel we have satisfied this requirement.
7. *Staff is considering a Condition of Approval to be attached to the Conditional Use. This condition would describe City Land Use Review staff would return to the application for additional review one or two years from the approval date to address any continuing nuisances.*
 - a. We would welcome this kind of follow-up. Again, we want to be a responsible member of the neighborhood and address any issues our neighbors may have.

Engineering Development Review and Traffic Review (Lydia Maring, 719-385-5546)

1. *All curb, gutter, pedestrian ramps and sidewalk posing a safety hazard or exhibiting excessive deterioration along Talamine Ct. and N. Cascade Ave. Adjacent to the site will need to be removed and*

replaced. An onsite meeting can be set up with the City Engineering Inspector, Frank Helme, to determine what, if any improvements are required. The inspector can be reached at 385-5068.

- a. We are discussing the scheduled construction work at the Cascade/Talamine intersection.
 - b. We will repair sidewalks, curb, gutter, and pedestrian ramps as required.
2. Please provide a drainage letter and address how the wash water from the discarded materials is collected, treated and disposed.
- a. The water used to manage the dust on site is predominantly collected by the material that is loaded up. We refer to that as optimum moisture content of the materials. We should not be oversaturating the materials. Water is not used for washing in this operation.
 - b. The terrain naturally slopes from North to South in this area. We have installed a berm along the South fence to ensure water is substantially slowed for a period of time before moving down stream. This fence is located 15' north of our property line. Observations have confirmed that no water born debris has reached this berm to date.
 - c. We also use a 15' landscape buffer zone along the South property line.
3. Traffic Engineering has no comments.

Colorado Springs Utilities (Ann Werner, 719-668-8262)

1. None, approval is recommended.

Fire (Steven Smith, 719-385-7362)

Disapproved Comments:

1. Show areas on the plans that will be kept open/clear for fire lanes
 - a. Please see attached.
2. Plans suggest gates are located on the property. Provide a note on the plans that gates the proper Knox equipment will be provide for each gate.
 - a. We will comply with the Fire Department's request for a knox box for fast access in the event of an emergency.

Enumerations (Amy Vanderbeek, 719-327-2930)

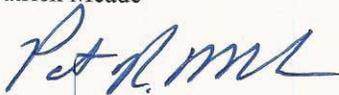
1. Figure 7 shows 1 lot. If this is to replat we would have more comments. As of now no comments.
 - a. We do not think these needs to replat.

Public Works- transit (Christoph Zurcher, 719-385-6524)

1. Transit is planning to start construction in the spring of 2016 on a street improvement project that will directly affect this property. With this conditional use request, will there be any other improvements made or required to the property? We will be installing a new ADA pedestrian ramp at the corner of Cascade and Talamine and replacing a driveway along Cascade to bring it into ADA compliance. Please pass this information on to the applicant and let us know if you or the applicant has any questions.

Sincerely,

Patrick Meade



President

The Rocky Mountain Development Group, LLC
Iron Mountain Demolition
Iron Mountain Roll-Off

Transfer Station Cleaning Schedule

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Block Perimeter	Block Perimeter	Block Perimeter	Block Perimeter	Block Perimeter		
Fence Line	Fence line	Fence Line	Fence Line	Fence Line		
Entire Yard	Linda's Place	Entire Yard	Entire Yard	Linda's Place		
	Roads			Roads		
	Entire Yard			Entire Yard		
	Front Yard			Front Yard		
				Truck Station		
The end of the day any remaining trash will be secured by the tarp						

FIGURE 10

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
 Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

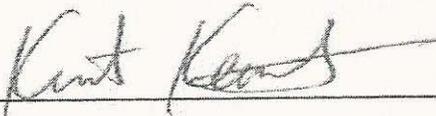
Laboratory Report
0162037

Bulk Asbestos Analysis by Polarized Light Microscopy

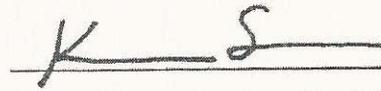
NVLAP#101926-0

Client:	OCCUPATIONAL HEALTH TECH. INC.	Job# / P.O. #:	24856	146955
Address:	2220 E. BIJOU ST. STE 153	Date Received:	10/21/2015	
	COLORADO SPRINGS CO 80909	Date Analyzed:	10/22/2015	
Collected:	10/20/2015	Date Reported:	10/22/2015	
Project Name:	IRON MT.	EPA Method:	EPA 600/R-93/116	
Address:		Submitted By:	TOM ANTONSON	
		Collected By:		

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0162037-001 IMTS-10-20-15- ROCK		Sheetrock, Lt. Pink / Brown	No	None Detected	Cellulose Fiber 10% Fibrous Glass 2% Gypsum Quartz Carbonates 88%
0162037-002 IMTS-10-20-15- HIGH RD		LAYER 1 Cardboard, Brown	No	None Detected	Cellulose Fiber 98% Carbonates Gypsum Binder/Filler 2%
		LAYER 2 Coating, Tan	No	None Detected	Cellulose Fiber 3% Carbonates Gypsum Quartz Binder/Filler 97%



Analyst - Kurt Kettler



Signatory - Lab Manager - Ken Scheske

Distinctly stratified, easily separable layers of samples are analyzed as subsamples of the whole and are reported separately for each discernible layer. All analyses are derived from calibrated visual estimate and measured in area percent unless otherwise noted. The report applies to the standards or procedures identified and to the sample(s) tested. The test results are not necessarily indicative or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. These reports are for the exclusive use of the addressed client and that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. The report shall not be reproduced except in full, without written approval by our laboratory. The samples not destroyed in testing are retained a maximum of thirty days. The laboratory measurement of uncertainty for the test method is approximately less than 1% by area percent. Accredited by the National Institute of Standards and Technology, Voluntary Laboratory Accreditation Program for selected test method for asbestos. The accreditation or any reports generated by this laboratory in no way constitutes or implies product certification, approval, or endorsement by the National Institute of Standards and Technology. The report must not be used by the client to claim product certification, approval, or endorsement by NVLAP, NIST, or any agency of the Federal Government. Polarized Light Microscopy may not be consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials.

TO WHOM IT MAY CONCERN:

These analytical results are provided from a NIST certified laboratory. The sample location is not verified. The collection of these samples were not collected by a state certified Building Inspector and should be presented as additional information only. This sample will not meet requirements of the Colorado Department of Public Health & Environment. The information provided is for use by the client only and should not be interpreted by as having been collected by a state certified building collector.

CONDITIONAL USE REVIEW CRITERIA:

7.5.704: AUTHORIZATION AND FINDINGS:

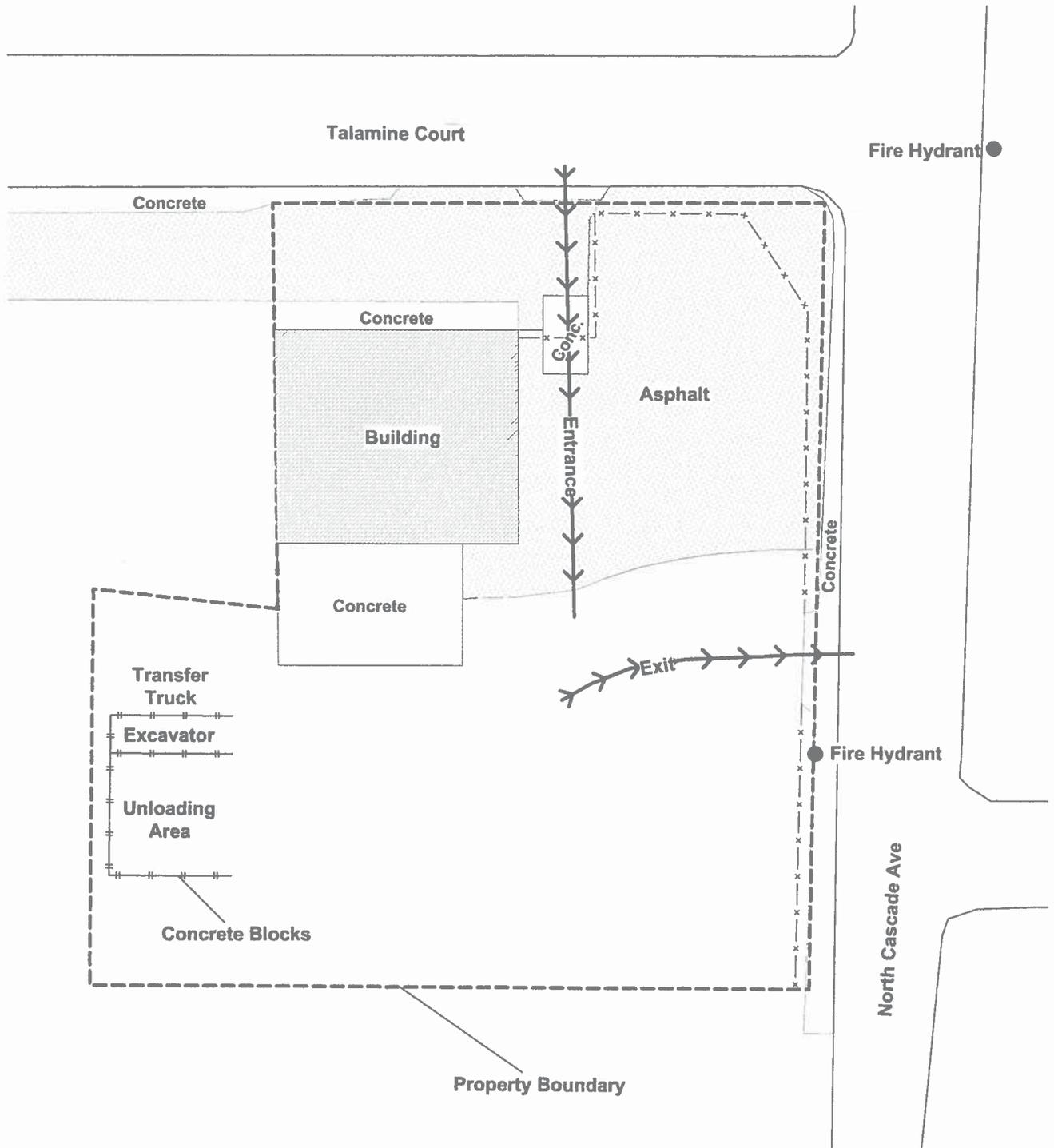
The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

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

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

FIGURE 7

SITE DETAILS



09/11/2015

906-01

DOTY & ASSOCIATES, LLC

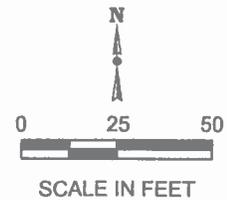


FIGURE 1



75 Talamine Ct.
Colorado Springs, Co. 80907
Phone: 719-634-0611

Iron Mountain Construction Debris Transfer Station

Iron Mountain Demolition and Roll-Off, (formerly Baldwin Demolition and Roll-Off) has been providing demolition and roll-off services for over 30 years. The Rocky Mountain Development Group, LLC took over the Baldwin operation in March of 2012. The Rocky Mountain Development Group, LLC has dba's of Iron Mountain Demolition and Iron Mountain Roll-Off.

Iron Mountain's operations consist of providing the following services to the construction industry.

- Roll-off containers
- Trucking
- Demolition

Iron Mountain Roll-Off containers are used to collect discarded construction materials from construction projects. Once full, we typically take the container to the landfill for disposal. Iron Mountain currently owns 300 containers operating at 98% utilization. We are currently performing 30+ activities per day.

Problems:

1. **Efficiency:** The transport of the roll-off containers is performed by a tandem axle roll-off truck. These trucks are rated to carry a maximum of 10 tons of material. The average load hauled is less than 3.5 tons, shorting the capacity of the truck 65% by weight and currently generating 20 loads/trips to the landfill.
2. **Landfill Diversion:** Out of convenience, customers dispose of recyclable materials into the roll-off containers from their projects. There is not a convenient way to remove the recyclable material from the container once loaded preventing landfill diversion.
3. **Traffic:** By hauling each load to the landfill, the tandem roll-off trucks are on the road more hours each day posing opportunities for an incident to occur.

Opportunities:

1. **Efficiency:** By hauling the roll-off containers to the transfer facility, we can service our customers faster, reduce the number of loads to the landfill, and create an opportunity to divert materials away from the landfill. The roll-off loads are processed and loaded into a large tractor trailer. We are seeing an average of 5.5 roll-off loads to each tractor trailer load. Of the 20 loads once taken straight to the landfill, we are now sending only 4 tractor trailer loads.
2. **Recycling:** By hauling the construction materials to the sorting facility, we create an opportunity to sort the materials in a more economical manner as compared to sorting at the construction site. Trained employees review the materials and sort the recyclable/re-usable materials from other materials. We currently haul materials to Colorado Industrial Recycling, Recycled Aggregates, and Larkspur Outlet.

3. **Traffic:** By processing the materials as they come in from the roll-off trucks, we can greatly reduce the number of miles each roll-off truck is driven per day. The central location of the storage facility allows each roll-off activity to be executed covering shorter distances and reducing the number of hours each roll-off truck is on the road.

Benefits:

1. Reducing roll-off truck hours and miles.
2. Creating 2-3 jobs for sorting and transportation activities.
3. Removing at least 1 ton of material each day from the current waste stream for recycling.
4. Combining 5.5 roll-off containers into each tractor trailer load sent to the landfill greatly reducing the number of trips to the landfill.
5. Servicing our customers faster.
6. Reduced environmental impact.

Future:

1. By analyzing the materials brought in we feel there will be opportunities in the future to recycle other materials such as cardboard, asphalt shingles, carpet, and carpet padding.
2. Opportunities to receive materials from other contractors reducing the amount of time they spend on the road.
3. Opportunities to observe materials being discarded and use our network for landfill diversion and re-use. (for example, Larkspur Outlet reuses certain building materials).

With the downtown revitalization efforts continuing with the Olympic Museum, South Nevada and other slated projects, this operation could provide a great value to the community for many years to come.

Patrick Meade

President

The Rocky Mountain Development Group, LLC

FIGURE 6

NEIGHBORING PROPERTY DETAILS

DOTY & ASSOCIATES, LLC 906-01 09/11/2015

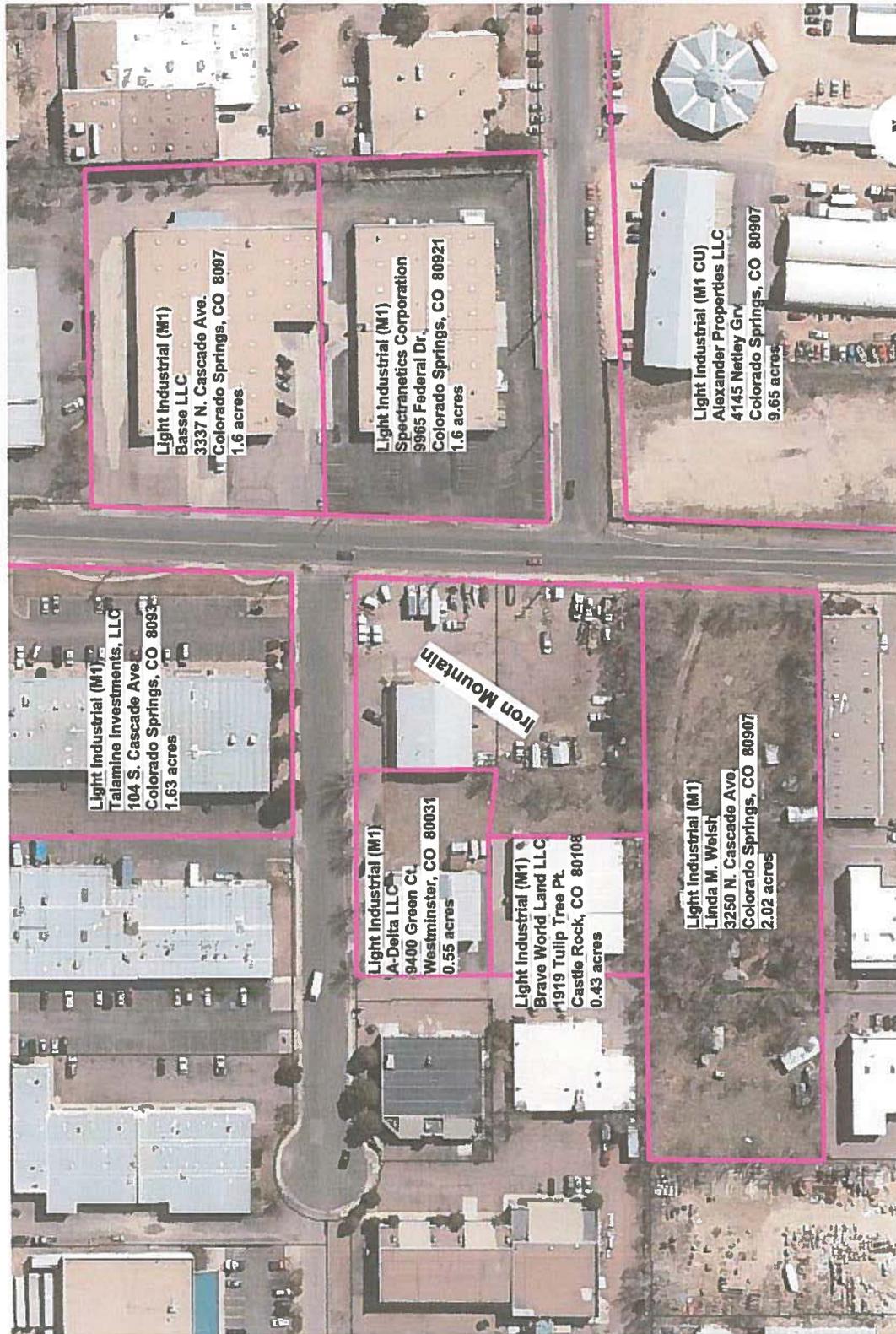
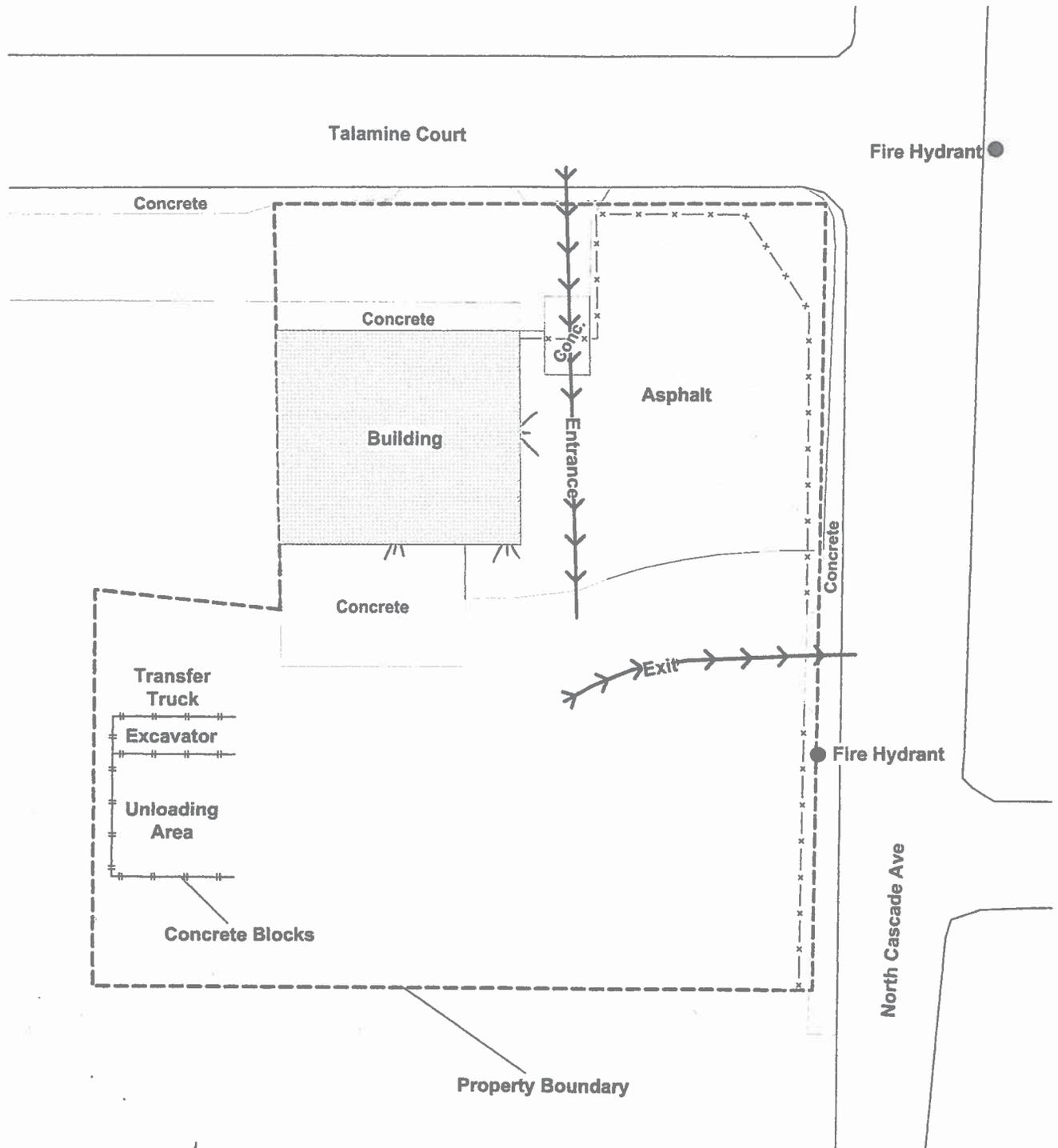


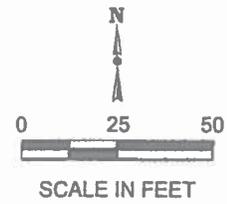
FIGURE 2

FIGURE 7

SITE DETAILS



≡ -Existing Lighting



DOTY & ASSOCIATES, LLC
906-01
09/11/2015

FIGURE 2

Surrounding Land Use Map



FIGURE 3

Commenter Map



From: JoanK <tokepcal@yahoo.com>
Sent: Wednesday, December 02, 2015 4:44 PM
To: Van Nimwegen, Hannah; r8eisc@epa.gov
Subject: Concern about potential hazardous waste handling by Iron Mountain Demolition-- asbestos, chemical content of dust?
Attachments: 2015-12-02 14.52.26.jpg; 2015-12-02 14.52.30.jpg

Dear Sir or Madam,

I have a concern about a business "Iron Mountain Demolition" that has, within the past few months, started dumping and processing collected demolition scrap in a lot off North Cascade Ave in Colorado Springs (the business address is 75 Talamine Court, Colorado Springs, 719-634-6011).

Note: there is a use permit hearing notice posted at the business: CFC CU 15-00132

After dumping multi-truckloads of demolition scrap at the site, they then use a front loader to scrape it up and then use a claw to deposit it into other trucks for hauling to an unknown site. These actions generate a substantial amount of dust that can make Cascade Avenue hazy (at times, extremely hazy). I have noted that they sometimes turn on a sprinkler to wet the top of the pile, which doesn't do much for keeping dust down when the lower levels of the pile are scooped (see attached pictures, taken today; the stripes in the picture are from the sun hitting the rising dust).

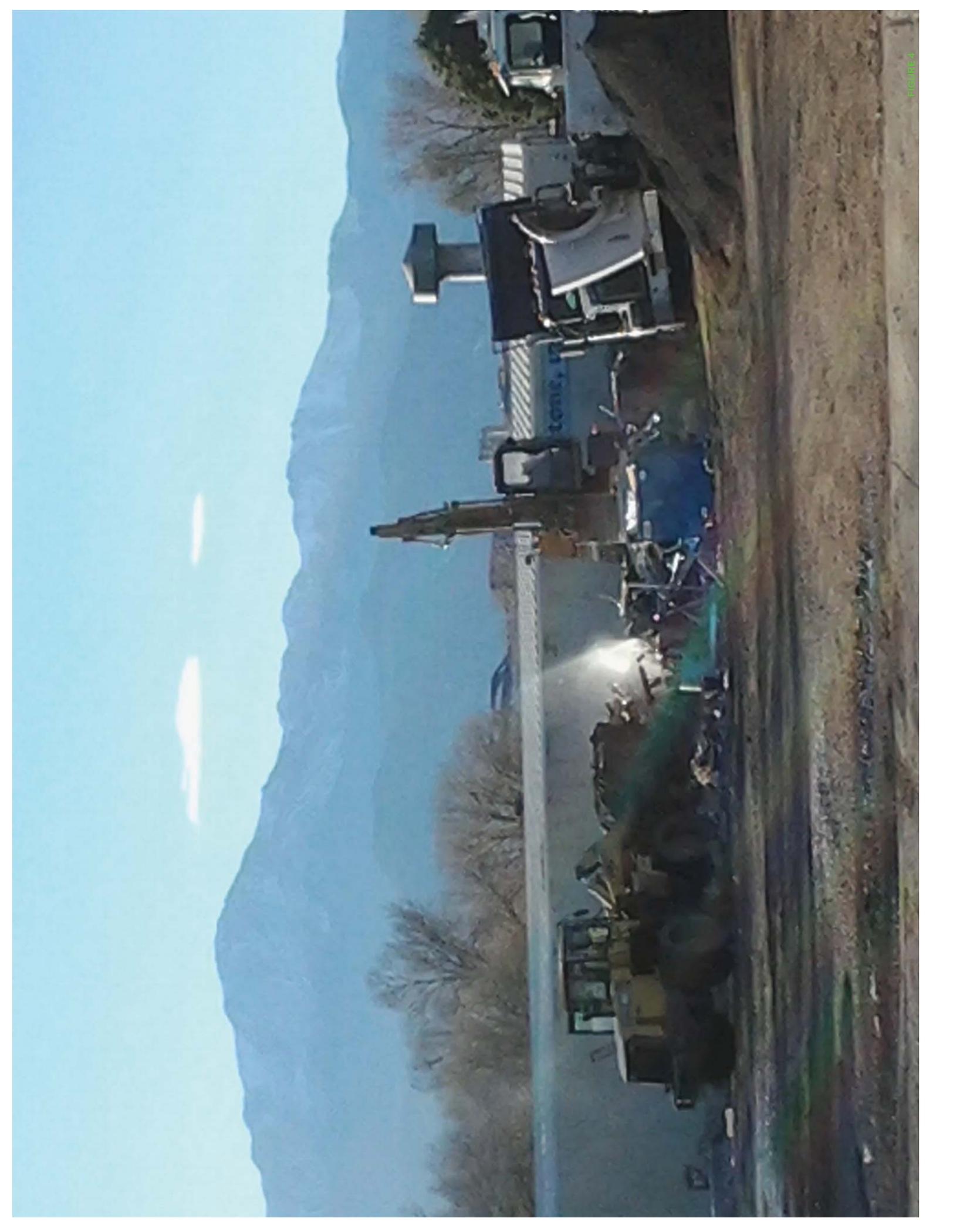
My concern is that it is very likely that the dust generated contains asbestos (at the very least), contaminating both air and water (from the sprinkler runoff).

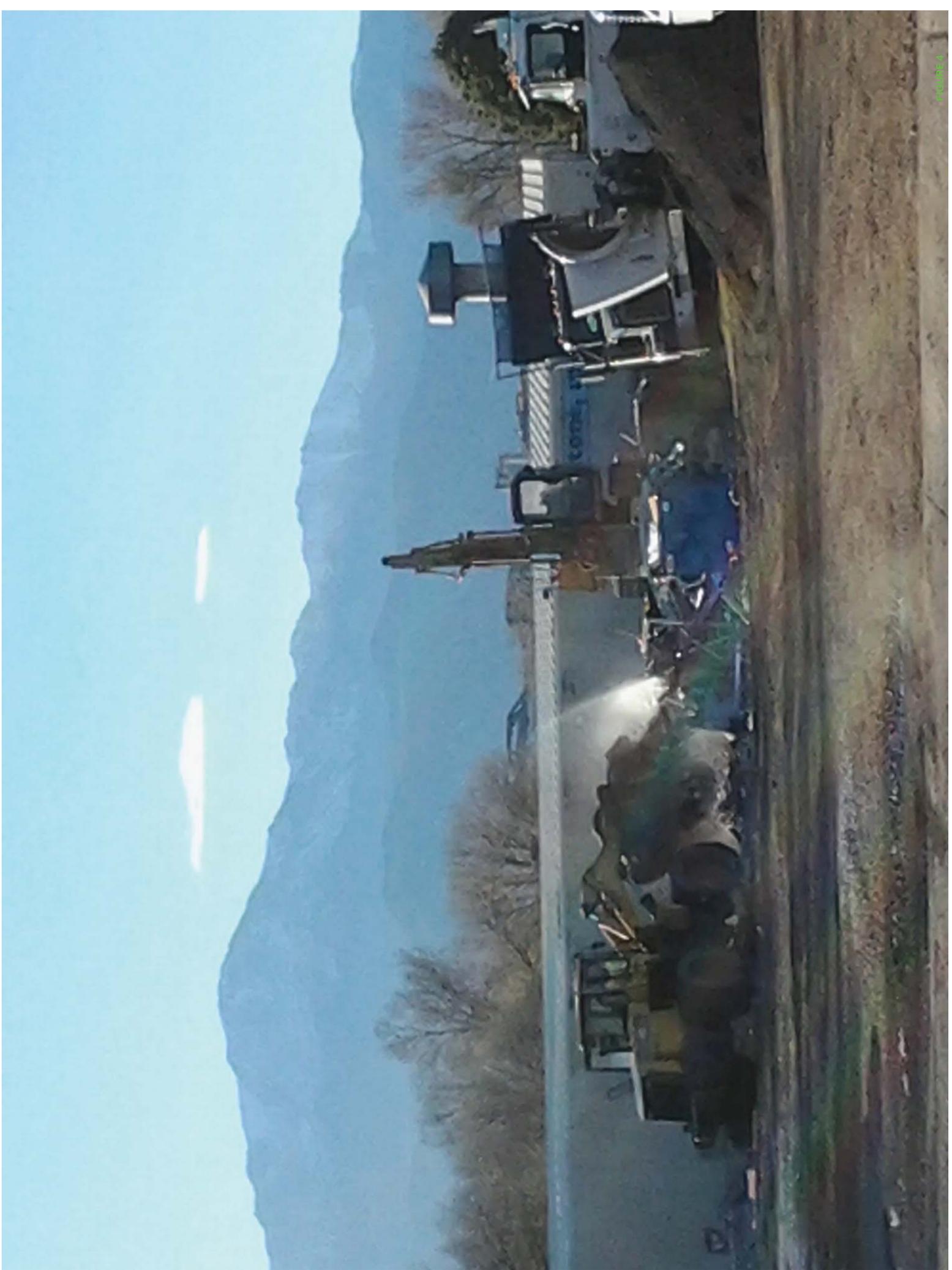
Workers at the site have been seen "gagging" and choking as they scoop up the debris; several times there has been an odor in the dust that can best be described as acrid/chemical as well as fecal in nature. There are many other businesses (including a bakery) and residences (including high density trailer courts) located in this same area. Both city and school buses drive on Cascade past this blight and dust, all with people and children being exposed to who knows what. I did notice that the city bus stop that was close to this site was moved farther south on Cascade earlier this year; was this move in response to the dust created by this demolition handling site?

I often drive this section of Cascade to and from work and I live close enough that I am concerned. This demolition refuse handling business does NOT belong in the middle of a city, where countless people and kids are knowingly (or unknowingly, if the dust is so fine as to not be directly visible) exposed to dust of unknown content.

I don't appreciate this hazard and blight being present near my home and do not understand how this can be allowed in an era where most larger cities are doing their best to eliminate potential environmental and air quality hazards..

Joan Kruplak
3313 Jon St., Colorado Springs, 719-635-0382





Linda Welsh
3250 N Cascade
Co. Sp. Co. 80907
719 633-7939

To the City Code dept,

My name is Linda Welsh, I live at 3250 N Cascade Ave. About 2 or 2 1/2 months ago a business called Iron Mountain metal works move in next door to me, directly to the north. It is odd their name because they work with very little metal. They handle more wood from houses plastic, paper and Styrofoam.

They begin in the morning, early, by running their big rigs, for so long you can't breathe going down my road because of the heavy exhaust. They then begin hauling trash in their big dump trucks full of a pile. They do this off and on all day. They then start using the backhoe to put that trash into big haul away trash containers. They do this all day to. It makes for dusty, noisy, and very smelly days. I have even smelled what smells like sewer or feces. My yard has started to look messy because of the trash that blows over - we have even had our big winds yet. I picked it up at first but, I shouldn't have to pick up their mess, I have enough of my own yard stuff to try and keep ahead of. I have even started to go down Cascade - which makes the whole street look trashy. There have been a couple of times the dust is so bad on Cascade that you can see the dust billowing behind the cars as they drive by. Some times when they are using the backhoe, they will drop it to pack the trailer down it drops so hard it makes my windows and lights

Shake and rattle

Last late summer I had to start not being able to open my window even though it was really warm and nice, because of the dust and noise. When Spring comes, what am I suppose to do. I do not think this is at all fair to me. I have lived here a good long time. I would really thought that the city of Colorado Springs would do this! And I wouldn't think the rest of the businesses are very happy either. This goes on 5 to 5½ days a week, some times well after dark.

I hope you will help me out with this problem. It has impacted my day to day life. I'm supposed to walk everyday - which I have done for quite some time. It makes is very hard to squeeze my 30 min in with all that is right next to me. What is the use when you end up coughing when you done.

I do think there has to be a better more appropriate place for them to do their work

Thank you for letting me air my concerns. I hope you can see my side. This has really impacted my life style. Heck even the birds in the front of my place has left.

Sincerely
Linda Webb

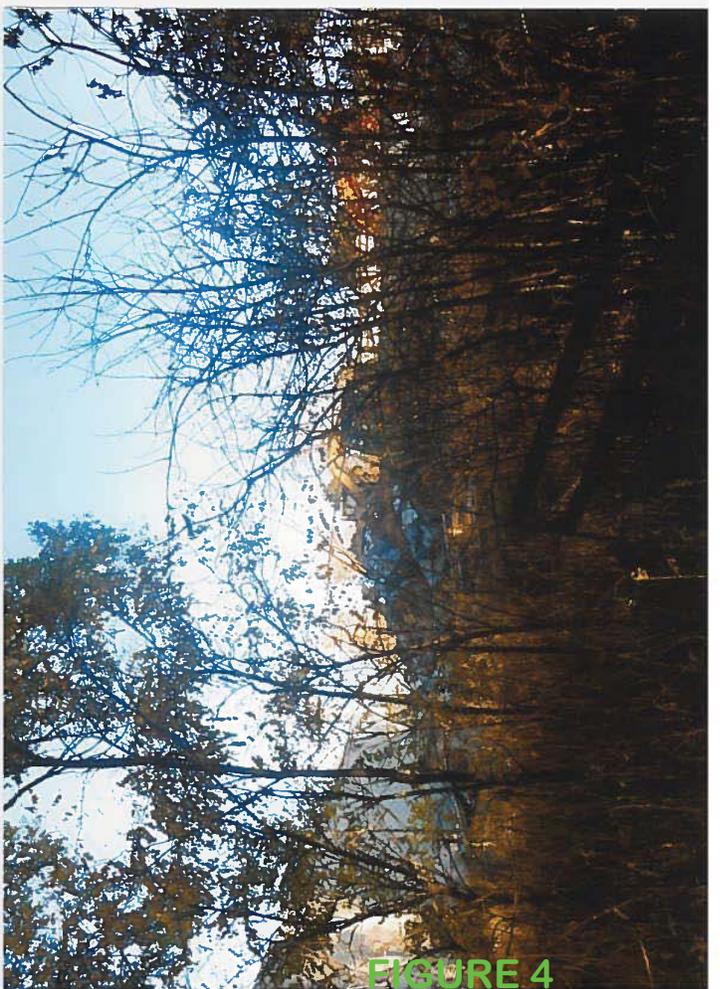
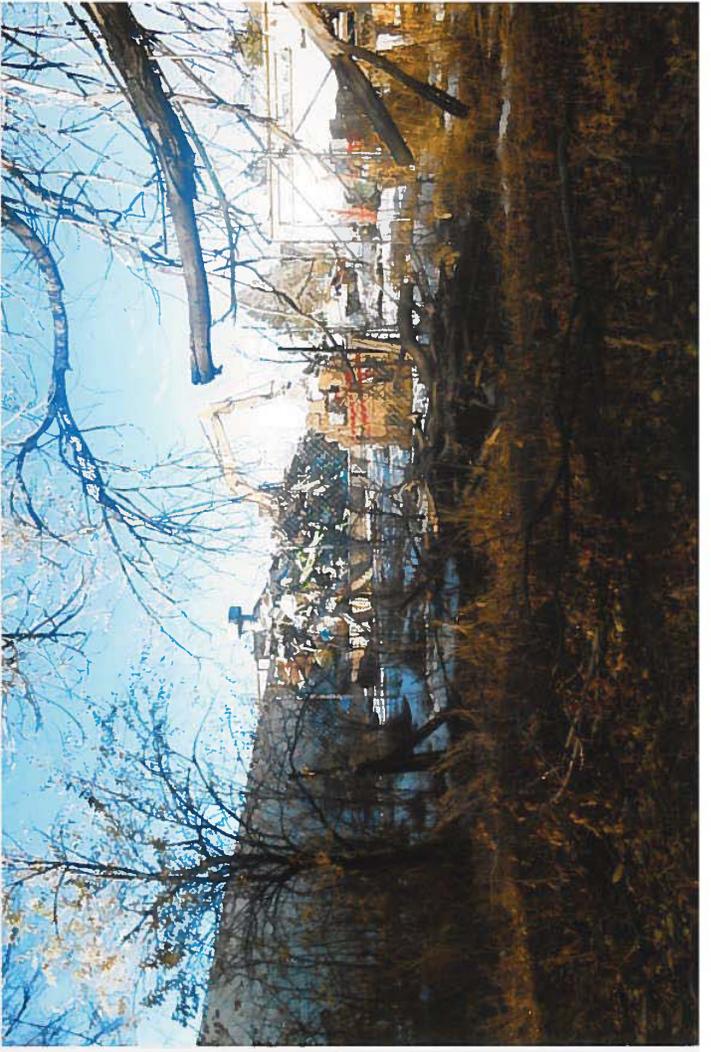
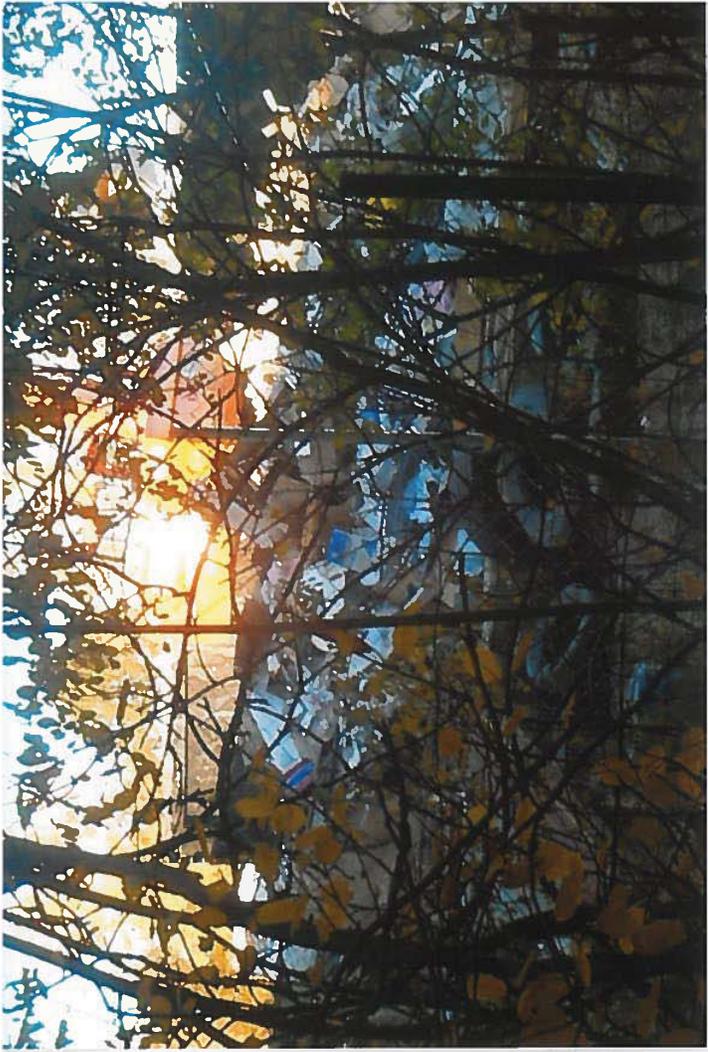


FIGURE 4

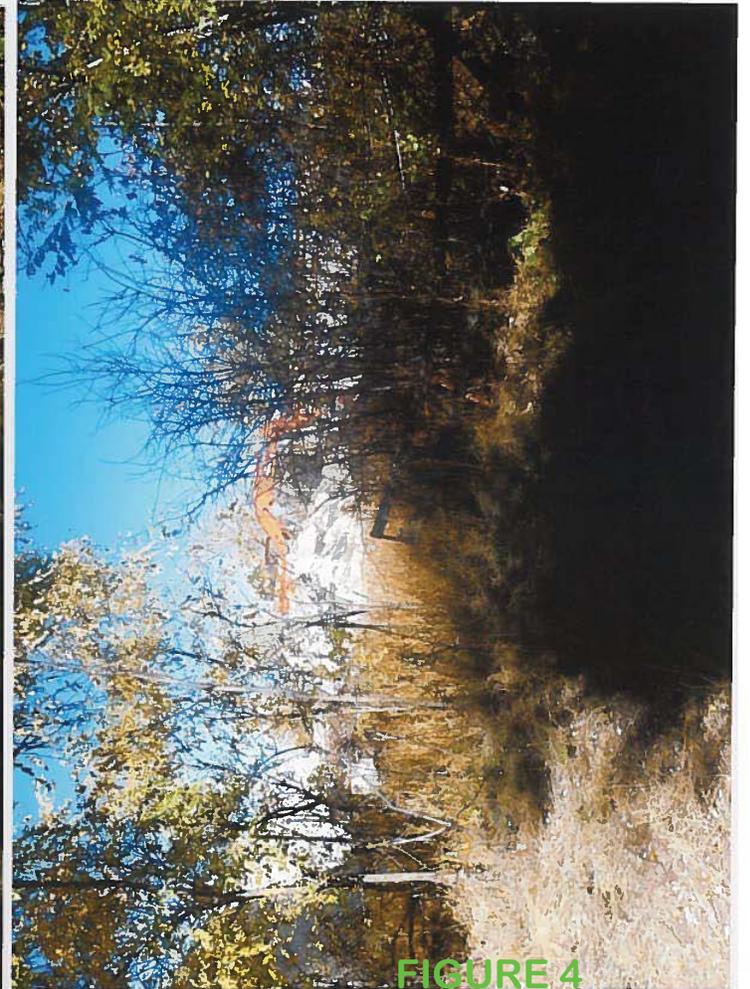
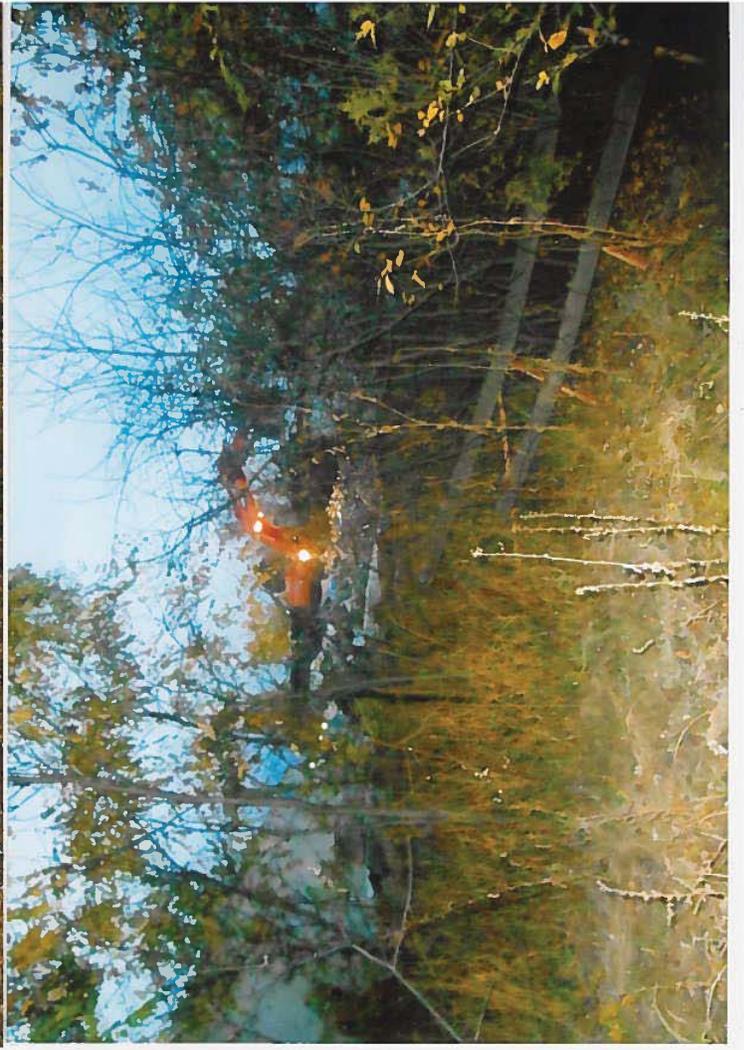


FIGURE 4

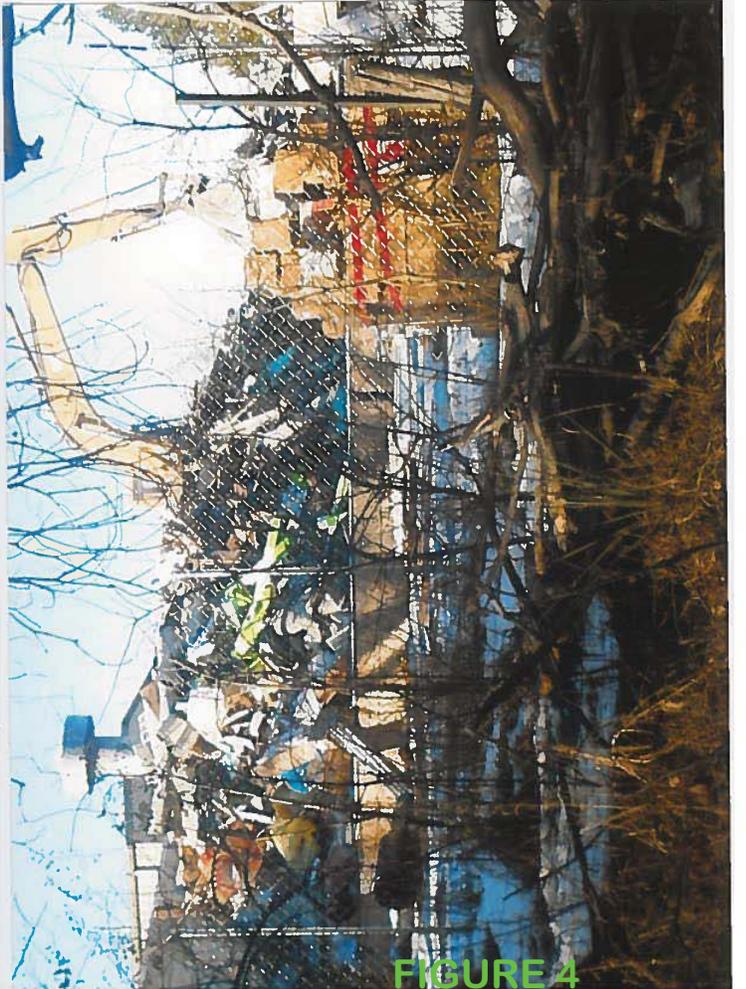


FIGURE 4

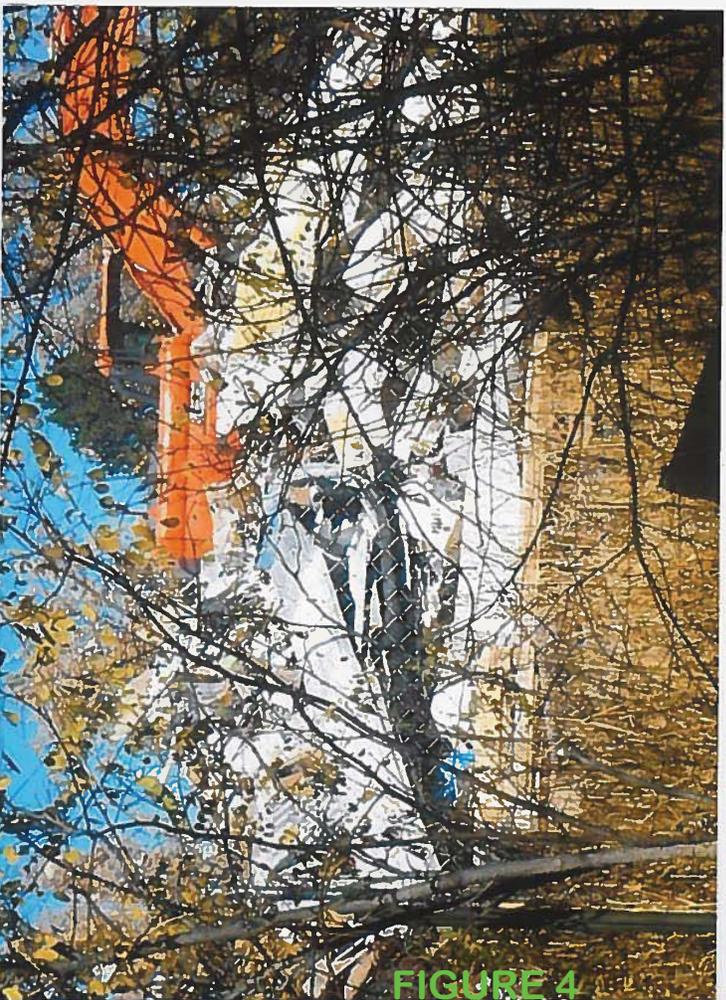
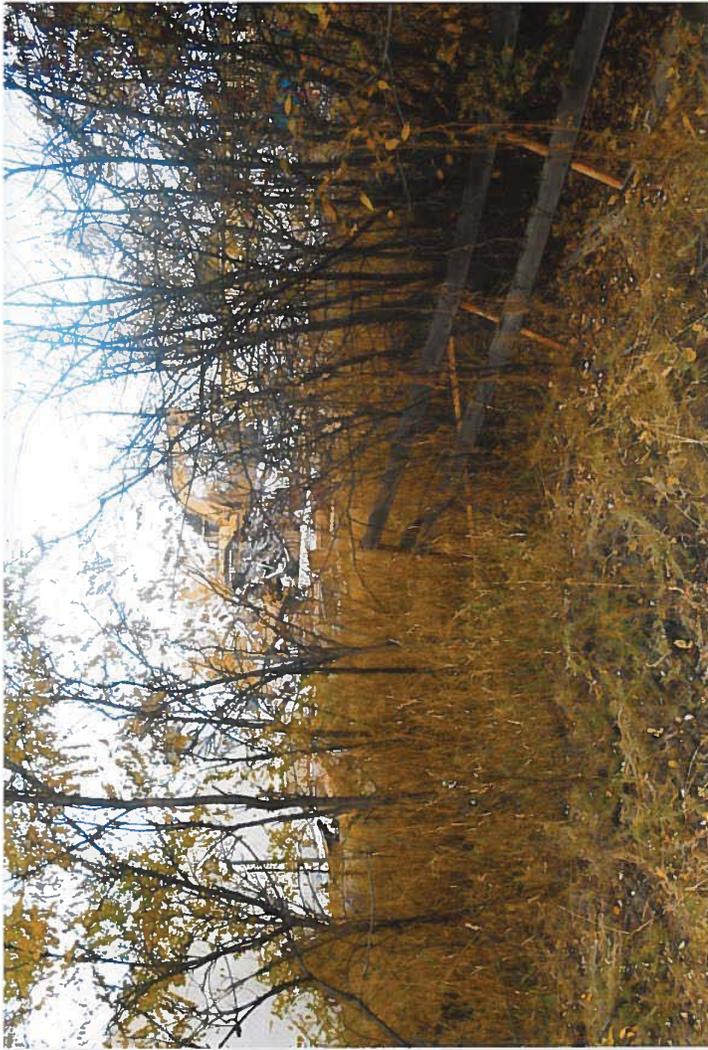


FIGURE 4

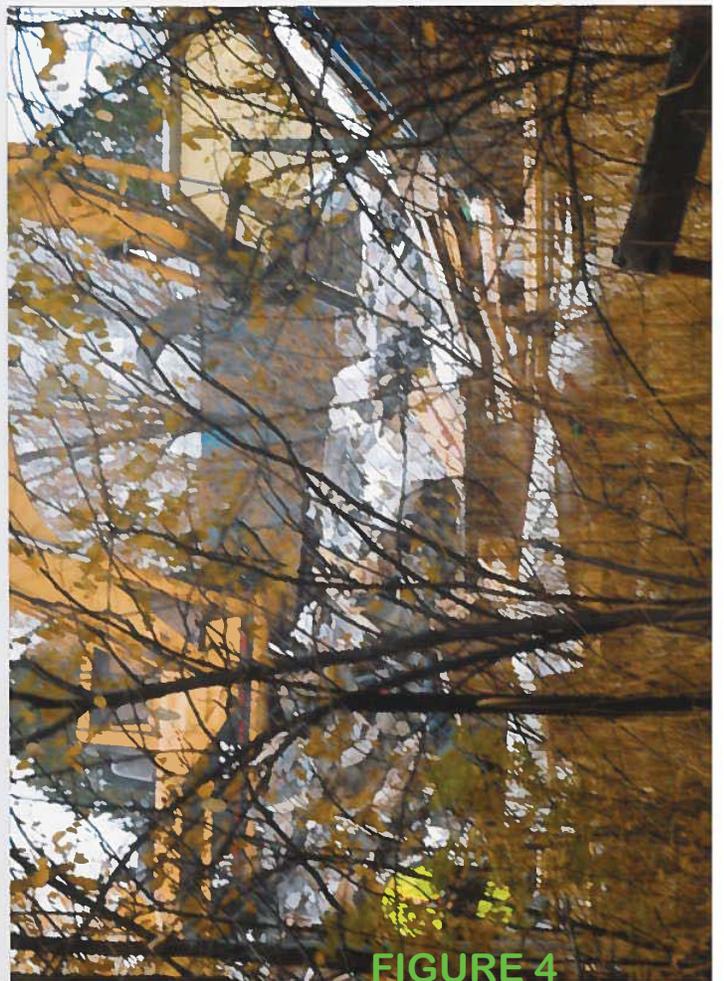
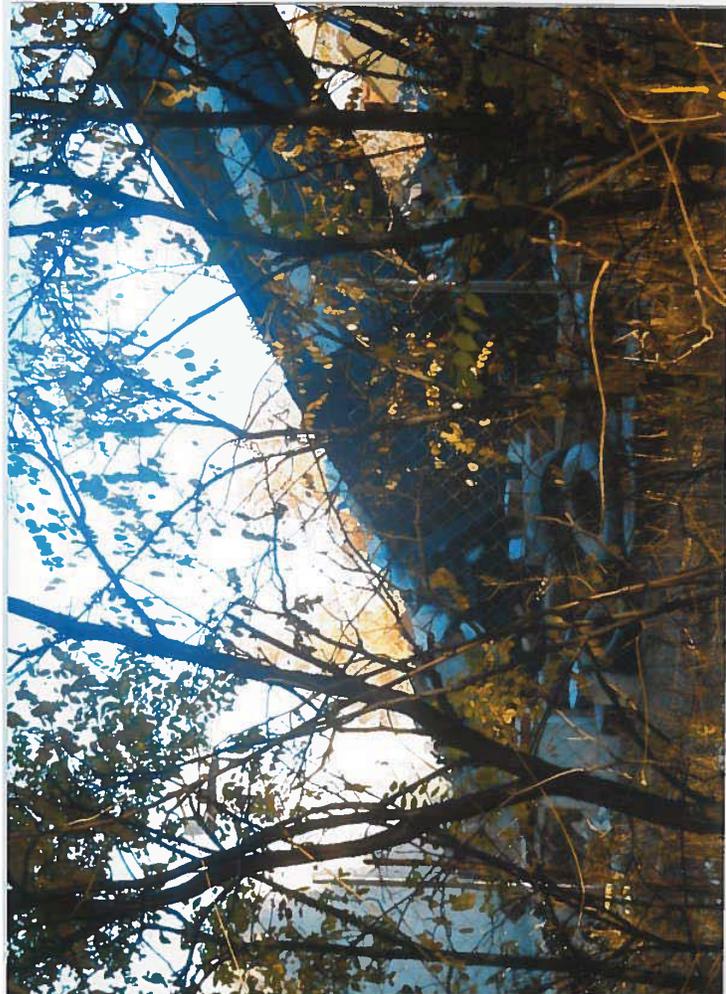


FIGURE 4



Manstone, LLC
105 Talamine Ct.
Colorado Springs, CO 80907
(719) 578-1500 Fax (719) 578-1596

December, 2, 2015

Hannah Van Nimwegen
30 S. Nevada, Suite 105
Colorado Springs, CO

Re: Conditional Use Application CPC CU 15-00132

To Whom it May Concern,

On behalf of Manstone, LLC I am notifying you of our company's objection to granting Iron Mountain Demolition a conditional use application permitting the aforementioned to operate a transfer station at 3310 and 3320 North Cascade Avenue in the M-1 zone district.

Since Iron Mountain Demolition has begun operation at their North Cascade Avenue location the businesses in the immediate vicinity have experienced the following objectionable conditions:

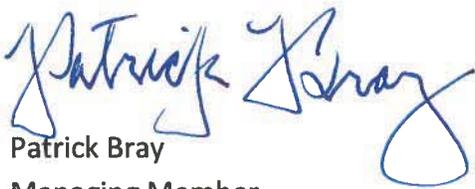
1. Dust from operation of the transfer station has contaminated building HVAC systems, facility interiors, as well as customer, employee and company automobiles creating additional cleaning/maintenance requirements.
2. Operation of the transfer station on North Cascade Avenue negatively impacts the market value of neighboring light industrial properties.
3. Windy conditions spread trash and debris from the aforementioned property onto neighboring properties creating unsightly conditions and higher costs to clean and maintain property grounds.
4. Use of heavy construction equipment in the transfer operation in close proximity to Manstone's manufacturing facility may pose a risk to personal safety and property damage.

In addition, the transfer station violates Chapter 7, Article 3, Part 3 of the City of Colorado Springs land use code intended to, "Ensure compatibility with adjacent land uses, and eliminate excessive noise, illumination, unsightliness, odor, smoke, hazards, and other objectionable influences".

We recognize the benefits of operating transfer stations to the processing of construction waste however, this operation is not compatible with the M-1 (Light Industrial) zone district in which it is located, nor should it be deemed either essential or desirable to the local community.

We will maintain our objection to the conditional use application CPC CU 15-00132 until the above issues have been resolved.

Regards,

A handwritten signature in blue ink that reads "Patrick Bray". The signature is stylized with a large, looping "P" and "B".

Patrick Bray
Managing Member
Manstone, LLC

Attachments



Reviewing Planner:

Hannah Van Nimwegen

719-385-5365

hvannimwegen@springsgov.com

Plans can be reviewed at:

30 S. Nevada, Suite 105

Colorado Springs, CO

719-385-5905

Hours of Operation:

Monday – Friday 8am-5pm

PUBLIC NOTICE

The Land Use Review Division of the City of Colorado Springs has received a request from Patrick Meade of Iron Mountain Demolition and Roll-Off for consideration of the following land development application:

CPC CU 15-00132: A Conditional Use application to permit a transfer station within the M-1 (Light Industrial) zone district.

The proposal includes the reuse of existing buildings and site for a construction and demolition debris transfer station. No new buildings or structures are proposed. The property is located at 3310 and 3320 North Cascade Avenue, consists of 1.2 acres and is zoned M-1 (Light Industrial).

If you would like to review the plans for this project bring this postcard to the address listed above. **If you wish to provide comments regarding this application you may do so until Monday, December 7, 2015.** All comments received are public record and will be made available to the applicant. If you have questions contact the planner listed above.

To view this application and related documents, type <http://eoc.springsgov.com/ldrs/> into your Internet Browser. Type the entire file number: CPC CU 15-00132 within the "Enter the File Number" field and click on the "Run Query" button. PDF documents may be viewed by clicking on the links that appear on the left-hand side of the resulting page. Contact the planner listed above for assistance viewing the applications.

FIGURE 7

SITE DETAILS

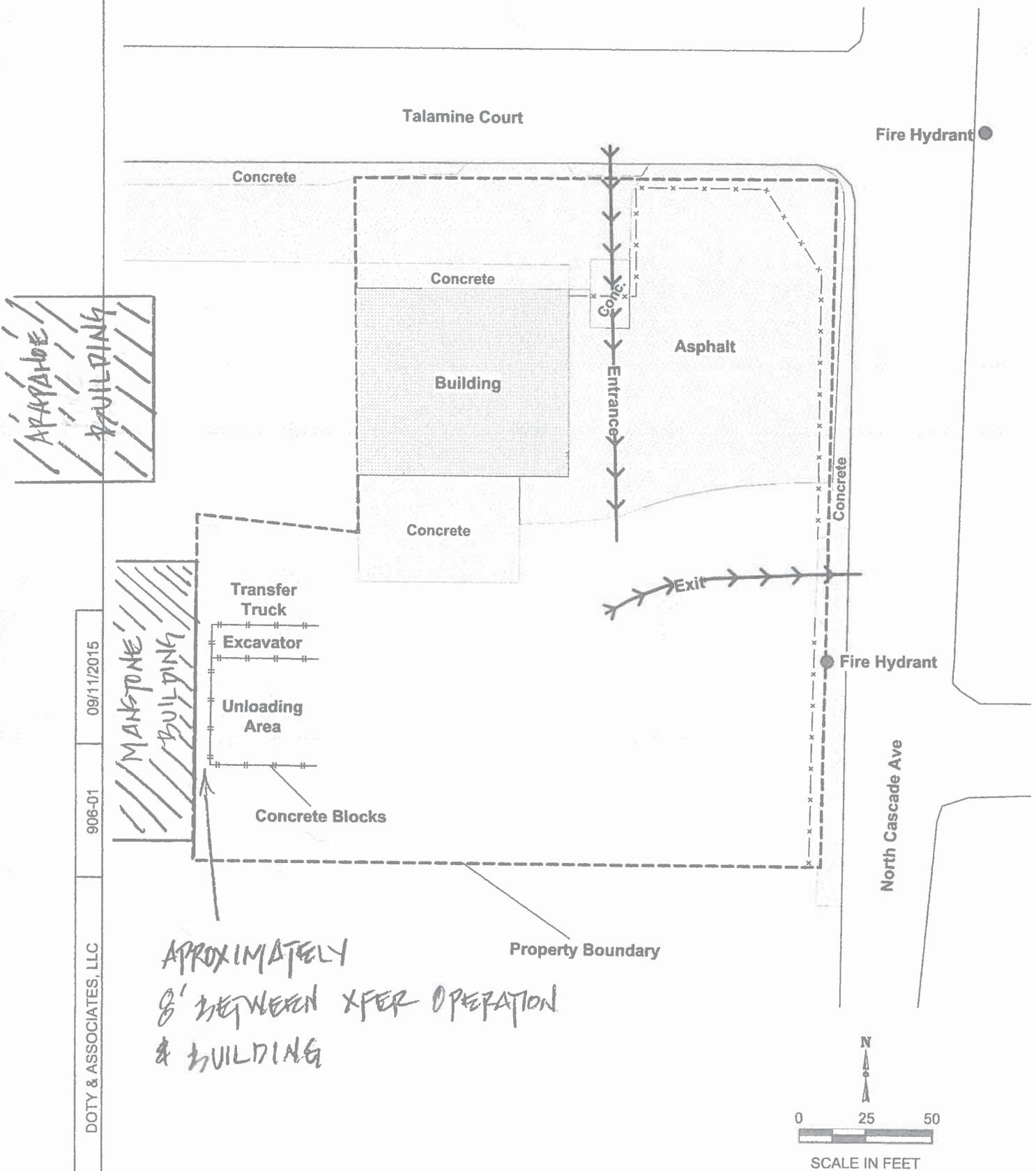


FIGURE 4

Transfer Operations at 3310 and 3320 North Cascade
Ref: CPC CU 15-00132



FIGURE 4

From: Russ Palmer <russpalmer@badgerequipmentllc.com>
Sent: Sunday, December 06, 2015 8:31 AM
To: Van Nimwegen, Hannah
Subject: Fwd: CPC CU 15-00132 Comments

----- Forwarded Message -----

Subject: CPC CU 15-00132 Comments
Date: Sun, 6 Dec 2015 08:14:57 -0700
From: Russ Palmer <russpalmer@badgerequipmentllc.com>
To:

Hannah,

Following are our comments regarding the application by Patrick Meade of Iron Mountain Demolition and Roll-Off. Mr Meade cites several legitimate business reasons for the request. Our concerns are primarily with the resultant contamination, including air pollution, water runoff, and blowing trash.

1) DUST - The majority of the debris being transferred is, and in the future will be, quite dusty. During hours of operation, the airborne particulates from this transfer operation are distributed throughout the immediately surrounding neighborhoods. The plume of dust is consistently visible during the majority of transfer operations. On calm days the contamination simply rises into the air and then settles into the surrounding area. Any air movement causes the pollutants to be carried greater distances, affecting any number of other properties in the neighborhood. El Paso County fugitive dust control regulations require that any operation generating these type of pollutants must provide some process of continual mitigation.

2) WATER - After numerous weeks of observing this trash transfer operation on a daily basis, we have seen watering, as a form of dust control, on only one occasion. That one watering process started in the early afternoon and lasted about an hour. Our observations have been for brief intervals, ranging from a few minutes to more than an hour so it is entirely possible that water was sprayed on the debris, to reduce fugitive dust, at other times. Although our property would not be directly affected by any water run-off, if spraying water was continually used as a means to control the airborne pollutants, the resultant water runoff would become a concern because of the pollutants it would carry with it. It would seem prudent that all water accumulating from dust control measures should be contained on site and not allowed to migrate onto other properties or into the storm drainage system. That contaminated water should, likewise, not be dumped directly into the sanitary sewers for the waste water treatment plant to have to deal with.

3) RAIN - Although the concrete blocks along the perimeter could contain the larger pieces of rubbish, incidences of heavy rain would carry large quantities of adulterated water into the storm sewers and ultimately into our streams. If allowed, the proposed design of the site would allow tremendous amounts of pollutant laden water to ultimately flow into our waterways during and after each of the torrential rain events, which are so common during our summer season. Because the dumping, piling, and transferring occurs on a paved area exposed to the elements, even the runoff from lesser rains would consistently pick up contaminants and introduce them into our streams and creeks.. This would be an ever compounding problem which would affect not only the waterways in our immediate area but eventually all bodies of water into which Fountain Creek Flows.

4) WIND - The practice of lifting trash high into the open air is an invitation to scatter rubbish throughout the neighborhood anytime there is wind. Naturally the mass that is firmly grasped by the excavator is mostly placed into the receiving trailer but as the mass is piled, grasped, lifted, transferred, and placed into the trailer, small pieces of loose debris are scattered. The winds, which are so common, carry countless of the smaller and lighter pieces of refuse off the applicant's property and into the surrounding neighborhood.

5) RECYCLING - While the applicant's stated intentions of recycling are commendable, we have to question the assertion as to the quantity currently being recycled. We observe a small metal collection bin at the site, but have never witnessed any persons engaged in sorting and separating any other materials for recycling. If more than a ton of material is currently being recycled each day it is curious how that is being accomplished.

As proposed, the applicant's operation would indeed create several benefits but it is notable that the greatest beneficiary is the applicant themselves. The applicants request merits serious consideration as a legitimate business request. Our concerns involve the resultant continuing pollution and scattering of debris which would continue indefinitely if the currently unpermitted transfer operation is allowed to continue as proposed.

Our request is that any regulatory approval would be predicated upon the condition that all pollutants on the applicants site not be allowed to be carried offsite to become a permanent public hazard, health concern, and annoyance. With a more comprehensive plan the applicant could still enjoy a profitable business operation, be a better neighbor, and not generate their profits to the detriment of the surrounding neighborhood.

Thank you for your consideration.

Russ Palmer
Alexander Properties

From: Phil Kiemel <philk@bestwaydisposal.com>
Sent: Thursday, December 10, 2015 6:39 PM
To: Van Nimwegen, Hannah
Subject: Re: hearing?

Building would work but it would have to be 25,000 to 35,000 sf to hold maybe half of what they have on the ground now. They would have to have concrete floor and a plan to manage the water that's dumped with their materials. As you know they spray all this demo as they take it down to minimize dust. A wall wouldn't solve anything besides giving them a spot to continue their pile higher.

I don't need to know their plans regarding hazardous materials. They are only as good as their word in it. Their track record speaks for itself.

P o box 1201. Colorado Springs, Co 80901

Thanks. Phil Kiemel

Sent from my iPhone

> On Dec 10, 2015, at 5:00 PM, Van Nimwegen, Hannah <hvannimwegen@springsgov.com> wrote:

>

> Hello again Phil,

>

> I apologize for the delay in response. It has been a busy day! Anyway, what would be the best address to send a postcard? I will add it to the distribution list.

>

> Many of the concerns you have listed reflect the general feeling of the comments I have received so far. The applicant is aware of these issues and is working to address them--including pricing out the cost of building an indoor facility. This project is still in first review, but out of curiosity and in your opinion, would placing the operation indoors solve many of the concerns you are having at this point in time? It was also discussed they could build a roughly 10' engineered wall to help contain and conceal the material. Would this also be a viable option?

>

> One of topics discussed during our meeting Monday morning was regarding the potential for hazardous material (e.g. asbestos, lead based paint, etc) and they stated they have regulations and testing procedures for suspicious material. I can ask them to detail those procedures out to you, though, if you are interested.

>

> At this point in time, the applicant is working to mitigate these issues but I would appreciate being updated with problems as they arise.

>

> Thanks again and I hope you are having a good week,

>

> Hannah Van Nimwegen | Planner II

> (719) 385-5365 | hvannimwegen@springsgov.com

>

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

> From: Phil Kiemel [<mailto:philk@bestwaydisposal.com>]

> Sent: Thursday, December 10, 2015 9:37 AM
> To: Van Nimwegen, Hannah
> Subject: RE: hearing?
>
> I did not receive a post card. I get calls from the neighbors asking who is responsible for that mess.
>
> Concerns: Not in an enclosed building. When we and Waste Management build our transfer stations we were required to be in an enclosed building.
> No provisions to test and mitigate asbestos.
> No provisions to test for and mitigate ANY hazardous materials.
> No provisions to protect groundwater, operating on dirt, not concrete.
> No provisions to mitigate storm water runoff.
> No storm water plan.
> No ability to control or mitigate dust blowing off the site No ability to control blowing trash. This is what the neighbors call me about.
> Piles of trash not removed nightly creating fire hazards. No fire management plan Piles of trash above the fence with no screening or ability to stop blowing trash.
> Site too small and too close to houses.
> Allowed to operate without valid permit and zoning. This should be shut down completely until approved.
>
>
>
> I previously complained to Zoning about the illegal tire operation along Platte Avenue and was ignored. Now that abandoned pile is a huge mess with no one responsible to clean it up and it sits year after year running off
> who know what into the creek behind it. I see this site as exactly the
> same as that. These guys will fill it up then walk away, just like the tire pile. Phil Kiemel
>
>
> -----Original Message-----
> From: Van Nimwegen, Hannah [<mailto:hvannimwegen@springsgov.com>]
> Sent: Wednesday, December 09, 2015 3:07 PM
> To: philk@bestwaydisposal.com
> Subject: RE: hearing?
>
> Hello Phil,
>
> No, this project has not been scheduled for a public hearing. At this point, we are anticipating going to hearing around February or March. Did you receive the green postcard notifying of Iron Mountain's application for a Conditional Use? Another will be mailed prior to the Planning Commission meeting. If you did not receive one, let me know so I can add you to the distribution list.
>
> My supervisor and I met with the applicants/business owners of the subject site early Monday morning. We discussed the complaints I have received in so far, and reached an agreement to help mitigate those issues. Because we reached this agreement, we have agreed to let them continue operating as they go through the application process. If you are able to send me an email or letter detailing your concerns, then I can add them to the public record.

> I also will be better able to make sure they are addressed by the applicant.
>
>
> Thanks again and I will make sure you are kept up to date regarding the progress of this application.
>
> Hope you are having a good week,
>
> Hannah Van Nimwegen | Planner II
> (719) 385-5365 | hvannimwegen@springsgov.com
>
> _____
> From: Phil Kiemel [philk@bestwaydisposal.com]
> Sent: Wednesday, December 09, 2015 12:34 PM
> To: Van Nimwegen, Hannah
> Subject: hearing?
>
> Has a public hearing been scheduled yet about that illegal transfer station operating at Cascade and
> Talamine Ct? I am very interested to attend and find out why they've been allowed to operate this
> illegal site for months and months as well as discuss the inherent problems with their idea of "recycling"
> Phil Kiemel
>
>
>
>
> [cid:image001.jpg@01D1327D.FE954030]
> Powered by CardScan<<http://www.cardscan.com>>
>
>

Van Nimwegen, Hannah

From: Zane Penley <Zane@HarveyGrp.com>
Sent: Thursday, December 31, 2015 10:36 AM
To: Van Nimwegen, Hannah
Subject: City Zoning Comment 15-00132
Attachments: 12-28-15 City of C.S. Zoning 15-00132 Comment.pdf

Hello Hannah,

The following PDF attachment is our public comment on the zoning infringement.

At the location of 3150 N. Cascade, the same company, with the same heavy equipment with the same issues are in place as well.

How is the City handling the actual use at this "Light Industrial" address which is their secondary location. (Same Company & Same Zoning Infringements)?

Thank you for all of your help and Happy New Year,

Zane Penley
P: 303-794-1900

December 28, 2015

Hannah Van Nimwegen
City of Colorado Springs
30 S. Nevada Ave, Suite 105
Colorado Springs, CO 80901-1575

RE: Zoning District Standards & Conditional Use Application CPC CU 15-00132

To Whom it May Concern,

On behalf of Evergreen Park, it has come to our attention that the City of Colorado Springs is overlooking the proper "Use Standards" in their zoning districts. The City has spent a tremendous amount of tax payer money to establish respectable zoning districts and "Typical Use Standards". Possibly this is just a slight oversight, however, we feel it is extremely important that the City Zoning department shall maintain consistency, accuracy, integrity and respectability for all residents and land owners.

Obviously we highly encourage the City to "Always Make It as Easy as Possible" to do business in the community. However, in our opinion, the City should strive to make it as easy as possible for businesses to operate a business within the proper zoning districts for the line of the individual business.

The City of Colorado Springs Sterling Codifiers States:

5. GENERAL INDUSTRY: Establishments engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials.

a. **Heavy Industry:** Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

b. **Light Industry:** Establishments engaged in the manufacture or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or unenclosed outdoor storage. **Typical uses** include commercial bakeries, dressed beef processing

plants, soft drink bottling, apparel assembly from fabrics, electronics manufacturing, print shops and publishing houses.

A consistent “Typical Use” definition to the Cities own “Use Standards” for Light Industrial Zoning is “Soft Goods” (Bakery, Beef, Soft Drinks, Fabrics, Paper Industries etc....).

7.3.302 States:

A. PIP-1 and PIP-2 - Planned industrial park: These zone districts accommodate a limited group of professional, administrative, research, manufacturing and industrial uses with operations which are quiet and clean to ensure the creation and maintenance of an environment which will serve the mutual interest of the community as a whole,

1. Uses shall not cause:

a. Glare, vibration, objectionable noise, or emission of smoke, fumes, gas, dust, odor or any other atmospheric pollutant detectable beyond the boundaries of the immediate site; and

El Paso County Land Development Codes state as follows: (charts attached)

Recycling Facility	I-3 Heavy Industrial	A - Allow Use
Salvage Yard	I-3 Heavy Industrial	S - Special Use
Solid Waste Disposal Site & Facility	I-3 Heavy Industrial	S - Special Use
Trash Transfer Facility	I-3 Heavy Industrial	S - Special Use

A consistent definition for Operations in El Paso County that are Heavy Industrial in nature should be located in Heavy Industrial zoning districts.

- ◆ The City of Colorado Springs “Use Standards” and definitions appear to be quite consistent with El Paso County and other surrounding county zoning codes. Our question is, why are the use standards being ignored?
- ◆ If the County won’t allow a manufacture home to be on Industrial property, why is the city allowing heavy Industrial zoning to come to the Manufactured homes?
- ◆ As a senior retirement community, we object to the devaluation of turning a commercial and light industrial area in to a Heavy Industrial Zone that contains vibration, dust, heavy semi-trucks, container noise and emissions of diesel smoke and fumes.

- ◆ 3150 N. Cascade Ave
Heavy Truck and Diesel Fumes from Engines warming up 5 - 30 minutes creates a remarkable amount of distasteful air pollution in the area. We have received multiple complaints from our senior residents that the heavy diesel exhaust “Stinks up the area” and makes it harder to breath. Some of our seniors are on oxygen trying to maintain the cleanest air they can get.

- ◆ Thank you for re-routing trucks back onto the designated truck route (Nevada). The City has spent a small fortune trying to clearly guide commercial drivers as the heavy hauling up and down Cascade creates an extensive negative impact to the community and it reverberates a phenomenal amount of heavy truck noise.

We believe the City of Colorado Springs has a responsibility and obligation to maintain the integrity of the zoning districts with accuracy and consistency. It is our point of view that Light Industrial Zoning is designed for “Soft/Light Operations” and we believe this designation is being disrespected and violated.

Possibly the City of Colorado Springs has modified the definition standards of what Light Industrial Zoning actually means, and/or possibly this issue has accidentally just fallen into a slight oversight situation.

Sincerely,



Zane Penley - Manager



Response to email sent by Joan Kruplak with subject: Concern about potential hazardous waste handling by Iron Mountain Demolition—*asbestos, chemical content of dust?*

Ms. Kruplak,

Thank you for taking the time to share your concerns of Iron Mountain desiring to establish a transfer station for “demolition scrap”. I hope I can provide you with some information that will address your concerns.

I would like to address specifically you’re your concern relating to asbestos. You write, “My concern is that it is very likely that the dust generated contains asbestos (at the very least), contaminating both air and water (from the sprinkler runoff).”

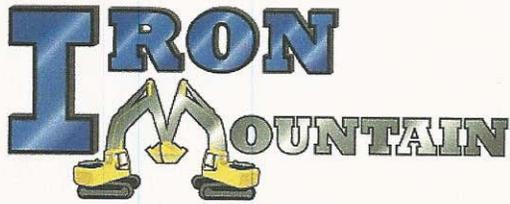
Asbestos has been used for several decades within the United States. The most popular use of asbestos in the United States were; automotive parts, such as brake pads, clutches, hood liners, and gaskets; floor and roof tiles as well as the adhesive; and construction products such as insulation, drywall taping and ductwork.

Throughout the 70’s and 80’s, legislation regulating the use of asbestos was implemented. The Clean Air Act of 1970 classified asbestos as a hazardous air pollutant and the Environmental Protection Agency (EPA) began regulating the use and disposal of asbestos. In 1986 the Asbestos Hazard Emergency Response Act (AHERA) forced the EPA to establish standards for inspecting and removing asbestos in schools.

Shortly after the AHERA of 1986, the Colorado Department of Public Health and Environmental (CDPHE) created a standard to identify, monitor and regulate removal and disposal of asbestos containing material know as Regulation 8, Part B: asbestos. Since the conception of the regulation, CDPHE has been active in fine tuning the removal and disposal process to protect the workers and the public of possible exposure.

The transfer station at 75 Talamine Ct, is NOT an approved site for disposal of asbestos. The material in the containers brought to the transfer station are filled with non-asbestos construction and demolition debris. Colorado state law requires that demolition projects have an asbestos survey performed before any demolition is permitted. Therefore, Iron Mountain Demolition has a reasonable assurance that the material being dropped DOES NOT contain asbestos. Service agreements with clients using the containers contain specific verbiage spelling out, “Waste Materials shall be NON-HAZARDOUS SOLID WASTE ONLY”. Waste dropped at the transfer station is monitored on a daily basis to assure the safety of the workers and public.

Water is used as needed to control the dust generated during operations. Debris is dropped on a concrete slab to control water runoff into neighboring properties as well as storm water drains. We are



currently using a berm and a 15' buffer-zone to prevent water from leaving our property. Both are generally accepted BMPs.

In regards to the dust, most of the dust generated is from the driving surfaces. We have been controlling this with water as well as changing the driving surface to asphalt. As is common in this and most other industrial areas, stone is used as the driving surface and can generate airborne dust in windy conditions especially when agitated by vehicles. This is found thru-out this area and while not acceptable, we seem to be the only ones monitoring this and utilizing controls to minimize airborne dust.

In regards to the "odor in the dust" – our neighbor's exhaust fan introduces fumes from their operations 20' from our operations. The neighboring facility works with fiberglass and I believe it is the odor from the resin they use.

Not sure what "fecal" odor you are referring to. Nothing we have seen over the past few months has left any odor in our facility. There is a strong "skunk-ish" smell that we believe is marijuana. Not sure if there is a grow house or users in this area but I can assure you, we are not interested in smelling that stuff! Our pit really has no lingering odors. We are only handling construction materials.

Thank you for presenting your concerns. We have already implemented some corrective actions to manage most of the concerns that pertain to us and continue to analyze operations looking for opportunities to do even better. Please feel free to call or come by and discuss any of your concerns. We truly intend to be a responsible neighbor.

Sincerely,

Patrick Meade

President



Iron Mountain Demolition 75 Talamine Ct. Colorado Springs, Co. 80907 Phone: 719-634-0611 Date: 1/19/2016

Linda Welsh

Dear Ms. Welsh

I appreciate the concerns you raise in your letter to the city of Colorado Springs. Overall, I want to mention that this operation is still in its infancy, and we are continually learning and trying to improve our methodology. There will be missteps on this path, but our intent is to be good citizens in the town we have called home for over 60 years.

We would like to become better neighbors than we have been so far. I apologize for that. We planned on coming over to meet with you at the very beginning of our time here, but that plan fell through the cracks, due to the typical demands of managing a large scale construction and roll-off company. We will try to do better.

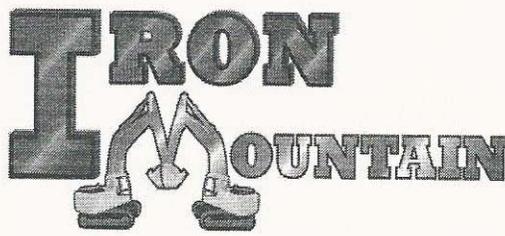
Your concerns are certainly valid, and we are taking steps to improve those things we can.

- 1) Included in that category is our intent to reduce exhaust fumes. While our trucks will be started the same way whether or not we have a transfer station, we are addressing the issue. Although all of our equipment has passed current emission testing, we hope to install an exhaust system at the south fence, specifically to decrease the truck fumes upon start-up. Until that has been accomplished, we have already modified our start up procedure. We have reduced the amount of idle time in the morning, and we have moved as many trucks away from our shared property line as we can. We would like to know if you have noticed this change. If it is still just as bad for you, we will try to come up with additional changes.
- 2) The debris blowing onto your property is unacceptable to us, as well. We have learned how to reduce blowing debris over the last month, and I sincerely hope that that fact is noticeable on your property. However, we want to take the next step, and request permission to come onto your property and clean up any trash. We will arrange to do this at your convenience.
- 3) I have smelled the sewer smells too, but I know it is not coming from our debris pile, which is just construction trash. I think we had a problem somewhere in the neighborhood, and I have not smelled it lately. Have you? We do smell a "skunk-ish" odor often. We are thinking it is a marijuana grow house or users in the area. I assure you, we are not interested in that smell either!!!
- 4) Mostly, we would like to meet with you and continue to work to reduce the infringement upon your life. We are sorry for this and will do what we can to reduce our impact.

Sincerely,

Patrick Meade,

President



Iron Mountain Demolition 75 Talamine Ct. Colorado Springs, Co. 80907 Phone: 719-634-0611 Date: 11-11-15

Patrick Bray, Manstone, LLC

Dear Mr. Bray:

I appreciate the concerns you raise in your letter of 2 December 2015. Allow me to address your concerns, and the mitigation steps we take for them.

Overall, I want to mention that this operation is still in its infancy, and we are continually learning and trying to improve our methodology. There will be missteps on this path, but our intent is to be good citizens in the town we have called home for over 60 years.

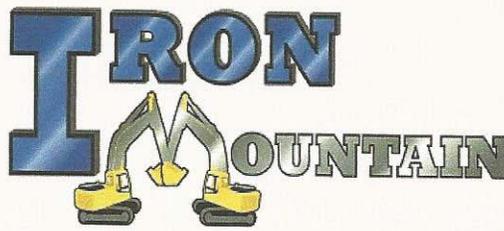
- 1) DUST: Dust is always an issue in construction debris and demolition. We do spray water to reduce this potential issue. We are still implementing a system of misting the debris. We have water going whenever we feel it is appropriate. We feel that we have dramatically reduced the amount of dust since we began in December. While we do everything we can to mitigate the problem, we also are aware that the wind blows from west to east almost all the time, and the amount of dust moving to the east has been minimal. I review the operation several times a day, and have never personally seen any dust migrate to the west. We also look at the reduction of truck-hours as the most beneficial aspect of reducing air pollutants. Our trucks have to travel, on average, an additional ½ hr. per load if they do not use our transfer station. We all know the true environmental cost of truck exhaust fumes.
 - a. We shut down the operation when the wind is gusting at 20 MPH or above. Today, (1-29-16) for instance, we did not even open up the operation. This is a new, standard operating guideline we have instituted.
- 2) On the impact to property values:
 - a. Since we purchased this property we cleaned up the mess of abandoned vehicles, trash, etc. that was an eyesore. We also installed wind and vision screen in a repaired fence along Cascade, to make the area look better. We have fully grade the yard, and placed recycled asphalt, which dramatically reduces the dust which would have naturally blown off the lot when it was bare dirt. We have also fully remodeled our office building, into a very nice construction office complex, far better than what we purchased. Over-all, we believe our efforts have improved the neighborhood, not vice-versa.
- 3) ODOR: A couple of the issues raised have had to do with "odor". Our construction debris tends to be odorless. However, there is a very powerful odor that emanates from Manstone's exhaust stack, which we believe must be the odor noted by others. Not only does this odor impact our yard, but we get it inside our offices, where several people, myself included, complain of headaches from it on days when the wind comes from the west-southwest. We appreciate the citation from City land use, but we think this pertains more to your operations than to ours.
- 4) Water: You did not raise concern about water-born debris, and we have none. But we understand that our drainage easement lies immediately to the south of our fence line, which coincides with the south face of your building. We are aware you utilize this easement for storage of drums of the material which you use for your production. We hope that the drums are empty and safe for this drainage easement.
- 5) Debris: We container 99% of the debris within our screened fence line. We have instituted a regular clean-up of the ENTIRE neighborhood, including your parking area, on a twice-weekly basis. We are removing debris from years ago, along with items blown from the other side of the creek. We feel that we have more than adequately addressed blowing debris issues.

- 6) Safety: There is no hazard due to heavy equipment to personnel of structures off our lot. We would also be operating and moving equipment with or without the transfer station. We have built a wall out of concrete 10' from your building to ensure the safety of your structure. Obviously, you have no personnel who work on our side of your building, since you are built on the property line.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Meade". The signature is written in a cursive style with a large, stylized "P" and "M".

Patrick Meade, Iron Mountain Demolition and Roll-off



Iron Mountain Demolition 75 Talamine Ct. Colorado Springs, Co. 80907 Phone: 719-634-0611 Date: 11-11-15

Russ Palmer, Alexander Properties.

Dear Mr. Palmer:

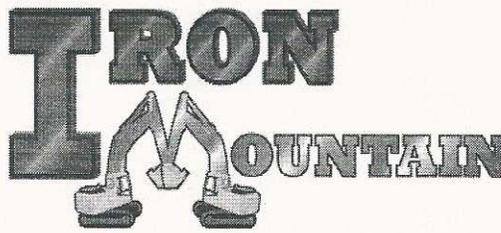
I appreciate the concerns you raise in your letter of 6 December 2015. I honestly appreciate the concerns raised, and the tone in which you raise them. I think you do a great job of trying to make this a win-win situation, and not a contentious one. Allow me to address your concerns, and the mitigation steps we take for them.

Overall, I want to mention that this operation is still in its infancy, and we are continually learning and trying to improve our methodology. There will be missteps on this path, but our intent is to be good citizens in the town we have called home for over 60 years.

- 1) DUST: Dust is always an issue in construction debris and demolition activities. None of the particulate that is generated should be considered 'contamination' in the sense of hazardous materials. It is not a pollutant in the sense of air-born gases, such as the exhaust of vehicles or manufacturing facilities in the area (including the stack from next door). It is, however, a legitimate concern and a potential source of fugitive dust migration. We do spray water to reduce this potential issue. We are still implementing a system of misting the debris. We have water going whenever we feel it is appropriate. We look at the reduction of truck-hours as the most beneficial aspect of reducing air pollutants. Our trucks have to travel, on average, an additional ½ hr. per load if they do not use our transfer station. We all know the true environmental cost of truck exhaust fumes.
- 2) Water: Again, the nature of the material carried by the water is not contaminated with hazardous materials. We contain the water run-off on our property. There is no inlet to the storm water system in our yard, and no water runs off towards any ditch or inlet. No water-born material has made it past the earth buffer / berm between us and our downhill neighbor. We are currently quite confident in our containment solutions.
- 3) RAIN: As in the information presented above, there is no run-off into neighboring property.
- 4) WIND: We have recognized wind as an issue. Following the practices of the landfills which serve Colorado Springs, we shut totally down operations when wind becomes problematic. We have a huge tarp to cover the entire debris pile, which is pulled over the pile when wind is an issue, or if any debris remains at the end of our daily operation. We have established a habit of bringing in labor to 'police' our yard and the surrounding areas anytime we feel that the wind has created an issue. We also installed wind screens in our perimeter fence to help reduce this. So far, I can say that we are not contributing to additional wind-strewn debris any more than any other construction yard in the area. However, we will continue to monitor our operations and improve what we find to be deficient.
- 5) RECYCLING: we recycled roughly 38 tons of metals in November. Concrete is also recycled, but not in an easily trackable manner. It is moved aside and added to other truck loads from our other projects. Many other items are pulled out of the pile for re-purposing. However, the entire recycling aspect is still in development, and we may be able to add to it in the future, after we have achieved a satisfactory and economically viable system for the basic activities. Further steps for re-use/re-purposing will be taken as we continue to master the basics.

Sincerely,

Patrick Meade,



Iron Mountain Demolition 75 Talamine Ct. Colorado Springs, Co. 80907 Phone: 719-634-0611 Date: 11-11-15

Phil Kiemel, Bestway Disposal

Dear Mr. Kiemel:

I appreciate the concerns you raise in your letter of 10 December 2015. Allow me to address your concerns, and the mitigation steps we take for them.

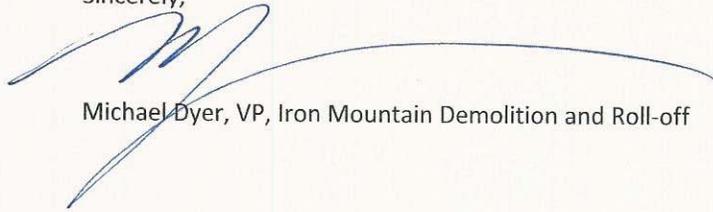
Overall, I want to mention that this operation is still in its infancy, and we are continually learning and trying to improve our methodology. There will be missteps on this path, but our intent is to be good citizens in the town we have called home for over 60 years.

I will try to address each bullet point in your letter:

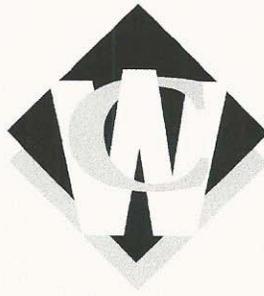
1. No Enclosed Building: We do not have a full enclosure, but we are dealing with a totally different material than Waste Management and BestWay. We merely collect construction debris. We do not have the type of household waste of regular waste disposal companies.
2. Asbestos: We DO have provisions to test for asbestos, we have already sampled several suspect materials, and we are VERY familiar with mitigation. We contract asbestos abatement projects on a regular basis. I, personally, was formerly a CDPHE certified Management-Planner, Supervisor and Inspector for asbestos. We now have certified workers on the crew, all the crew undergoes awareness training, and along with me, we have another former CDPHE inspector/Management Planner on staff. Unlike many in our field, we know precisely how to deal with asbestos, and how to recognize suspect material. The representative of CDPHE who visited the site found NO issues during his visit, and he saw the sample results of suspect materials which we had taken before his visit.
3. Hazardous Materials: Like most material transport companies, such as yours, we are not equipped to mitigate a hazardous materials spill. We are, however, capable and knowledgeable enough to recognize the potential issues involved.
4. Operation on Dirt: We actually have a concrete pad upon which we do all the transfer operations, and has been in place from the first day of full scale operations.
5. Storm Water: We have provisions for storm water runoff, including: Trench, berm and concrete walls.
 - a. Again, the very nature of the material we handle poses an entirely and much less significant threat than companies that haul household waste.
6. Dust, Blowing Debris: We took steps within the first couple of days of testing to mitigate dust and blowing debris. We have both under control now via water, screen fencing, pile tarps, and total shut-down of operations when wind poses a threat to blow debris.
7. Overnight storage: We have loaded 100% OF debris before the end of business nearly every day. Our practice is to not tip containers later in the day. We leave the containers loaded in the trucks until morning. If we close down for wind, we do have to leave some debris on the concrete in the transfer pit. The same fire hazard exists when loads are left on the truck, but that is common practice for roll-off companies.
8. Too Close to residences: There is ONLY one residence in the neighborhood. While we wish to take all her concerns to heart, the rest of our neighborhood is zoned for this nature of operation.
9. Valid Zoning: We discussed this with the CDPHE solid waste division and the city, and have been granted to continue until the hearing.

10. Tire Dump: We have NOTHING to do with any illegal tire dump!!! This is totally outside our ethical approach to our community. Furthermore, there is nothing for us to "Fill-up" and then walk away from. This is primarily a construction yard, with a large shop for truck repair, and a large office space. We are not here for the short haul. And we reject the aspersion on our character.
11. Building Size: You suggest that a building of 25,000 -35,000 SF would be inadequate for what we "have on the ground" now. This is simply false. Our pad holds everything we generate in a day with room to spare, and it is 2500 SF, less than 1/10th of this recommendation. We do see a possibility of increasing it to 4500 SF for convenience and efficiency, but we still do not have a need for anything as large as 70,000 SF, as implied.
12. Finally, in response to your point about hazardous materials and our "track record": You are correct: My track record speaks for itself. I have been in demolition in Colorado Springs for many, many years. I have always followed all regulations. I have had NO violations, and no haz-mat spills. Much to the chagrin of homeowners, I will NEVER flex the regulation of Colorado Reg. 8 to hold the costs of their demolition project down, as I am often requested to do. I am more than happy to lose the work to another company who is not a strict as I am. I advise clients and potential clients of possible hazardous issues with their demolition project on a daily basis. I have asbestos inspectors and abatement companies on speed-dial. I am often used as a resource for general contractors and developers in Colorado Springs for questions of how to deal with haz-mat, including Kratt Commercial Properties, Equity Management, Griffis Blessing and recently, Norwood Development. When USOC needed a demolition that would have no problems or bad press, I was the first call from their project manager. I appreciate you allowing me to comment on my record. I know of no demolition contractor who can show a better history.

Sincerely,

A handwritten signature in blue ink, appearing to be 'M Dyer', with a long horizontal flourish extending to the right.

Michael Dyer, VP, Iron Mountain Demolition and Roll-off



**WASTE CONNECTIONS
OF COLORADO INC.**
Connect with the Future®

December 12, 2015

To Who it May Concern;

As the District Manager of the Waste Connections Fountain Landfill I have had a working relationship with Iron Mountain Demolition and Roll Off since April of 2012.

In our working relationship I have been in position to observe several things about the way Patrick and Erin Meade operate their business.

The safety practices of their drivers at both the landfill and our transfer station are impeccable. The drivers observe and follow all landfill/transfer station policies and procedures. The few times when we have had concerns or have had to implement new policies and procedures, the concerns were addressed by Patrick and followed through on with both his drivers and customers. Any new disposal policies and procedures have been immediately implemented and when necessary, since Iron Mountain is our biggest hauler of asbestos, we have worked together to develop procedures that go above and beyond all State and local requirements.

Patrick and Erin respond promptly to any communication from us.

In my position I have had opportunity to observe both their transfer station operation and their maintenance shop. Iron Mountain has water spraying controls in place to control the dust in the transfer station area and the trash is kept cleaned off of the working area. The shop is clean and in order.

As the District Manager of the Fountain Landfill I have a high level of trust in Iron Mountain and Patrick Meade. We have an excellent working relationship and hope to continue this relationship into the distant future.

**Ken Manzo
District Manager Fountain Landfill**

Paramount Environmental Services



Email
ParamountEnvironmentalServices@gmail.com
Web Site
ParamountEnvironmentalServices.com

P.O. Box 31754
Colorado Springs
Colorado 80931

Phone
(719) 233-1020
Fax
719-836-8455

December 9, 2015

To whom it may concern:

I would just like to thank Iron Mountain for the continued convenience of the transfer station and price that you give my company Paramount Environmental Services. I appreciate the continued commitment to provide excellent customer service we receive from Iron Mountain.

Again, thank you for the great business relationship that Paramount Environmental Services has with Iron Mountain.

Sincerely,

A handwritten signature in black ink that reads "John Clark". The signature is written in a cursive style.

John Clark

General Manager

Paramount Environmental Services



Date: December 11, 2015

To Whom It May Concern:

Brian Pierce Roofing was using the transfer station in Fountain for many years. We have been very pleased with dumping at Iron Mountain located at 75 Talamine Ct, Colorado Springs, CO 80907. It is close to our office, it saves on drive time, they have better pricing and all of the employees are great to work with. We couldn't be happier moving our business to Iron Mountain!

Sincerely,

Danielle McCleary
Office Manager
Brian Pierce Roofing, LLC

309 Mount View Lane, Colorado Springs, CO 80907
Phone: 719/630-1044 Fax: 719/630-1054
brianpiercerroofing@msn.com



CITY OF COLORADO SPRINGS

NOTICE OF ZONING ORDINANCE VIOLATION

Jan 28, 2015

Erin Meade & Sue Baldwin
1975 Sunny Brook Cir
Colorado Springs, CO 80904-1179

RE: CHANGE IN USE OF PROPERTY – USE INCONSISTANT WITH ZONING CLASSIFICATION – CHANGE OCCURRED WITHOUT REQUIRED DEVELOPMENT PLAN
3106 & 3150 N CASCADE AVE, COLORADO SPRINGS, CO 80907 – TSN -6331200102 & 6331200104

Dear Property Owners,

A complaint was received and a field inspection along with a review of department documents confirms that a change in land use has occurred since 2007 to the above mentioned properties. Records reflect that these properties are zoned PUD and as such the current business operation(s) are not consistent with that zoning designation. The property is shown to have been of a residential nature and since 2007 changed into heavy equipment storage and repair.

The purpose of this letter is to ask for your voluntary cooperation in resolving this zoning and land use violation. We ask that this occur by March 31, 2015 to insure that this matter is not advanced to the next level of code enforcement which includes the possibility of fines, penalties and/or a court appearance. Compliance can be achieved by:

1. Ceasing the improper land use business and storage lot operation(s) and moving them to a location where this type business activity is allowed AND
2. Returning the property to a use consistent with the PUD zoning classification.

If you have questions or prefer to discuss this matter in greater detail, I may be reached at 719-385-5353 or by e-mail at dwolf@springsgov.com.

Sincerely

Dennis Wolf
Land Use Inspector

Cc tenant(s)



NOTICE OF ZONING ORDINANCE VIOLATION

November 24, 2015

Meade Holdings LLC
3150 N Cascade Ave
Colorado Springs, CO 80907

RE: CHANGE IN USE OF PROPERTY – USE INCONSISTANT WITH ZONING CLASSIFICATION – CHANGE OCCURRED WITHOUT REQUIRED DEVELOPMENT PLAN - 3106 & 3150 & 3310 & 3320 N CASCADE AVE, COLORADO SPRINGS, CO 80907 – TSN -6331200102 & 6331200104 & 6331200102 & 6331200104

Dear Property Owners,

A complaint was received regarding current land use of the above properties. A field inspection was conducted along with a review of department documents confirming that a change in land use has occurred since 2007 to the 3106 & 3150 N Cascade Ave properties. Records reflect that these properties are zoned PUD (for a mobile home park use) and as such the current business operation(s) are not consistent with that zoning designation. The property is shown to have been of a residential nature and since 2007 changed into heavy equipment storage and repair.

Additionally, the properties at 3310 & 3320 N Cascade Ave are zoned M-1, Light Industrial with a current use as a waste transfer station; this use requires a conditional use approval within the M-1 zone; records show this use has not been approved for this activity.

The purpose of this letter is to ask for your voluntary cooperation in resolving these zoning and land use violations. We ask that these business activities cease upon receipt of this letter and that you submit the enclosed Pre App meeting request form and meet with a city planner to discuss your intentions for the continued use (particularly involving the properties at 3310 and 3320 N Cascade. We ask that the application form be submitted by Dec 11, 2015 to insure that this matter is not advanced to the next level of code enforcement which includes the possibility of fines, penalties and/or a court appearance. Compliance can be achieved by:

1. Immediately ceasing the improper land use operations and storage/transfer business and moving these business activities to a location where these type business activities is allowed AND returning the properties to the previous use consistent with the PUD and M-1 zoning classification.
2. Submitting a Pre-Application form and meeting with the principle planner for your properties to discuss necessary action(s) for development plan submittal(s). (Submission of a Pre App form does not guarantee you will be successful in obtaining support for your intended activities.)

If you have questions or prefer to discuss this matter in greater detail, I may be reached at 719-385-5353 or by e-mail at dwolf@springsgov.com.

Sincerely

Dennis Wolf
Land Use Inspector



Memorandum

File #: CPC ZC 16-00002, **Version:** 1

Request by Equity Ventures on behalf of Ethan Allen Retail Inc., for approval of a change of zone district from PBC/CR (Planned Business Center with Conditions of Record) to PBC/CR (Planned Business Center with Conditions of Record). The change would allow for a change to the conditions of record and use restrictions to allow Specialty Food Sales in a facility no larger than 18,000 square feet.

(Quasi-Judicial)

Presenter:

Katie Carleo, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the zone change from PBC/CR (Planned Business Center with Conditions of Record) to PBC/CR (Planned Business Center with Conditions of Record) 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

N/A

7.5.603: FINDINGS:

- 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)



Memorandum

File #: CPC DP 98-00346-A7MN16, **Version:** 1

Request by Equity Ventures on behalf of Ethan Allen Retail Inc., for approval of a minor amendment to the Shoppes on Academy Development Plan. The amendment would allow for a change to the conditions for allowable uses to allow Specialty Food Sales, facility no larger than 18,000 square feet, on Lot 3 only.

The site consists of 1.29 acres is currently zoned PBC/CR (Planned Business Center with Conditions of Record) and located northwest of Shrider Rd and North Academy Blvd at 7298 N. Academy Blvd .
(Quasi-Judicial)

Presenter:

Katie Carleo, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the minor amendment to the Shoppes on Academy Development Plan, based upon the finding that the amendment complies with the review criteria in City Code Section 7.5.502.E.

N/A

CITY PLANNING COMMISSION AGENDA

ITEM NO: _____

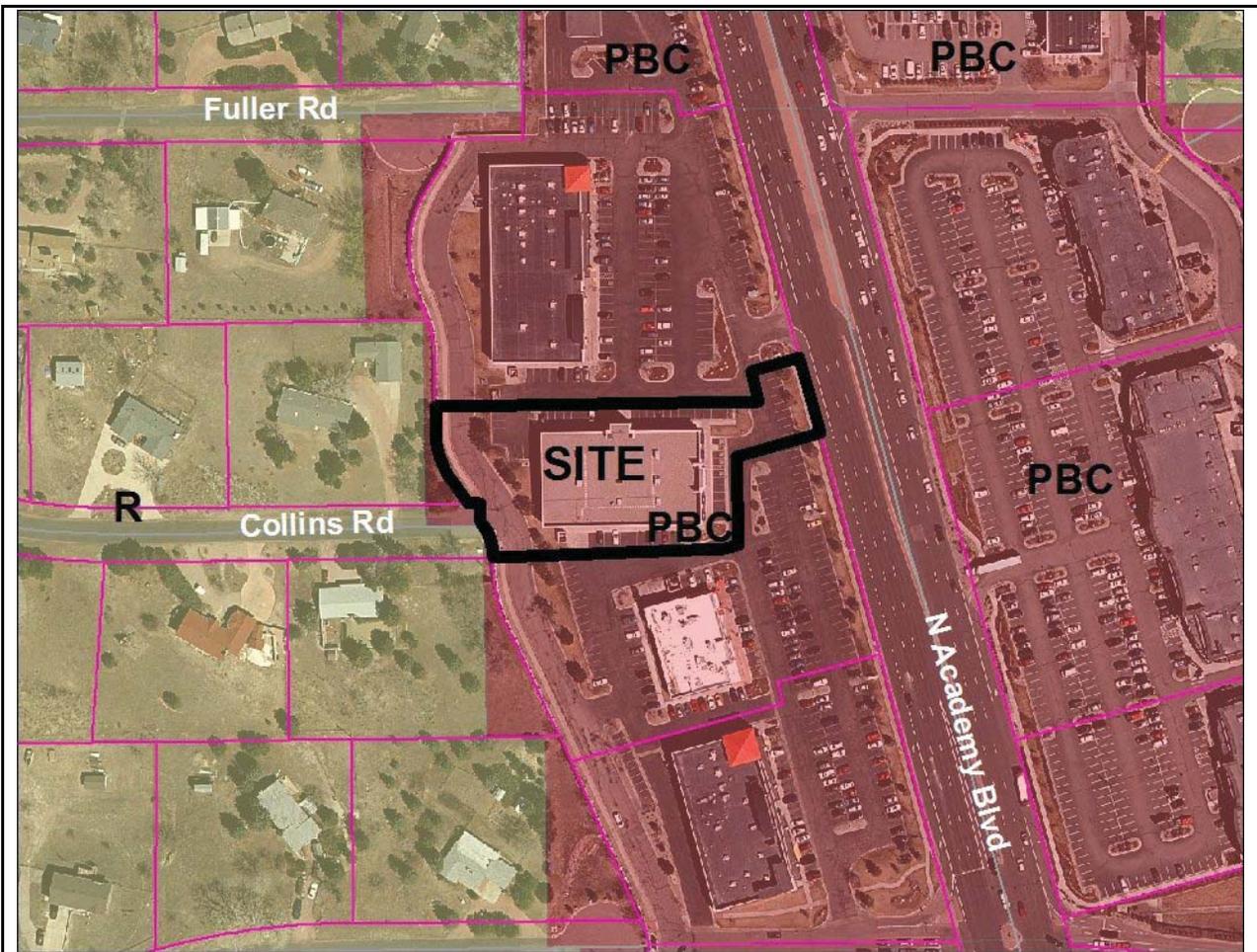
STAFF: KATIE CARLEO

FILE NO(S):
CPC ZC 16-00002 – QUASI-JUDICIAL
CPC DP 98-00366-A7MN16 – QUASI-JUDICIAL

PROJECT: NATURAL GROCERS AT THE SHOPPES ON ACADEMY

APPLICANT: EQUITY VENTURES

OWNER: ETHAN ALLEN RETAIL INC.



PROJECT SUMMARY:

1. Project Description:

This project includes concurrent applications for a minor amendment to the Shoppes on Academy Development Plan and a zone change for Lot 3 North Academy III Filing No.1. The property is located northwest of Shrider Road and North Academy Boulevard.

The rezone proposes to change the conditions of record for allowable uses in the development to allow Specialty Food Sales, with a facility no larger than 18,000 square feet, as an allowable use for Lot 3 only. The proposed minor development plan amendment will reflect this allowable use for Lot 3. **(FIGURE 1)**

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

BACKGROUND:

1. Site Address: 7298 North Academy Boulevard
2. Existing Zoning/Land Use: PBC/CR – Commercial Center
3. Surrounding Zoning/Land Use:
North: PBC – Commercial Center
South: PBC – Commercial Center
East: PBC – Commercial Center
West: R – Single Family Residential
4. Comprehensive Plan/Designated 2020 Land Use: The 2020 Land Use Map illustrates this property as part of the New/Developing Corridor designation.
5. Annexation: The property was annexed in 1994 FCY Estates #2.
6. Master Plan/Designated Master Plan Land Use: None
7. Subdivision: North Academy III Filing No. 1
8. Zoning Enforcement Action: None
9. Physical Characteristics: This lot is fully developed with an existing 17,980 square foot commercial building, associated landscape and parking.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process for this project included posting the site and sending postcards to 77 property owners within 500 feet. On December 9, 2015 a neighborhood meeting was held as part of the pre-application stage. There were eight citizens in attendance. In addition, a second neighborhood meeting was held on January 27, 2016 as part of the internal review stage. There were five citizens in attendance. Staff received two written comments from the neighbors, one of which is a letter from the Falcon Estates HOA. These comments are attached as **FIGURE 3**.

During the public comment and neighborhood meeting process comments were raised about the operating hours and deliveries for the new intended use. This minor amendment will not affect notes that already exist on the development plan restricting hours of operation and deliveries, these restrictions will be maintained. In addition comments were raised in regards to traffic redesign at the Shrider Road and North Academy Boulevard intersection. The intersection configuration is not part of this application. The redesign and signal installation was approved through the City Traffic department as part of changes to North Academy Boulevard.

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, and City Fire.

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

1. Review Criteria / Design & Development Issues:

This project requires a rezone of Lot 3 North Academy III to allow Specialty Food Sales. The site is currently zoned PBC/CR with conditions of record that restrict General Food and Convenience Food sales. Specialty Food Sales is a permissible use in a standard PBC zone district. The rezone will establish the allowance of Specialty Food Sales on Lot 3 only, reflected similarly in the minor amendment to the Shoppes on Academy Development Plan. The surrounding area is developed as a commercial center. The proposed use fits well with the intention of this commercial corridor.

PBC/CR Rezone

The property was previously zoned in 1996 as PBC/CR. That ordinance called out specifically as a condition of record the uses that were not permitted within this PBC district. Those uses restricted include Sexually Oriented Business, Night Clubs and Movie Theaters, Bars, Automotive and Equipment Sales and/or Service, Drive-In or Fast Food Restaurants, Liquor Sales, Teen or Young Adult Clubs, Funeral Services, and General Food or Convenience Food Sales. With the applicant's intention for a Specialty Food Sales use, Natural Grocers, Lot 3 is being rezoned to allow Specialty Food Sales establishment with a facility no larger than 18,000 square feet. All other established restrictions as part of the previous zoning will be maintained as part of this rezone. **(FIGURE 4)** This use is appropriate within this commercial center and is an opportunity for redevelopment along North Academy Boulevard.

Minor Development Plan Amendment

The minor development plan amendment does not include any building, landscape, parking or significant lot changes. The proposed use is intended to infill the existing Ethan Allen building. The minor amendment reflects changes to the established restricted uses as notes to the development plan. Associated parking is affected by the change in use. However, all parking requirements are met on this lot with existing parking in accordance to City Code requirements. **(FIGURE 1)**

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Map illustrates this property as part of the New/Developing Corridor designation. Staff finds this project maintains the intent for a developing corridor and substantially aligns with the City Comprehensive Plan and the Plan's goals and objectives.

Objective LU 4: Encourage infill and redevelopment

Encourage redevelopment opportunities for project that are in character and context with the existing and surrounding development; making good use of the City's infrastructure.

Objective LU 2: Develop a Land Use pattern that preserves the City's Natural Environment, Livability, and sense of community.

Encourage a focused pattern of development for more efficient use of land and resources rather than scattered development.

Policy LU 203: Develop a land use patter that is mutually supportive with the intermodal transportation system.

Develop opportunity for increased pedestrian, bicycle and transit travel and reduce the need for automobile use.

It is the finding of the Land Use Review Division that the minor amendment to the Shoppes on Academy Development Plan and the Shoppes on Academy Lot 3 zone

change will substantially conform to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals and objectives.

3. Conformance with the Area's Master Plan: This area is part of the Falcon, Columbine & Yorkshire Estates Master Plan. This request does comply with this master plan.

STAFF RECOMMENDATION:

Item No: ?? CPC ZC 16-00002

Approve the zone change from PBC/CR (Planned Business Center with Conditions of Record) to PBC/CR (Planned Business Center with Conditions of Record) 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

Item No: ?? CPC DP 98-00366-A7MN16

Approve the minor amendment to the Shoppes on Academy Development Plan, based upon the finding that the amendment complies with the review criteria in City Code Section 7.5.502.E.



EQUITY VENTURES

COMMERCIAL DEVELOPMENT

January 4, 2016

City of Colorado Springs
Land Use Review
30 S. Nevada Ave, Ste 105
Colorado Springs, Colorado 80901

Attn: Meggan Herington, AICP

RE: DP Amdt, Rezone – 7298 N. Academy – Natural Grocers

Dear Ms. Herington,

On behalf of Equity Ventures Commercial Development and Natural Grocers by Vitamin Cottage, we are pleased to submit this Development Plan Amendment and Rezone application package.

The project will consist of redevelopment of the 17,980 square foot retail building on a 1.29 acre lot at 7298 North Academy. This project is lot 3 of the North Academy III development plan.

The proposed use would be a new Natural Grocers by Vitamin Cottage (“Natural Grocers”) store. Due to current restrictions on general food sales, which would prohibit this use, we are requesting a rezone to modify the use restrictions for lot 3 to allow “Specialty Food Sales” up to 18,000 square feet. It is our belief that increasing the allowable size of the standard “Specialty Food Sales” category would be the most appropriate change to allow for the Natural Grocers use, while still prohibiting more intensive supermarket type uses.

A neighborhood meeting was held December 9th, 2015, attended by approximately eight members of the community as well as the development team and City planning staff. In order to help address concerns with potential traffic, we have included a trip generation analysis from Kittelson & Associates, Inc. with the submittal package. Our understanding is that the original restriction on “general food sales” was meant to prohibit larger supermarket type users from the development. We believe the smaller scale, neighborhood market concept of Natural Grocers is an appropriate fit within the development.

The proposed retail/grocery use and building size are compatible with existing and allowable land uses in the surrounding area. The Natural Grocers will continue the “commercial” land use category of the Academy Boulevard corridor and is in conformity with and promotes the goals of the Colorado Springs Comprehensive Plan.

The existing building interior will be renovated to accommodate the proposed Natural Grocers use. The site layout, traffic and delivery circulation will remain unchanged.

The development plan parking tabulation will be modified to reflect the change in use to “retail (general)” parking ratios. The parking ratio will increase from 1 space per 300 square feet for the furniture sales use, to 1 space per 600 square feet for the general retail use. Lot 3 currently provides 65 spaces, which would meet new parking requirements. Shared parking agreements are in place across the five lot North Academy III Development Plan. Lot 3 as well as the overall development plan would remain in conformance with parking requirements after the change in use.

Other development standards and conditions within the current zoning and development plan, such as; lighting, delivery and hours of operation restrictions are acceptable in the current format.

Natural Grocers by Vitamin Cottage was founded in 1955 in Colorado and remains headquartered here. The store will be a full service organic grocery with a focus on health and nutrition awareness. Construction of the facility will include a number of sustainable design programs and green construction initiatives. Included in the building are facilities for an extensive community outreach program: including a community meeting room and a demonstration kitchen for public cooking classes.

The store will have approximately 20 employees, including a Nutritional Health Coach that can answer customer questions on vitamins and supplements. The Coach will provide an array of information to the customer and educate them on the options they have to take control of their health.

This store would be a relocation of the existing store at 7690 North Academy to allow for a slightly larger freestanding store with the updated store concept in our program of repositioning older underperforming stores in inline locations. It is our desire to keep the new store in a close proximity of the existing store.

We look forward to working with the community and City staff for a successful project that will bring beneficial services, sales tax revenue and employment to the City. If you should have any questions regarding this application, please do not hesitate to contact me directly at the numbers listed below.

Sincerely,



David Meyer
Equity Ventures Commercial Development

Project Developer:
Equity Ventures Commercial Development
2 Steele Street, Suite 203
Denver, CO 80206
Contact: David Meyer
Office: 720.502.5190
Mobile: 720.273.2704
Email: dmeyer@equityventurescd.com

2 Steele Street, Suite 203, Denver, CO 80206 · office (720) 502-5190 · fax (720) 502-5981



Home Owners Association of Falcon Estates, Inc.

Neighbors Dedicated to the Protection and Preservation of Our Neighborhood!

PO Box 63183, Colorado Springs, CO 80962

January 28, 2016

To: Katie Carleo
Land Use Review Division
30 S. Nevada Avenue, Suite 105
P.O. Box 1575 MC 155
Colorado Springs, CO 80901-15756

From: Home Owners Association of Falcon Estates (HOAFE)
Board of Directors
P.O. Box 63183
Colorado Springs, CO 80962

Subject: Files CPC ZC 16-00002 and DP 98-00366-A7MN16, Natural Grocers Zoning Request

Dear Katie,

The HOAFE Board of Directors has reviewed the subject zoning change request and submits the following comments and recommendation for consideration:

1. Of all concerns expressed by Falcon Estates residents at the HOAFE membership meeting 26 Jan 2016 and at the public meetings sponsored by the Land Use Review Division, the predominant concern is the potential for increased traffic congestion, particularly at the Shrider and Academy intersection.

While the recent removal of islands and lane changes at this intersection are not directly associated with either the Ethan Allen or Natural Grocers businesses, lack of a left turn arrow onto Academy from Shrider (both east and west bound), has been the cause of numerous traffic accidents and near misses. Furthermore, reducing the left turn capacity (Shrider onto Academy) from two lanes to one has increased congestion within the shopping center on the west side of Academy, due to the short entrance/exit lanes.

Therefore, any increase in the traffic will only aggravate congestion and the potential for accidents. The study provided with application DP 98-00366-A7MN16 estimates a six-fold increase over the current level for Ethan Allen customers, which would greatly increase driving and parking challenges on the west side shopping center.

The reason this issue is of particular concern to the residents of Falcon Estates, is ingress/egress from residences to the west of the Ethan Allen building. This portion of the neighborhood has only two entrances; one at Vincent Drive by the ENT Credit Union, and the other at Collins Road behind the Ethan Allen building, which leads to the Shrider and Academy intersection. Local residential traffic must compete with shopping center traffic to reach Academy Blvd. At peak



Home Owners Association of Falcon Estates, Inc.

Neighbors Dedicated to the Protection and Preservation of Our Neighborhood!

PO Box 63183, Colorado Springs, CO 80962

January 28, 2016

times, a six-fold increase in shopping traffic could create congestion reaching back to the access road behind the shopping center, effectively blocking access to Falcon Estates residents.

2. Recommendation

At this time, the recommendation of the HOAFE Board of Directors is for the city to consider improvements to the traffic signals and lane configurations at the Shrider and Academy intersection, which would account for the growth in circulation generated by Natural Grocers or future businesses in the area. The HOAFE Board does not presume to know the best traffic solution, however some suggestions are:

- a left-turn arrow for Shrider onto Academy
- double left-turn lanes for Shrider onto Academy
- elimination of the parking lot access immediately to the west of the intersection and routing of traffic behind the buildings and into the parking lots.

Local residents would welcome any configuration changes at the intersection and to the business entrances that would increase safety, reduce congestion and prevent blocking of access to Falcon Estates properties.

3. With respect to the requested zoning change to allow Specialty Food Sales, HOAFE does not object to the change so long as it is limited to LOT 3 NORTH ACADEMY III FIL NO 1. We believe Natural Grocers will be a courteous and respectful neighbor, and many Falcon Estates residents will undoubtedly welcome this retail opportunity within walking distance of their homes.

Thank you for your consideration and the opportunity to provide comments on this application.

Respectfully –

The 2015 HOAFE Board of Directors

Carleo, Katie

From: CenturyLink Customer <scnauert@q.com>
Sent: Friday, January 22, 2016 7:23 PM
To: Carleo, Katie
Subject: CPC DP 98-00366-A7MN16

Follow Up Flag: Follow up
Flag Status: Flagged

Katie,

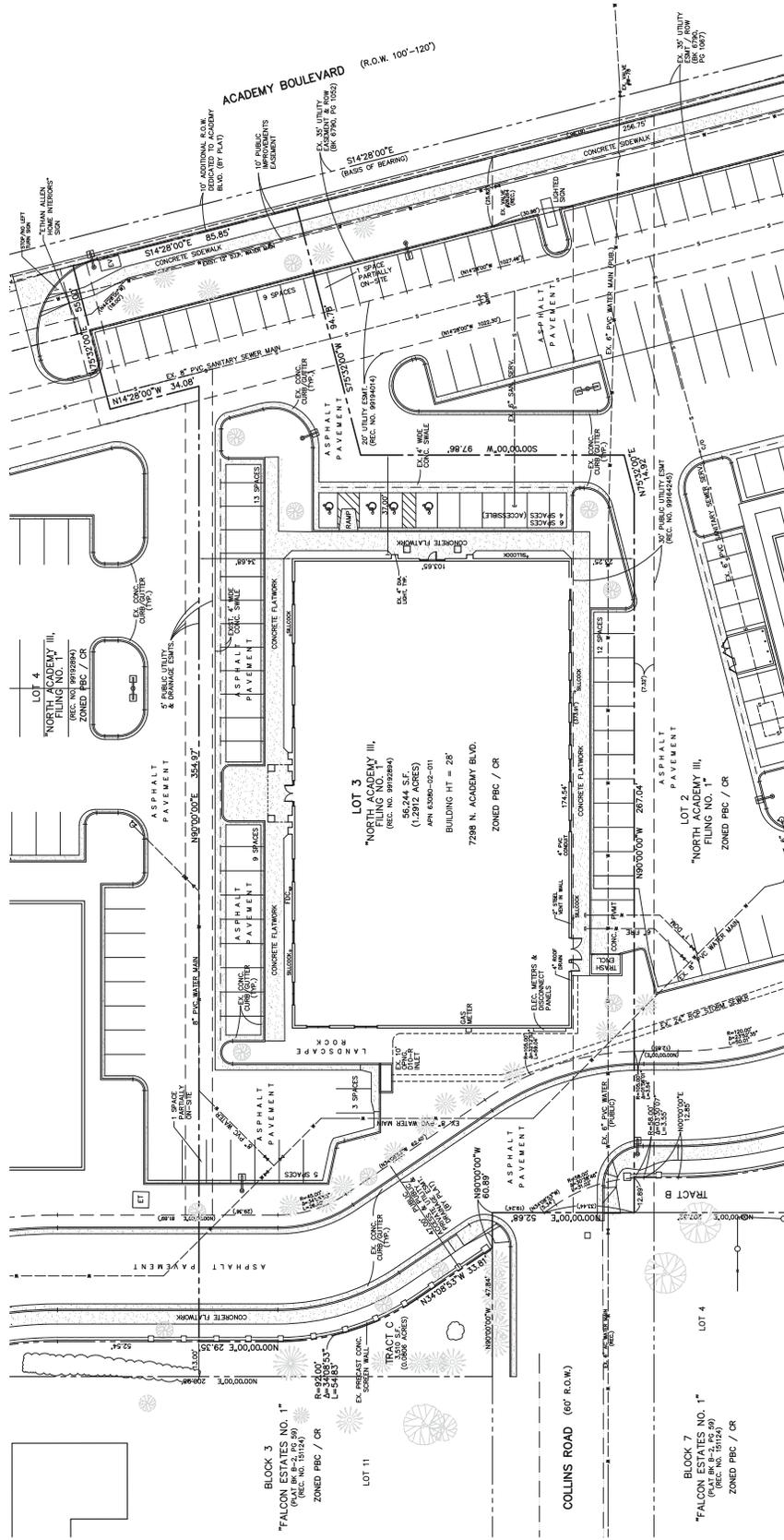
We are residents of Falcon Estates and attended the neighborhood meeting on behalf of Natural Grocers' application to the city to change the zoning of the Ethan Allen building to specialty food sales.

As we stated in the meeting we have concerns regarding the change in zoning and they are outlined below:

1. Traffic - The configuration of the parking lots and the exit from the lot onto Academy Blvd.via Shrider can not accommodate the anticipated traffic counts as presented in the application. An increase of nearly 500 trips will put significant pressure on the existing traffic movement resulting in a gridlock at peak times. Megan stated in the meeting that city traffic would be involved and some information would be forthcoming. To date we have not received any further information. Our concern is not just the time involved in sitting in traffic while we exit our neighborhood for work, school, church, etc. but the potential impact on the ability of emergency services to access our neighborhood. Another point we discussed was the need for a left turn arrow for the east/west bound Shrider traffic accesses on to Academy Blvd. This would certainly alleviate some of the traffic problems that exist now and which will only be exacerbated by 500 additional trips through the area.
2. Deliveries - We were told at the meeting that deliveries would continue to be made at the existing south delivery doors. Our concern on delivery vehicles is that the vehicles for a grocer are generally larger than that for Ethan Allen. Truckers may find it easier to deliver behind the store. Delivery trucks parking on the frontage road (neighborhood access road between Shrider and Collins) would cause a traffic hazard for the residents of Falcon Estates as well as emergency vehicles. We would request installation of "Fire Lane no parking signs" on that section of the road.
3. Dumpsters - Ethan Allen currently produces a small amount of "clean trash", i.e. cardboard, plastic sheets, etc. A grocer will generate dirtier, messier and smellier trash as can be seen behind Natural Grocers' existing store just down the street. Currently Ethan Allen has a small dumpster in an enclosure which is gated and has a stucco exterior to match the building. We would expect Natural Grocers to do the same. We would certainly expect it to be larger but it should continue to be unobtrusive to our views as we enter and exit our neighborhood.
4. Landscape - There is currently a grass and treed landscape buffer immediately behind and to the west of the building. We would expect that to be maintained as it has been in the past. Therefore the dumpsters mentioned in item 3 above must not be installed behind the building but in the parking lot as the existing one is now.

Therefore, if the city can address and resolve some of our concerns outlined above, we would support the change in zoning for Natural Grocers. We hope that by changing the zoning on this property, we are not opening the door to any other changes in this shopping center. We worked very hard with the city and developers during the initial development and annexation to keep the integrity of our neighborhood. We certainly hope the city will continue to protect the neighborhood.

Respectfully,
Chuck and Steph Nauert



- NOTES:**
1. THIS ZONING CHANGE REQUEST SEEKS TO CHANGE THE ZONING FOR LOT 3 ONLY FROM ITS CURRENT PFC TO PFC OR ALLOWING A SPECIALTY FOOD SALES FACILITY WITH 18000 SQUARE FEET OR LESS.
 2. THE CONDITIONS OF RECORD ARE PER CITY ORDINANCE NUMBERS 9606 AND 9408. THE CONDITIONS OF RECORD ARE PER CITY ORDINANCE NUMBERS 9606 AND 9408. THE APPLICABLE AREA OF THIS DEVELOPMENT (OR CONCEPT PLAN) IS LIMITED TO THE SPECIFIC AND SEXUALLY ORIENTED BUSINESSES:
 - SEXUALLY ORIENTED BUSINESSES
 - MOVIE THEATERS
 - AUTOMOTIVE AND EQUIPMENT SALES AND SERVICES (EXCEPT AUTO PARTS SALES)
 - GENERAL FOOD AND CONVENIENCE FOOD SALES
 - DRINKING OR FAST FOOD RESTAURANTS
 - TEEN OR YOUNG ADULT CLUBS
 - FUNERAL SERVICES
 3. THE CONDITIONS OF RECORD ARE PER ORDINANCE _____ FOR LOT 3, NORTH ACADEMY III FILING NO. 1 ONLY. RESTRICTIONS OCCUPYING 18,000 SQUARE FEET OR LESS. OTHER USE RESTRICTIONS PER ORDINANCE REMAIN AS ABOVE.



- LEGEND**
- EXISTING OVERHEAD ELECTRIC LINE
 - EXISTING GAS MAIN/SERVICE
 - EXISTING SANITARY SEWER MAIN/SERVICE
 - EXISTING WATER MAIN/SERVICE
 - EXISTING UNDERGROUND TELEPHONE
 - EXISTING STORM SEWER
 - EXISTING SAN. SEWER WA.
 - EXISTING FIRE HYDRANT
 - EXISTING WATER VALVE
 - EXISTING ELEC. WALK
 - EXISTING ELEC. THING
 - EXISTING ELECTRIC WA.
 - EXISTING STORM WALK
 - EXISTING STORM SEWER WA.
 - EXISTING LIGHT POLES
 - EXISTING GAS VALVE

NO.	DATE	ISSUE/REVISION	BY
1	03 FEBRUARY 2016	ZONE CHANGE EXHIBIT 7238 N. ACADEMY BLVD. LOT 3, NORTH ACADEMY III, FILING NO. 1 COLORADO SPRINGS, CO	W. W. WATTS & ASSOCIATES Professional Land Surveyors 16002 16002

ISSUED FOR APPLICATION
03 FEBRUARY 2016

Scale: 1" = 20'

W. W. WATTS & ASSOCIATES
Professional Land Surveyors
16002
16002

03 FEBRUARY 2016

1

16002

16002

16002

16002

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16002

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16002

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FIGURE 4

CPC ZC 16-0002

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?
2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



Memorandum

File #: CPC DP 15-00104, **Version:** 1

A request by Olsson Associates on behalf of Kum & Go and FN, LLC - Wiepking Real Estate Investment for approval of a development plan for Kum & Go # 687 for the purpose of a convenience store including fuel sales. The site consists of 2.47 acres and located just east Wooten at the northeast corner of Wooten and E. Platte Ave., is zoned C-5/AO/APZ-2 (Intermediate Business with Airport Overlay and Accident Potential Subzone 2).
(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the Kum & Go Development Plan, based upon the finding that development plan complies with the development plan review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Development Plan:

1. Continue coordination with City and Traffic Engineering to ensure all points of access issues have been resolved.
2. Continue coordination with City and Traffic Engineering regarding turn/stacking lane on west bound Platte as part of proposed access.
3. Please add the following note to the development site plan: "In lieu of constructing the median in Wooten Road, the developer/owner is required to escrow \$17,600.00 to City Traffic Engineering prior to issuing the building permit."
4. The proposed public utility easement must allow 15' on the north side of the water line. If this cannot be achieved, the water main can be relocated within the new Edison Avenue alignment.
5. No trees/structures shall be located within any utility easements and/or within 15' of any Colorado Springs Utilities' wastewater and water mainlines. Modify the Landscape/Development Plan to reflect this requirement. The proposed trees located within the utility easement cannot be installed as proposed and cannot be installed in the easement or within 15' of the water main.
6. The proposed porous detention cannot be located within the PUE or over the existing water and electric facilities.

N/A

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
 2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
 3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
 4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
 5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
 6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
 8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
 9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
 10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
 11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
 12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



Memorandum

File #: CPC V 15-00106, **Version:** 1

A request by Olsson Associates on behalf of Kum & Go and FN, LLC - Wiepking Real Estate Investment for approval of Vacation of Right-of-Way for a portion of Edison Rd. The vacation request consists of the 40-foot right-of-way width and a length of approximately 180-feet consisting of 16,737 square feet (.384 acres). The site consists of 2.47 acres and located just east Wooten at the northeast corner of Wooten and E. Platte Ave., is zoned C-5/AO/APZ-2 (Intermediate Business with Airport Overlay and Accident Potential Subzone 2).
(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the vacation of right-of-way, based upon the finding that the vacation request complies with the vacation of right-of-way review criteria in City Code Section 7.7.402.C, contingent upon the following technical and/or informational modifications to the plat:

1. Change verbiage in the title from “sketch” to “plat”.
2. On vicinity map, identify the location of the right-of-way to be vacated in lieu of the entire property.

N/A

NEW BUSINESS

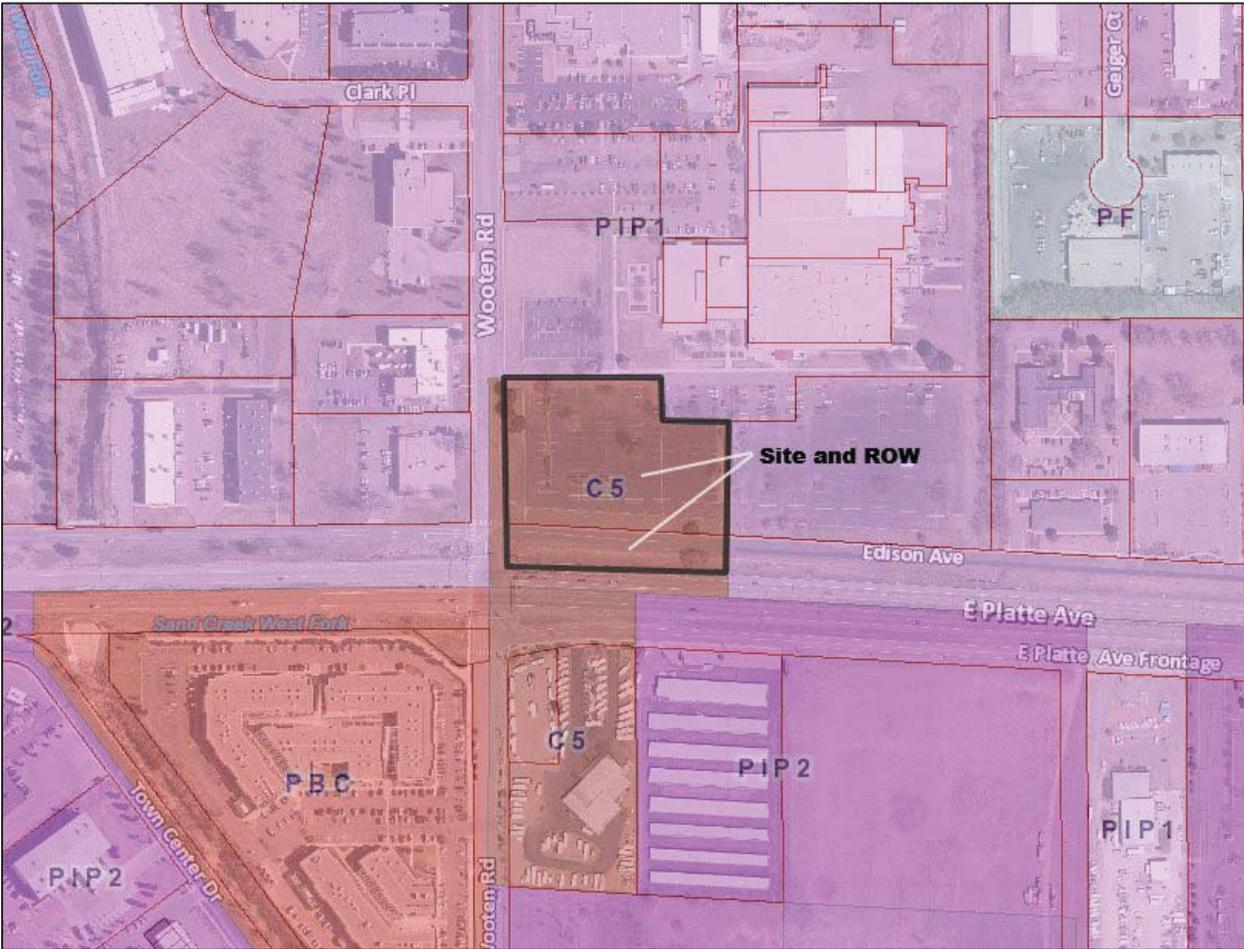
CITY PLANNING COMMISSION AGENDA

ITEM NO: _____

STAFF: MIKE SCHULTZ _____

FILE NO(S):
CPC V 15-00106 – LEGISLATIVE
CPC DP 15-00104 – QUASI-JUDICIAL

PROJECT: EAST PLATTE & WOOTEN KUM & GO
APPLICANT: OLSSON ASSOCIATES
OWNER: FN, LLC



PROJECT SUMMARY:

1. Project Description: This proposal is to vacate a portion of Edison Avenue and realign the roadway to the north along Wooten Road. Accompanying the vacation request is a development plan for a convenience/fuel sales use comprised of a 2.47-acre site. The property is located at the northeast corner of Platte Avenue and Wooten Road.

The applicant is requesting a vacation of right-of-way of .384 acres and approval of a development plan that illustrates the proposed realignment of Edison Avenue to the north connecting at Wooten Road. The development plan for the property includes a 6,217 square foot convenience store and fueling area with 10 fuel pumps. **(FIGURE 1)**

A subdivision plat is being processed administratively.

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

BACKGROUND:

1. Site Address: 4810 Edison Avenue
2. Existing Zoning/Land Use: C-5/Vacant parking lot
3. Surrounding Zoning/Land Use: North: PIP-1/Mix of Commercial/Industrial
South: C-5/RV Sales and PIP-2/Mini-storage
East: PIP-1/Vacant Parking Lot (proposed for rezone)
West: PIP-1/Office
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: Smartt's Addition #9, 1963
6. Master Plan/Designated Master Plan Land Use: There is no master plan for this site.
7. Subdivision: Platte Business Center Filing No. 2
8. Zoning Enforcement Action: No enforcement cases are active.
9. Physical Characteristics: The site is mostly paved, being a portion of a parking lot and the Edison Avenue frontage.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process included posting of the site and sending postcards to 13 property owners within 500 feet during the internal review and prior to the City Planning Commission meeting. No public comments in opposition were received. Calvary Chapel Eastside (5090 Edison Avenue) sent an e-mail in support of the project.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Landscape, Police and E-911.

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

1. Review Criteria / Design & Development Issues:
The Kum & Go project proposes to vacate .384 acres of the Edison Avenue frontage road **(FIGURE 3)** and realign Edison Avenue to the north and away from the Platte Avenue intersection. The development plan proposes a 6,217 square foot convenience store and fueling area with 10 covered fuel pumps on the 2.47 acre property. The purpose of realigning the frontage road is two-fold: the intersection design now is unsafe for motorists due to the proximity of the Platte Avenue intersection and secondly, realignment provides the applicant a "hard corner" for identification purposes. Removal of the roadway asphalt will be the responsibility of the developer; the area will be replaced with required site landscaping.

The realignment of Edison Avenue is also being coordinated with a separate, but concurrent, application for a zone change and concept plan for the property immediately to the east of the site. That project will be considered as part of the same February CPC agenda and proposes a

small shopping center building. The anticipated combination of commercial traffic for both uses triggered the need to redesign the easterly frontage road from Wooten Road to reduce risks of vehicle turning conflicts at the intersection. The City plans to monitor the intersection to determine if or when other traffic improvements may be warranted. Those improvements could include a center lane median or a potential realignment of the west leg of Edison Avenue away from the Platte Avenue intersection.

Access points into the commercial/industrial site to the north will be reconfigured and will continue to allow vehicular access off the realigned frontage road. City Traffic has also agreed to allow a new access from Platte Avenue onto the Edison Avenue frontage road. Attached is an aerial photo providing an overall layout of the proposed street realignment (with access locations), the Kum & Go station along with the adjacent concept plan. **(FIGURE 4)**

Staff is processing a concurrent subdivision plat that dedicates the realigned frontage road right-of-way. The vacation is being processed as a vacation plat which will require signatures by various departments and the Mayor. The subdivision plat and vacation plat will be recorded concurrently.

Staff has reviewed the vacation of right-of-way and development plan and has found that the applications are consistent with the review criteria and standards of City Code.

2. Conformance with the City Comprehensive Plan:

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

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

Objective LU 4: Encourage Infill and Redevelopment

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

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

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

The Kum & Go project will provide a commercial use within an area that is void of these services east of Murray Boulevard. This infill project will help reinvigorate a stretch of Platte Avenue that is underserved for convenience store and retail uses. Staff anticipates additional commercial interest could eventually occur on the south side of Platte Avenue near the existing flea market.

3. Conformance with the Area's Master Plan:

This property is not part of a master plan.

STAFF RECOMMENDATION:

Item No: CPC V 15-00106 – VACATION OF RIGHT-OF-WAY

Approve the vacation of right-of-way, based upon the finding that the vacation request complies with the vacation of right-of-way review criteria in City Code Section 7.7.402.C, contingent upon the following technical and/or informational modifications to the plat:

1. Change verbiage in the title from “sketch” to “plat”.
2. On vicinity map, identify the location of the right-of-way to be vacated in lieu of the entire property.

Item No: CPC DP 15-00104 – DEVELOPMENT PLAN

Approve the Kum & Go Development Plan, based upon the finding that development plan complies with the development plan review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Development Plan:

1. Continue coordination with City and Traffic Engineering to ensure all points of access issues have been resolved.
2. Continue coordination with City and Traffic Engineering regarding turn/stacking lane on west bound Platte as part of proposed access.
3. Please add the following note to the development site plan: "In lieu of constructing the median in Wooten Road, the developer/owner is required to escrow \$17,600.00 to City Traffic Engineering prior to issuing the building permit."
4. The proposed public utility easement must allow 15' on the north side of the water line. If this cannot be achieved, the water main can be relocated within the new Edison Avenue alignment.
5. No trees/structures shall be located within any utility easements and/or within 15' of any Colorado Springs Utilities' wastewater and water mainlines. Modify the Landscape/Development Plan to reflect this requirement. The proposed trees located within the utility easement cannot be installed as proposed and cannot be installed in the easement or within 15' of the water main.
6. The proposed porous detention cannot be located within the PUE or over the existing water and electric facilities.



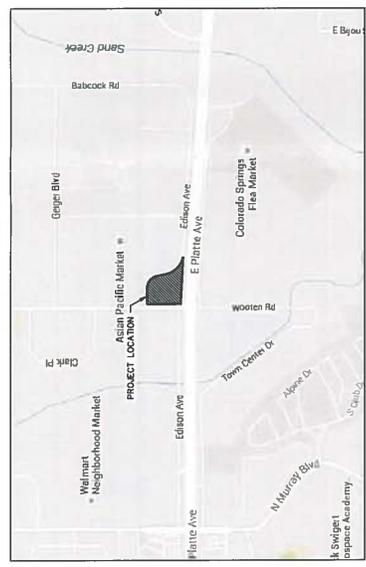
8400 Wooten Parkway
 West Den Moines, Iowa
 P: 515-281-1128
 F: 515-223-8873

PROJECT TEAM	DATE	12-18-15
SCALE	SHEET NUMBER	C0.0
DATE	1 OF 13	

DEVELOPMENT PLAN STORE #0687 EAST PLATTE AVENUE AND WOOTEN ROAD COLORADO SPRINGS, CO 80920



WHERE & MEANS MORE.



VICINITY MAP
 NOT TO SCALE

AGENCY CONTACTS:
WATER / SANITARY SEWER:
 COLORADO SPRINGS UTILITIES
 301 S. UNION BOULEVARD
 COLORADO SPRINGS, CO 80910
 CONTACT: SHELLEY SAVAGE
 E: SHELLEY@CSPURBIO.ORG

GAS:
 COLORADO SPRINGS UTILITIES
 1551 HANCOCK EXPRESSWAY
 COLORADO SPRINGS, CO 80910
 CONTACT: GRAY HALVORSON
 E: GRAYHALVORSON@CSGAS.ORG

ELECTRIC:
 COLORADO SPRINGS UTILITIES
 1551 HANCOCK EXPRESSWAY
 COLORADO SPRINGS, CO 80910
 CONTACT: GRAY HALVORSON
 E: GRAYHALVORSON@CSGAS.ORG

STORM SEWER:
 COLORADO SPRINGS UTILITIES
 1551 HANCOCK EXPRESSWAY
 COLORADO SPRINGS, CO 80910
 CONTACT: GRAY HALVORSON
 E: GRAYHALVORSON@CSGAS.ORG

PLANNING AND DEVELOPMENT:
 CITY OF COLORADO SPRINGS
 105 W. WOOTEN ROAD
 COLORADO SPRINGS, CO 80903
 CONTACT: STEVE TUCK
 E: STUCK@CSPRINGSGOV.COM

BENCHMARKS:
 1. PROJECT BENCHMARK: THE PUBLISHED VALUES OF COLORADO SPRINGS UTILITIES FMS MONUMENT "7.81". EL=6272.26 (NAVD83)
 2. SITE BENCHMARK: A CHISELED "4" CUT IN WEST EDGE OF THE CONCRETE WALK NORTH OF THE WOOTEN ROAD ENTRANCE, CONTROL POINT #103. EL=6172.86 (NAVD83) R: 1586462.27, E: 3271979.16

BASIS OF BEARINGS:
 BEARINGS ARE BASED ON THE WEST LINE OF PLATTE BUSINESS CENTER PLING NO. 2 BEING MONUMENTED ON THE SOUTH END BY A YELLOW PLASTIC CAP STAMPED "PLS" AND THE EAST LINE OF PLATTE BUSINESS CENTER PLING NO. 2 BEING MONUMENTED ON THE NORTH END BY A YELLOW PLASTIC CAP STAMPED "PLS". AN ASSIGNED BEARING OF N023.51°W WITH A DISTANCE OF 800.58 FEET. UNITS SHOWN ARE IN US SURVEY FEET.

LEGAL DESCRIPTION:
 LOT 1 OF PLATTE BUSINESS CENTER PLING NO. 2A, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

FLOOD ZONE:
 THIS PROPERTY IS IN FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE 600-YEAR FLOODPLAIN, ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 0804107034F. EFFECTIVE DATE: MARCH 17, 1997.

NOTES:
 1. THIS SUBDIVISION IS SUBJECT TO CONDITIONS CONTAINED IN THE AVIGATION EASEMENT RECORDED IN BOOK 5687 AT PAGE 287. THE EASEMENT CONTAINS PROVISIONS REGARDING AIRCRAFT AND AIRPORTS AND THEIR PERFORMANCE AND NECESSARY FUNCTIONS.
 2. ALL CURB, GUTTER, PEDESTRIAN RAMPS AND SIDEWALK POSING A SAFETY HAZARD, DAMAGED, EXHIBITING EXCESSIVE DETERIORATION, OR DOES NOT MEET THE REQUIREMENTS OF THE ADA, SHALL BE REPAIRED OR REPLACED. AN ON-SITE MEETING CAN BE HELD TO DISCUSS THE REQUIREMENTS OF THE ADA. THE MEETING MUST BE ATTENDED BY REPRESENTATIVES OF THE CITY AND THE SUBDIVISION. IMPROVEMENTS ARE REQUIRED. THE INSPECTOR CAN BE REACHED AT 703-587-3977.

REV	SHEET INDEX	COLO
1	COVER SHEET	C1.0
2	SITE PLAN	C1.1
3	GRADING AND DRAINAGE PLAN	C2.1
4	UTILITY PLAN	C3.1
5	LANDSCAPE SITE PLAN	L1.1
6	LANDSCAPE NOTES	L1.2
7	LANDSCAPE DETAILS	L1.3
8	EXTERIOR ELEVATIONS	A1.1
9	CANOPY ELEVATIONS	A1.2
10	TRASH ENCLOSURE ELEVATIONS	A1.3
11	COMMISSIONED ART ELEVATIONS	A1.4
12	SIGN ELEVATIONS	A1.5
13	PHOTOMETRIC PLAN	SE.1

APPROXIMATE DEVELOPMENT SCHEDULE	MARKETER USE
APPROXIMATE DEVELOPMENT SCHEDULE	MARKETER USE
TAX SCHEDULE NUMBER	MARKETER USE
CONCEPT PLAN	MARKETER USE
CANOPY / DISPENSER ARRANGEMENT	MARKETER USE
TYPE OF USE	CONVENIENCE STORE WITH
HEIGHT	12' 0"
BUILDING PARAPET	21' 0"
CANOPY	15' 0" MIN
GROSS FLOOR AREA	8,277 SF
GROSS CANOPY AREA	8,076 SF
GROSS LOT AREA	42,470 SQUARE FEET
FAR (INCLUDING CANOPY)	0.14
BUILDING COVERAGE	43.17 SF (8.5%)
LANDSCAPE COVERAGE	46,226 SF (4.9%)
PARKING DRIVE/SIDEWALK COVERAGE	56,196 SF (8.2%)
BICYCLE PARKING	2 SPACES
REQUIRED PARKING	STANDARD
ADA	26
PARKING RATIO = 1 ETALLOD/SF	1
STANDARD	24
ADA	1
TOTAL	25
PROPOSED PARKING	PARKING RATIO = 1 ETALLOD/SF

CITY ZONING APPROVAL	#10-81
C-5604W2-2: INTERMEDIATE BUSINESS/AVIGATION OVERLAY/ADJACENT POTENTIAL SUBZONE 2	NONE SPECIFIED
CITY ZONING APPROVAL ORDINANCE	NONE SPECIFIED
MINIMUM LOT AREA	NONE SPECIFIED
MINIMUM LOT WIDTH (FEET)	20
FRONT YARD SETBACK (FEET)	0
STREET SIDE YARD SETBACK (FEET)	0
INTERIOR SIDE YARD SETBACK (FEET)	48
REAR YARD SETBACK (FEET)	48
MAXIMUM BUILDING COVERAGE	NONE SPECIFIED
MAXIMUM IMPERVIOUS COVERAGE	NONE SPECIFIED
MAXIMUM FLOOR AREA	NONE SPECIFIED

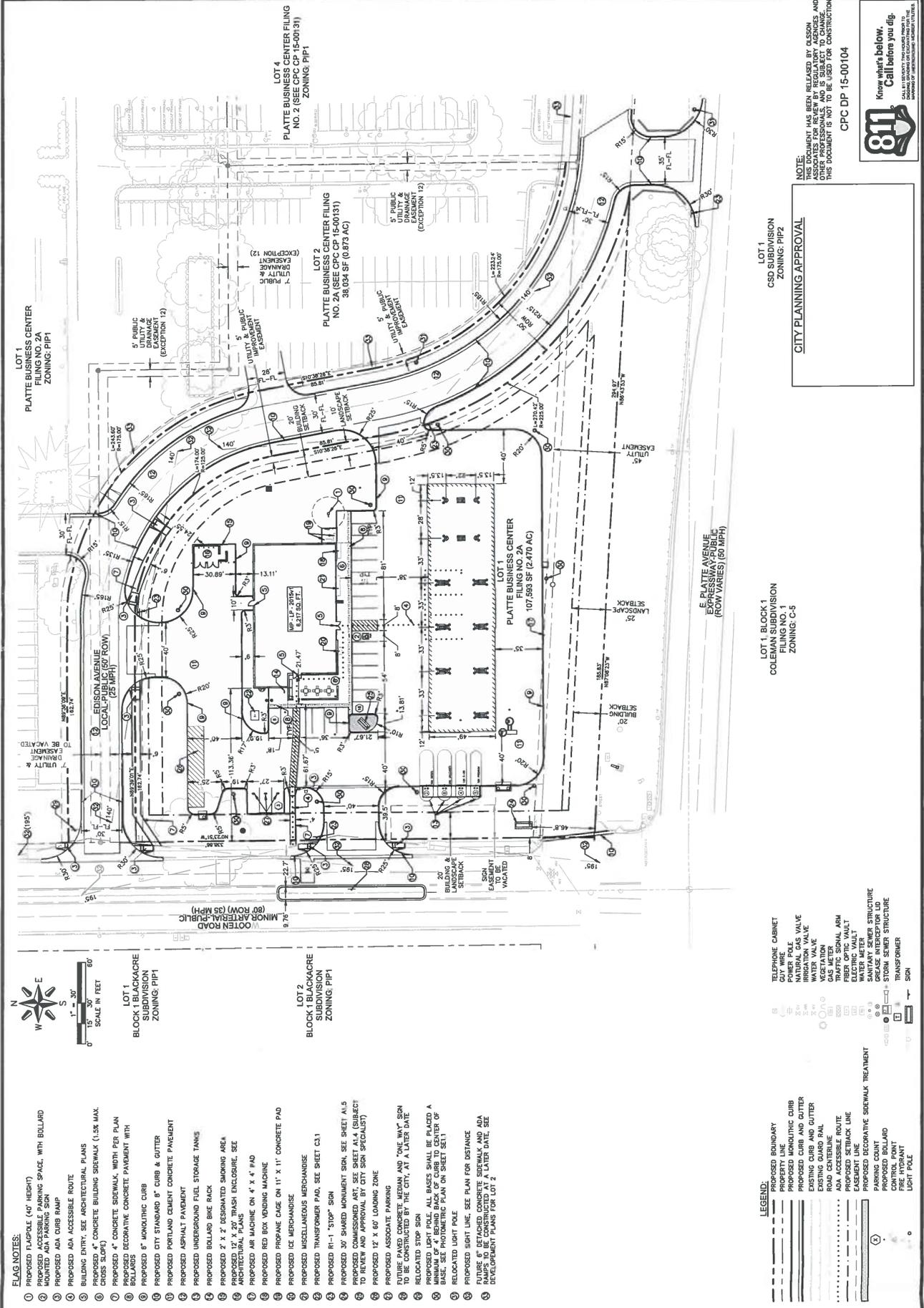
CITY PLANNING APPROVAL

NOTE:
 THIS DOCUMENT HAS BEEN RELEASED BY OLSSON ASSOCIATES FOR REVIEW BY REGULATORY AGENCIES AND THE CITY OF COLORADO SPRINGS. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.



CPC DP 15-00104

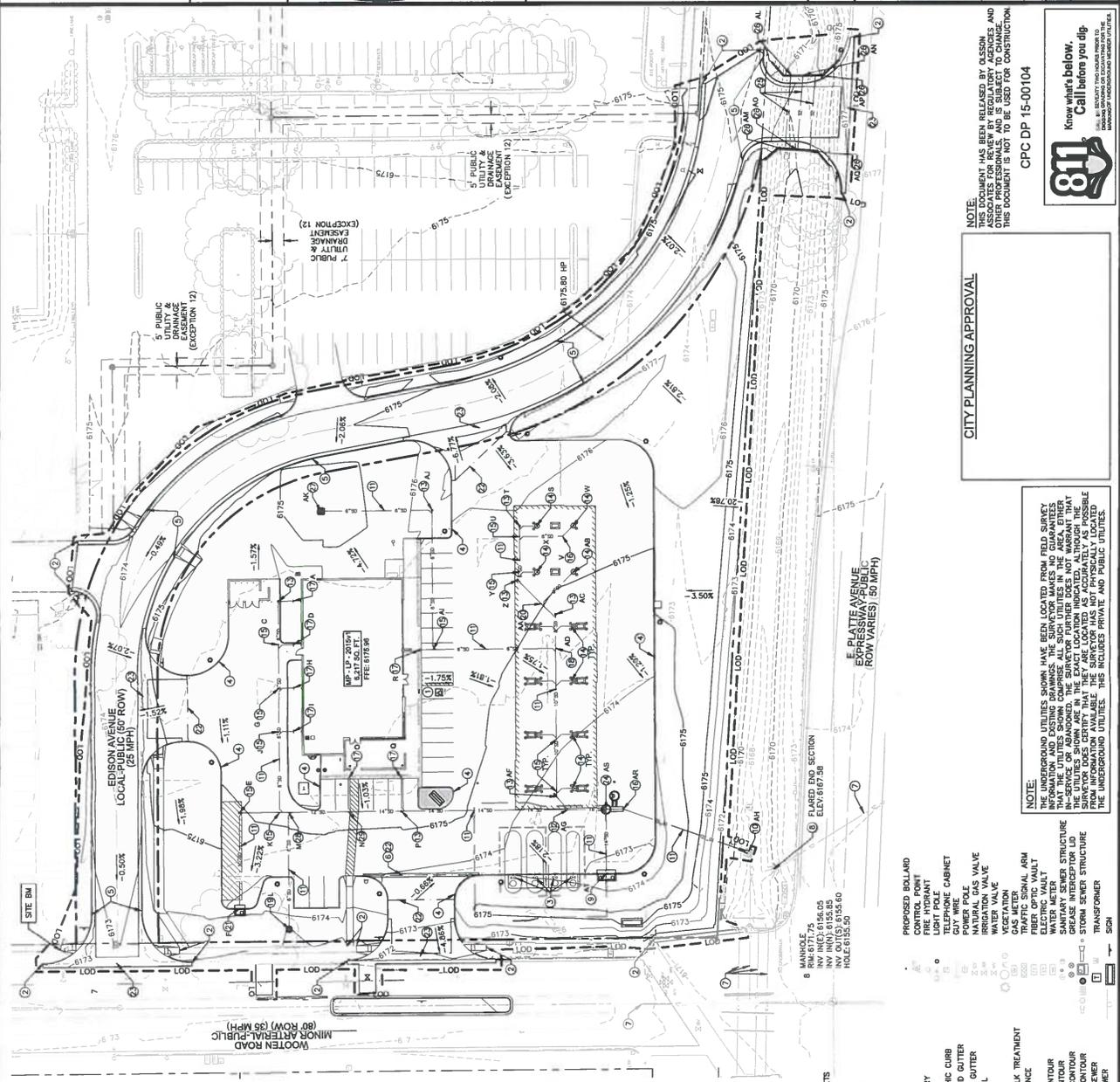
FIGURE 1



FLAG NOTES:
 1 PROPOSED FLAGPOLE (40' HEIGHT)
 2 PROPOSED 10' X 10' SIGN ON 10' X 10' SIGN
 3 MOUNTED ADA PARKING SIGN
 4 PROPOSED ADA CURB RAMP
 5 PROPOSED ADA ACCESSIBLE ROUTE
 6 BUILDING ENTRY, SEE ARCHITECTURAL PLANS
 7 CONCRETE BUILDING SIDEWALK (1.5% MAX. CROSS SLOPE)
 8 CONCRETE SIDEWALK WITH PER PLAN
 9 PROPOSED DECORATIVE CONCRETE PAVEMENT WITH BOLLARDS
 10 PROPOSED 6" MONUMENTIC CURB
 11 PROPOSED CITY STANDARD 8" CURB & GUTTER
 12 PROPOSED PORTLAND CEMENT CONCRETE PAVEMENT
 13 PROPOSED ASPHALT PAVEMENT
 14 PROPOSED UNDERGROUND FUEL STORAGE TANKS
 15 PROPOSED BOLLARD BIKE RACK
 16 PROPOSED 2' X 2' DESIGNATED SMOKING AREA ARCHITECTURAL PLANS
 17 PROPOSED AIR MACHINE ON 4' X 4' PAD
 18 PROPOSED RED BOX VENDING MACHINE
 19 PROPOSED PROPANE CAGE ON 11' X 11' CONCRETE PAD
 20 PROPOSED ICE MERCHANTS
 21 PROPOSED MISCELLANEOUS MERCHANDISE
 22 PROPOSED TRANSFORMER PAD, SEE SHEET C3.1
 23 PROPOSED RT-1 "STOP" SIGN
 24 PROPOSED 30' SHARED MONUMENT SIGN, SEE SHEET A1.5 TO REVIEW AND APPROVAL BY CITY SIGN SPECIALIST
 25 PROPOSED 12' X 60' LOADING ZONE
 26 PROPOSED ASSOCIATE PARKING
 27 FUTURE PAVED CONCRETE MEDIAN AND "ONE WAY" SIGN TO BE CONSTRUCTED BY THE CITY, AT A LATER DATE
 28 RELOCATED STOP SIGN
 29 PROPOSED LIGHT POLE ALL BASES SHALL BE PLACED A MINIMUM 10' FROM CURB OR SIDEWALK TO BE CONSTRUCTED BY THE CITY, AT A LATER DATE
 30 RELOCATED LIGHT POLE
 31 PROPOSED SIGN LINE, SEE PLAN FOR DISTANCE
 32 FUTURE 6" DETACHED CONCRETE SIDEWALK AND ADA RAMPS TO BE CONSTRUCTED AT A LATER DATE, SEE DEVELOPMENT PLANS FOR LOT 2

LEGEND:
 - - - PROPOSED BOUNDARY
 - - - PROPERTY LINE
 - - - PROPOSED MONUMENTIC CURB
 - - - PROPOSED CURB AND GUTTER
 - - - EXISTING CURB AND GUTTER
 - - - EXISTING GUARD RAIL
 - - - ROAD CENTERLINE
 - - - ADA ACCESSIBLE ROUTE
 - - - EASEMENT LINE
 - - - PROPOSED DECORATIVE SIDEWALK TREATMENT
 - - - PARKING COUNT
 - - - PROPOSED BOLLARD
 - - - EXISTING MONUMENT SIGN
 - - - FIRE HYDRANT
 - - - LIGHT POLE
 - - - TELEPHONE CABINET
 - - - GUY WIRE
 - - - NATURAL GAS VALVE
 - - - IRRIGATION VALVE
 - - - VEGETATION
 - - - GAS METER
 - - - TRAFFIC SIGNAL ARM
 - - - TRAFFIC SIGNAL ARM
 - - - ELECTRIC VALVE
 - - - WATER METER
 - - - GREASE INTERCEPTOR
 - - - STORM SEWER STRUCTURE
 - - - TRANSFORMER
 - - - SIGN

FIGURE 1

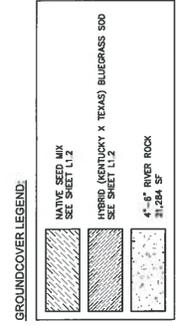


- FLAG NOTES:**
- 1. ADA ACCESSIBLE STALL (NOT TO EXCEED 2.00K GRADE IN)
 - 2. MATCH EXISTING GRADE (CONTRACTOR TO VERIFY)
 - 3. ALL UTILITIES FOR UNDERGROUND UTILITIES TO BE 1' ABOVE FINISHED GRADE
 - 4. PROPOSED 6" MONOLITHIC CURB
 - 5. PROPOSED TYPE 1 VERTICAL CURB AND GUTTER
 - 6. PROPOSED 2" WIDE CONCRETE GUTTER
 - 7. EXISTING STORM SEWER, SEE PER PLAN
 - 8. EXISTING STORM SEWER STRUCTURE
 - 9. INSTALL STORM SEWER INLET
 - 10. INSTALL 10" D-10-R STORM SEWER INLET
 - 11. INSTALL FLARED END SECTION WITH PERAP TABLE
 - 12. INSTALL STORM SEWER PIPE, LENGTH, SIZE, AND SLOPE PER TABLE
 - 13. INSTALL 14" X 16" REDUCER AND STORM SEWER WYE
 - 14. CONNECT TO EXISTING STORM SEWER AND CLEANOUT WITH WATERTIGHT TRAFFIC RATED UJ
 - 15. CONNECT TO CANDY DOWNSPOUT
 - 16. INSTALL STORM SEWER WYE
 - 17. INSTALL 45° STORM SEWER BEND
 - 18. MATCH TO BUILDING FOUNDATION, SEE ARCHITECTURAL PLANS FOR DOWNSPOUT LOCATIONS

STORM STRUCTURE TABLE

ID	NORTHING	EASTING	R/W/GROUND ELEV.	INVERT IN	INVERT OUT
A	1348255.56	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
B	1348255.59	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
C	1348255.62	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
D	1348255.65	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
E	1348255.68	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
F	1348255.71	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
G	1348255.74	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
H	1348255.77	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
I	1348255.80	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
J	1348255.83	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
K	1348255.86	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
L	1348255.89	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
M	1348255.92	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
N	1348255.95	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
O	1348255.98	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
P	1348256.01	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
Q	1348256.04	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
R	1348256.07	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
S	1348256.10	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
T	1348256.13	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
U	1348256.16	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
V	1348256.19	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
W	1348256.22	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
X	1348256.25	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
Y	1348256.28	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
Z	1348256.31	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AA	1348256.34	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AB	1348256.37	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AC	1348256.40	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AD	1348256.43	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AE	1348256.46	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AF	1348256.49	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AG	1348256.52	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AH	1348256.55	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AI	1348256.58	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AJ	1348256.61	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AK	1348256.64	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AL	1348256.67	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AM	1348256.70	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AN	1348256.73	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AO	1348256.76	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AP	1348256.79	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AQ	1348256.82	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AR	1348256.85	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AS	1348256.88	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AT	1348256.91	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AU	1348256.94	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AV	1348256.97	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AW	1348257.00	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AX	1348257.03	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AY	1348257.06	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
AZ	1348257.09	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BA	1348257.12	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BB	1348257.15	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BC	1348257.18	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BD	1348257.21	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BE	1348257.24	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BF	1348257.27	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BG	1348257.30	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BH	1348257.33	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BI	1348257.36	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BJ	1348257.39	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BK	1348257.42	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BL	1348257.45	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BM	1348257.48	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BN	1348257.51	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BO	1348257.54	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BP	1348257.57	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BQ	1348257.60	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BR	1348257.63	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BS	1348257.66	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BT	1348257.69	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BU	1348257.72	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BV	1348257.75	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BW	1348257.78	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BX	1348257.81	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BY	1348257.84	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
BZ	1348257.87	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CA	1348257.90	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CB	1348257.93	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CC	1348257.96	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CD	1348257.99	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CE	1348258.02	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CF	1348258.05	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CG	1348258.08	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CH	1348258.11	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CI	1348258.14	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CJ	1348258.17	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CK	1348258.20	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CL	1348258.23	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CM	1348258.26	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CN	1348258.29	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CO	1348258.32	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CP	1348258.35	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CQ	1348258.38	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CR	1348258.41	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CS	1348258.44	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CT	1348258.47	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CU	1348258.50	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CV	1348258.53	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CW	1348258.56	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CX	1348258.59	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CY	1348258.62	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
CZ	1348258.65	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DA	1348258.68	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DB	1348258.71	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DC	1348258.74	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DD	1348258.77	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DE	1348258.80	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DF	1348258.83	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DG	1348258.86	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DH	1348258.89	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DI	1348258.92	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DJ	1348258.95	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DK	1348258.98	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DL	1348259.01	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DM	1348259.04	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DN	1348259.07	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DO	1348259.10	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DP	1348259.13	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DQ	1348259.16	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DR	1348259.19	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DS	1348259.22	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DT	1348259.25	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DU	1348259.28	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DV	1348259.31	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DW	1348259.34	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DX	1348259.37	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DY	1348259.40	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
DZ	1348259.43	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
EA	1348259.46	6174.83	6174.83	10" (M)=6173.17	10" (M)=6171.68
EB	1348259.49	6174.83			

PLANT LIST	QTY.	SYMBOL	COMMON/SCIENTIFIC NAME	PLANTING SIZE	MATURE MATURITY HEIGHT (APPROX.)	KEY FROM SHEET
5 AF	5	(Symbol)	AUTUMN BLAZE MAPLE ACER X FREEMANN	1.5" GAL	50'-60" 25'-30"	S
3 CT	3	(Symbol)	SHADEMASTER HONEYLOCUST GLADSTONIA THUNBERGII 'SHADEMASTER'	1.5" GAL	30'-50" 30'-50"	45A
6 SW	6	(Symbol)	SWAMP WHITE OAK QUERCUS BOGOTUS	1.5" GAL	50'-60" 40'-50"	45
3 BD	3	(Symbol)	KENTUCKY COFFEE TREE GYMNOCLADUS DICHRA	1.5" GAL	50'-60" 30'-40"	34AS
9 OM	9	(Symbol)	BLUR OAK QUERCUS MACROCARPA	1.5" GAL	40'-60" 40'-60"	40A
6 CO	6	(Symbol)	WESTERN HACKBERRY CELTIS GOSWORTHII	1.5" GAL	50'-60" 40'-50"	3457DA
EVERGREEN TREES						
3 PN	3	(Symbol)	AUSTRIAN PINE PINUS NIDRA	6" TALL	30'-40" 10'-15"	67BS
2 PP	2	(Symbol)	COLORADO BLUE SPRUCE PICEA PUMILANS 'GLAUCA'	6" TALL	30'-50" 20'-25"	67BS
2 PP	2	(Symbol)	PINUS RESINOSA	6" TALL	30'-50" 20'-25"	258BA
PERCENT SIGNATURE TREES: 38 (BASE MINIMUM) TOTAL NUMBER OF TREES: 38 = 100% SIGNATURE TREES						
GROUPS						
37	SSJ	(Symbol)	SIERRA SPREADER JAMPER JAMPERUS SABINA 'SIERRA SPREADER'	5 GAL	6'-12" 5'-8"	58BA
32	BJAJ	(Symbol)	BROADLEAF JAMPER 'BROADLEAF'	5 GAL	3' 4'-8"	58BA
41	SCJ	(Symbol)	SEA GREEN JAMPER JAMPERUS SABINA 'SEA GREEN'	5 GAL	5'-6" 5'-6"	58BA
44	FS	(Symbol)	GRD LOW SUMAC '200-LOW'	5 GAL	1'-2" 6'-8"	2345DA
43	RMR	(Symbol)	ROCKY MOUNTAIN RASPBERRY RUBUS DELICIOSUS	5 GAL	3'-6" 3'-6"	1457BA
99	WR	(Symbol)	WOODS ROSE	5 GAL	3'-6" 3'-6"	507BA
56	AC	(Symbol)	ALPINE CURRANT RIBES ALPINUM	5 GAL	3'-4" 3'-4"	457S
63	ID	(Symbol)	SANTAL DOGWOOD 'ISANTY' PRUNUS VIRGINIANA	5 GAL	10'-20" 8'-12"	12567BA
21	NP	(Symbol)	NATIVE PLUM PRUNUS AMERICANA	5 GAL	10'-20" 8'-12"	23457DA
PERCENT SIGNATURE SHRUBS: 47 (BASE MINIMUM) TOTAL NUMBER OF SHRUBS: 47 = 100% SIGNATURE SHRUBS						
GROUPS						
35	FRG	(Symbol)	FEATHER REED GRASS PITTOCOLOA 'KARL FORESTY'	1 GAL	30" 18'-24"	A
13	BAG	(Symbol)	BLUE ANEM GRASS HELICTIDICHON SEMPERVIRENS	1 GAL	18'-24" 18'-24"	A
56	DTG	(Symbol)	DWARF FOUNTAIN GRASS PENNISETUM ALPECOERDES 'NAMEDLY'	1 GAL	24'-35" 18'-24"	A

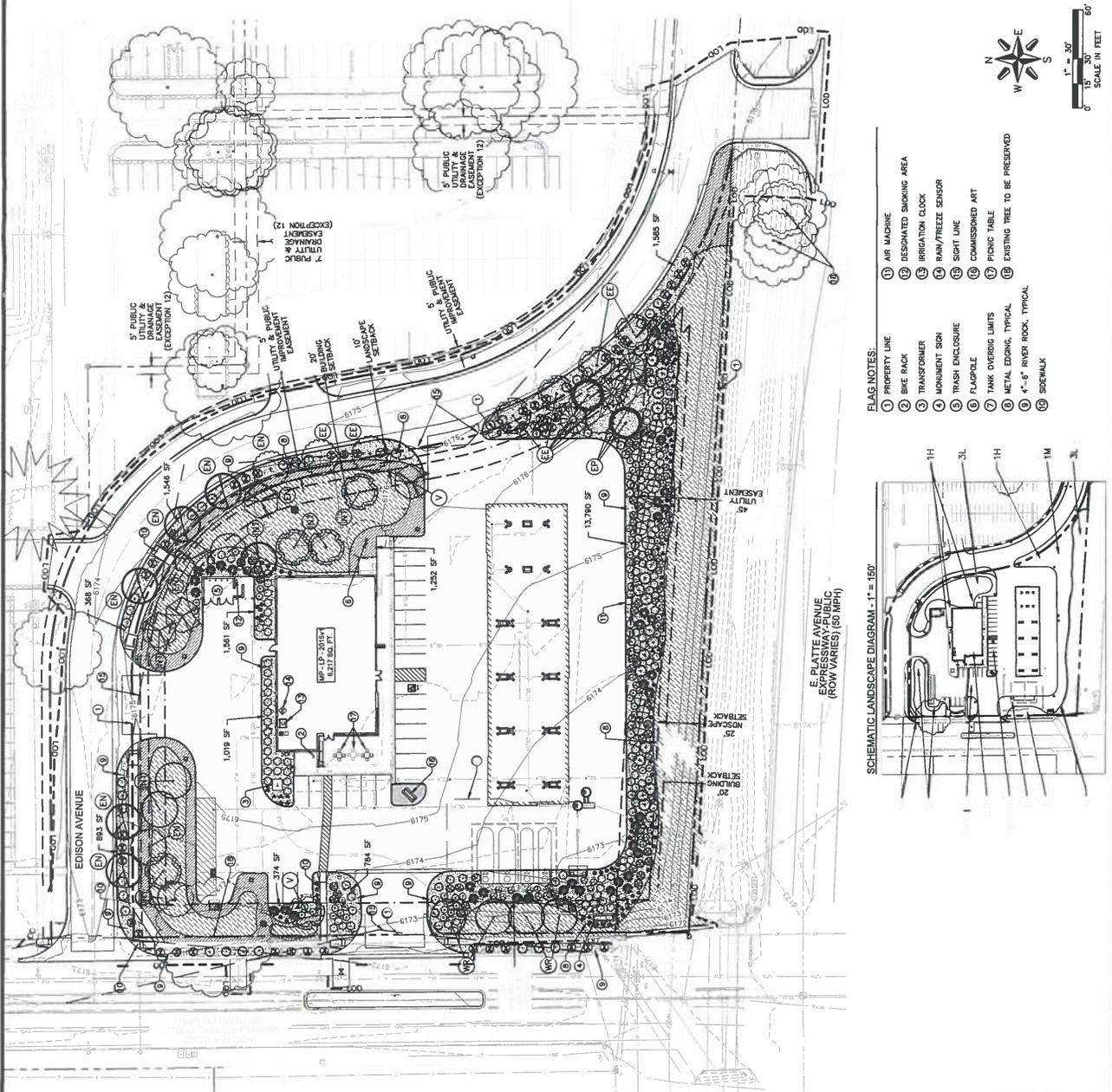


CITY PLANNING APPROVAL

NOTE: THIS DOCUMENT HAS BEEN PREPARED BY MOLSON ASSOCIATES FOR THE EXCLUSIVE USE OF THE CITY OF COLORADO SPRINGS AND IS SUBJECT TO CHANGE. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.

CPC DP 15-00104

Know what's below.
Call before you dig.



- FLAG NOTES:**
- PROPERTY LINE
 - BIKE RACK
 - TRANSFORMER
 - MONUMENT SIGN
 - TRASH ENCLOSURE
 - FLAGPOLE
 - TANK OVERSIC LIMITS
 - METAL EDGING, TYPICAL
 - 4"-6" RIVER ROCK, TYPICAL
 - SIDEWALK
 - AIR MACHINE
 - DESIGNATED SMOKING AREA
 - IRRIGATION CLOCK
 - RAIN/FREEZE SENSOR
 - SIGHT LINE
 - COMMISSIONED ART
 - PICNIC TABLE
 - EXISTING TREE TO BE PRESERVED

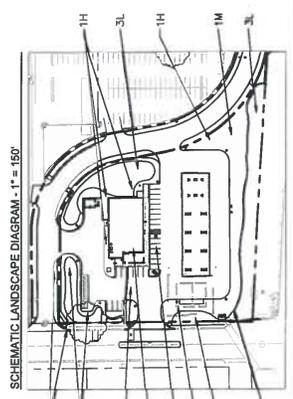


FIGURE 1



6400 Westown Parkway
West Des Moines, Iowa
P. 515.226.0128
F. 515.222.8733

#687 - COLORADO SPRINGS, CO
EAST PLATTE AVENUE & WOOTEN ROAD
LANDSCAPE NOTES

REVISIONS	DATE	BY	DESCRIPTION

12-18-15
L1.2
6 OF 13

SITE CATEGORY CALCULATION FORMATS

LANDSCAPE SETBACKS		STREET		VEHICLE LOT		VEHICLE LOT PLANT		PERCENT GRASS PLANE	
STREET NAME OR ZONE BOUNDARY	CLASSIFICATION	WIDTH (IN FT.)	LINEAR FOOTAGE	LENGTH OF FRONTAGE (EXCLUDING DRIVEWAYS)	VEHICLE LOT FRONTAGE (FEET)	VEHICLE LOT PLANT ABBR. ON PLAN	VEHICLE LOT PLANT ABBR. ON PLAN	PERCENT GRASS PLANE VEG. REQ./PROVIDED	PERCENT GRASS PLANE VEG. REQ./PROVIDED
E PLATTE AVENUE	MAJOR ARTERIAL	25' / 25'	386'	254'	119 LF	EDISON AVENUE (E)	EDISON AVENUE (E)	75% / 75%	75% / 75%
WOOTEN ROAD	MINOR ARTERIAL	20' / 20'	339'	200'	132 LF	EDISON AVENUE (N)	EDISON AVENUE (N)	75% / 75%	75% / 75%
EDISON AVENUE (N)	NON-ARTERIAL	10' / 10'	244'	N/A	N/A	EDISON AVENUE (E)	EDISON AVENUE (E)	75% / 75%	75% / 75%
EDISON AVENUE (E)	NON-ARTERIAL	10' / 10'	300'	N/A	N/A	EDISON AVENUE (E)	EDISON AVENUE (E)	75% / 75%	75% / 75%

LANDSCAPE BUFFERS AND SCREENS		STREET NAME OR PROPERTY LINE		VEHICLE LOT		VEHICLE LOT PLANT		PERCENT GRASS PLANE	
STREET NAME OR PROPERTY LINE	CLASSIFICATION	WIDTH (IN FT.)	LINEAR FOOTAGE	LENGTH OF FRONTAGE (EXCLUDING DRIVEWAYS)	VEHICLE LOT FRONTAGE (FEET)	VEHICLE LOT PLANT ABBR. ON PLAN	VEHICLE LOT PLANT ABBR. ON PLAN	PERCENT GRASS PLANE VEG. REQ./PROVIDED	PERCENT GRASS PLANE VEG. REQ./PROVIDED
E PLATTE AVENUE	N/A	N/A	N/A	254'	119 LF	EDISON AVENUE (E)	EDISON AVENUE (E)	75% / 75%	75% / 75%
WOOTEN ROAD	N/A	N/A	N/A	200'	132 LF	EDISON AVENUE (N)	EDISON AVENUE (N)	75% / 75%	75% / 75%
EDISON AVENUE (N)	N/A	N/A	N/A	N/A	N/A	EDISON AVENUE (E)	EDISON AVENUE (E)	75% / 75%	75% / 75%
EDISON AVENUE (E)	N/A	N/A	N/A	N/A	N/A	EDISON AVENUE (E)	EDISON AVENUE (E)	75% / 75%	75% / 75%

GENERAL PLANTING NOTES

- ALL WORK SHALL BE COORDINATED WITH THE WORK OF OTHER TRADES.
- LOCATE AND FLAG ALL UNDERGROUND UTILITIES PRIOR TO ANY UNDERGROUND UTILITIES. ANY DAMAGE TO SUCH SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWNERS RISK.
- PLANTS AND OTHER MATERIALS ARE QUANTIFIED AND SUMMARIZED FOR CONFORMANCE WITH THE SPECIFICATIONS. THE CONTRACTOR SHALL CONFIRM AND INSTALL SUFFICIENT QUANTITIES TO COMPLETE THE WORK AS DRAWN.
- PLANT IS SUBJECT TO CHANGES BASED ON PLANT SIZE AND MATERIAL AVAILABILITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PLANT MATERIALS FROM COLORADO SPRINGS AND THE LANDSCAPE ARCHITECT.
- THE CITY OF COLORADO SPRINGS AND THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE LANDSCAPE ARCHITECT'S STANDARDS FOR PLANTING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PLANT MATERIALS FROM COLORADO SPRINGS AND THE LANDSCAPE ARCHITECT.
- PLANTING OF TREES TO BE PLANTED SHALL BE PLANNED TO MEET THE SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PLANT MATERIALS FROM COLORADO SPRINGS AND THE LANDSCAPE ARCHITECT.
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NATIVE SEEDING NOTES (CONTINUED)

- 1ST YEAR - MOW FREQUENTLY TO PREVENT WEED GROWTH AND THATCH BUILDUP. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED.
- 2ND YEAR - MOW ONCE BEFORE JULY 15TH AFTER VEGETATION HAS GROWN TO A HEIGHT OF 4 INCHES. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED.
- 3RD YEAR - MOW ONCE BEFORE JULY 15TH AFTER VEGETATION HAS GROWN TO A HEIGHT OF 4 INCHES. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED.
- 4TH YEAR - MOW ONCE BEFORE JULY 15TH AFTER VEGETATION HAS GROWN TO A HEIGHT OF 4 INCHES. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED. MOWING SHOULD BE COMPLETED AFTER THE LAWN IS ESTABLISHED.

NATIVE SEED MIX

1. SOIL TO BE 20% TYPE HYBRID (KENTUCKY X TEXAS) BLUEGRASS SOIL WITH A MINIMUM OF 3% CULVERTS FROM THE FOLLOWING LIST: FARENHET 90, FINE AND TEX. LONGHORN, BANDERA, SPITZER, REVELLE, DUFA BLUE, SOLAR GREEN, THERMAL BLUE, OR THERMAL BLUE BLAZE.
2. ALL LAWN AREAS SHALL RECEIVE A MINIMUM 8-INCH DEPTH OF TOPSOIL COMPACTED TO 85% MAXIMUM DENSITY AT OPTIMUM MOISTURE CONTENT.
3. THE LAWN SURFACE TO BE SOILED SHALL BE REASONABLY SMOOTH AND FREE FROM STONES, ROOTS, OR OTHER DEBRIS.
4. SOIL SHALL BE EXCAVATED TO A MINIMUM SOIL DEPTH OF APPROXIMATELY ONE INCH (ONE OR MORE INCHES) TO REMOVED EXISTING SOIL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PLANT MATERIALS FROM COLORADO SPRINGS AND THE LANDSCAPE ARCHITECT.
5. HANDLING OF SOIL SHALL BE DONE IN A MANNER THAT WILL PREVENT TYPICAL BREAKING, DRIVING AND OTHER DAMAGE. PROTECT EXPOSED ROOTS FROM DEHYDRATION. DO NOT DELIVER MORE SOIL THAN CAN BE LAID WITHIN 24 HOURS.
6. MOISTEN PREPARED SURFACE IMMEDIATELY PRIOR TO LAYING SOIL. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE INSTALLING SOIL. FERTILIZER SHALL BE CAREFULLY PLACED IN THE DIRECTION PARALLEL WITH THE SLOPE OF THE AREA TO BE SOILED. SOIL STRIPS SHALL BE BUTTED TOGETHER BUT NOT OVERLAPPED WITH THE SEAMS STAGGERED ON EACH ROW.
7. SOIL SHALL BE CAREFULLY PLACED IN THE DIRECTION PARALLEL WITH THE SLOPE OF THE AREA TO BE SOILED. SOIL STRIPS SHALL BE BUTTED TOGETHER BUT NOT OVERLAPPED WITH THE SEAMS STAGGERED ON EACH ROW.
8. ALL SOIL ON SLOPES GREATER THAN 5:1 SHALL BE STAGED.
9. NECESSARY TO MAINTAIN MOST SOIL TO A MINIMUM DEPTH OF FOUR INCHES DURING FIRST YEAR.
10. FERTILIZER SHALL BE 15-45-0 COMMERCIAL FERTILIZER OF THE GRADE, TYPE, AND FORM SPECIFIED AND SHALL COMPLY WITH THE RULES OF THE STATE OF COLORADO DEPT. OF AGRICULTURE. FERTILIZER SHALL BE IDENTIFIED ACCORDING TO THE PERCENT N, P, K, IN THAT ORDER.
11. THE TOP SOIL SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS, AND SURFACE IRREGULARITIES.

PERCENT GRASS PLANE MIX - 40 LBS PER ACRE	RATE
INDIAN FESCUE	25%
HOARLY FESCUE	25%
CHERRY BLUEGRASS	25%
GREEN COLOR HYDRILUM AFTER SEEDING	25%
AMOUNT: 2,000 LBS PER ACRE	
STEPS: HYDRATED IN 2	
SEEDING OPERATION: 1ST - SEED	
DATE: 1/4" - 1/2"	
FERTILIZER: 40 LBS PER ACRE	
P: 15-45-0	
K: TACKLER AT 100 LBS PER ACRE	

1. SOIL TO BE 20% TYPE HYBRID (KENTUCKY X TEXAS) BLUEGRASS SOIL WITH A MINIMUM OF 3% CULVERTS FROM THE FOLLOWING LIST: FARENHET 90, FINE AND TEX. LONGHORN, BANDERA, SPITZER, REVELLE, DUFA BLUE, SOLAR GREEN, THERMAL BLUE, OR THERMAL BLUE BLAZE.
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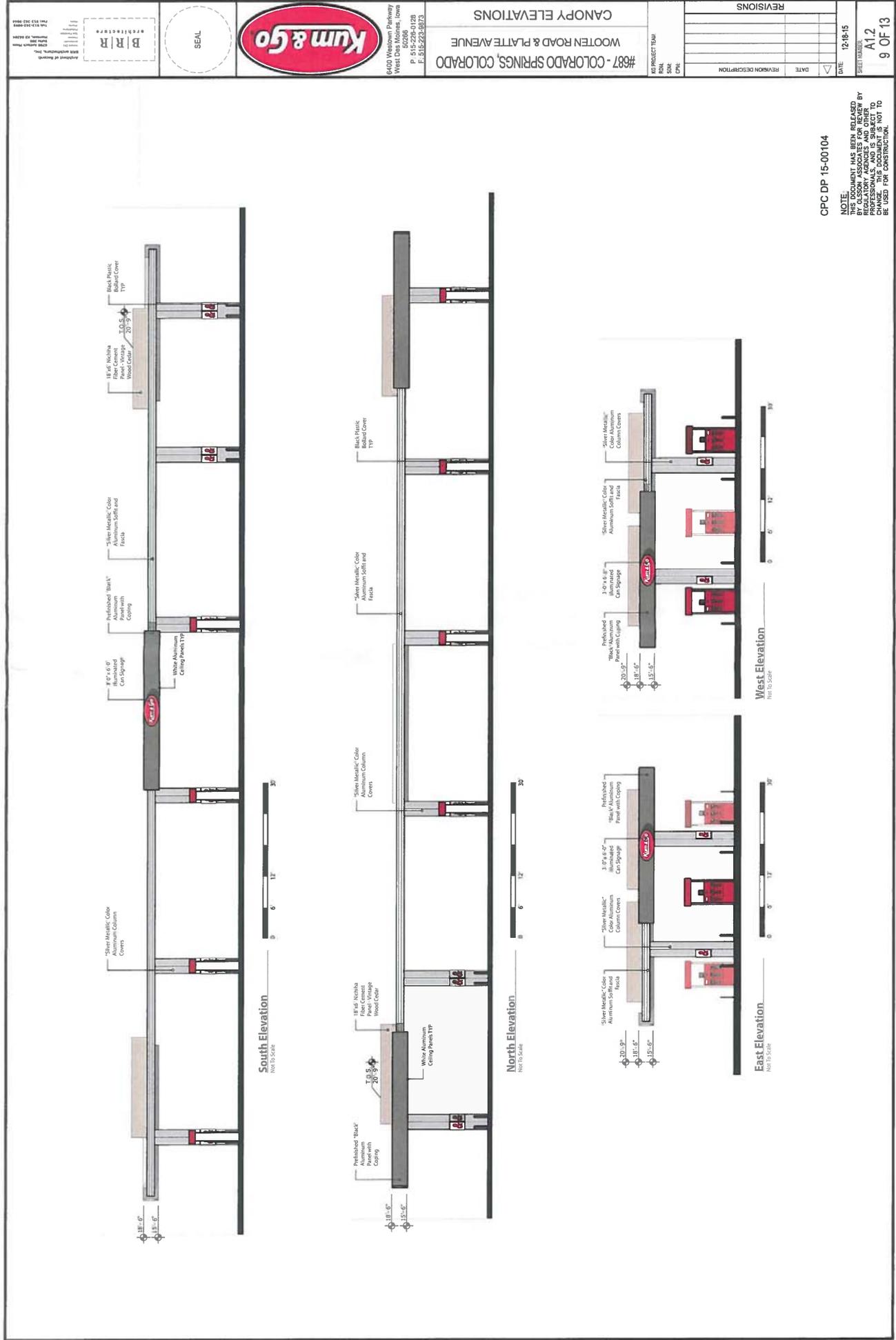
SOIL NOTES

1. SOIL TO BE 20% TYPE HYBRID (KENTUCKY X TEXAS) BLUEGRASS SOIL WITH A MINIMUM OF 3% CULVERTS FROM THE FOLLOWING LIST: FARENHET 90, FINE AND TEX. LONGHORN, BANDERA, SPITZER, REVELLE, DUFA BLUE, SOLAR GREEN, THERMAL BLUE, OR THERMAL BLUE BLAZE.
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11. THE TOP SOIL SHALL BE FREE OF WEEDS, OPEN JOINTS, BARE AREAS, AND SURFACE IRREGULARITIES.

LANDSCAPE NOTES

1. ALL MATERIALS USED SHALL MEET OR EXCEED APPLICABLE FEDERAL, STATE, COUNTY AND LOCAL LAWS AND REGULATIONS. ALL TREE SHALL BE FREE AND AS SPECIFIED.
2. ALL GRASS SPECIES SHALL BE SUPPLIED AS PURE LIVE SEED (P.L.S.).
3. SEED OF ALL SPECIES NATIVE TO NORTHWEST COLORADO SHALL BE FROM WITHIN A 150 MILE RADIUS SHALL BE APPROVED BY THE OWNER PRIOR TO INSTALLATION.
4. SEEDS SHALL HAVE PROPER STRATIFICATION AND/OR SCARIFICATION TO ENSURE PROPER GERMINATION.
5. SEEDING SHALL BE PERFORMED ONLY ON AREAS AS LATE PLANTING IS FREE OF FROST AND IN A WORKABLE CONDITION BUT NO LATER THAN JUNE 15).
6. SEEDING SHALL BE COMPLETED WHEN A MINIMUM OF 1/4 INCH OF RAINFALL HAS OCCURRED WITHIN 10 DAYS AFTER SEEDING. SUFFICIENT RAINFALL SHALL BE OBTAINED WITHIN 10 DAYS AFTER SEEDING. SUFFICIENT RAINFALL SHALL BE OBTAINED WITHIN 10 DAYS AFTER SEEDING. SUFFICIENT RAINFALL SHALL BE OBTAINED WITHIN 10 DAYS AFTER SEEDING.
7. A TEMPORARY ABOVE-GROUND IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO MAINTAIN MOISTURE TO THE SEEDS AND TO MAINTAIN MOISTURE TO THE SEEDS AND TO MAINTAIN MOISTURE TO THE SEEDS.
8. SEEDS FOR FERTIGATING PURPOSES ARE:
9. CONTRACTOR SHALL PROVIDE CARE AS PART OF THE IRRIGATION SYSTEM. THE IRRIGATION SYSTEM IS TO BE USED AS A PART OF CONNECTION FOR PERIOD OF 100 DAYS. THE IRRIGATION SYSTEM IS TO BE USED AS A PART OF CONNECTION FOR PERIOD OF 100 DAYS. THE IRRIGATION SYSTEM IS TO BE USED AS A PART OF CONNECTION FOR PERIOD OF 100 DAYS.
10. THE IRRIGATION SYSTEM SHALL BE SET BY CONTRACTOR PRESENTATION 2 TIMES PER WEEK BETWEEN APRIL 15TH AND OCTOBER 31ST OF THE FIRST YEAR. THE IRRIGATION SYSTEM SHALL BE SET BY CONTRACTOR PRESENTATION 2 TIMES PER WEEK BETWEEN APRIL 15TH AND OCTOBER 31ST OF THE FIRST YEAR. THE IRRIGATION SYSTEM SHALL BE SET BY CONTRACTOR PRESENTATION 2 TIMES PER WEEK BETWEEN APRIL 15TH AND OCTOBER 31ST OF THE FIRST YEAR.
11. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INSTALL SUFFICIENT IRRIGATION SYSTEM TO MAINTAIN MOISTURE TO THE SEEDS AND TO MAINTAIN MOISTURE TO THE SEEDS AND TO MAINTAIN MOISTURE TO THE SEEDS.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PLANT MATERIALS FROM COLORADO SPRINGS AND THE LANDSCAPE ARCHITECT.

FIGURE 1



CPC DP 15-00104

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 COMMENTS TO THIS DOCUMENT IS NOT TO
 BE USED FOR CONSTRUCTION.

DATE: 12-18-15
 SHEET NUMBER: A12
 9 OF 13

REVISIONS

DATE	REVISION DESCRIPTION

PROJECT TEAM
 RMA
 SMA
 EPL

#687 - COLORADO SPRINGS, COLORADO
 WOOTEN ROAD & PLATTE AVENUE
 CANOPY ELEVATIONS

6431 Wooten Parkway
 Wood Dale, Missouri 65058
 P: 616-238-0128
 F: 616-223-3573



BRH

Architect at Large
 800 W. 10th Street, Suite 100
 Denver, CO 80202
 Phone: 303.733.8888
 Fax: 303.733.8888

PROJECT NO. 15-00104
 DATE: 12/18/15
 SHEET NUMBER: A1.3
 10 OF 13

REVISIONS

NO.	DATE	REVISION DESCRIPTION

KS PROJECT TEAM
 ROK
 JRM
 JEM

#687 - COLORADO SPRINGS, COLORADO
 WOOTEN ROAD & PLATTE AVENUE
 TRASH ENCLOSURE ELEVATIONS

6400 Westlawn Parkway
 Westview, Colorado 80139
 P. 303.440.2200
 F. 303.440.2202

BRB ARCHITECTURE
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 Suite 100
 Fort Lauderdale, FL 33315
 Tel: 954.562.1111
 Fax: 954.562.1112

CPC DP 15-00104
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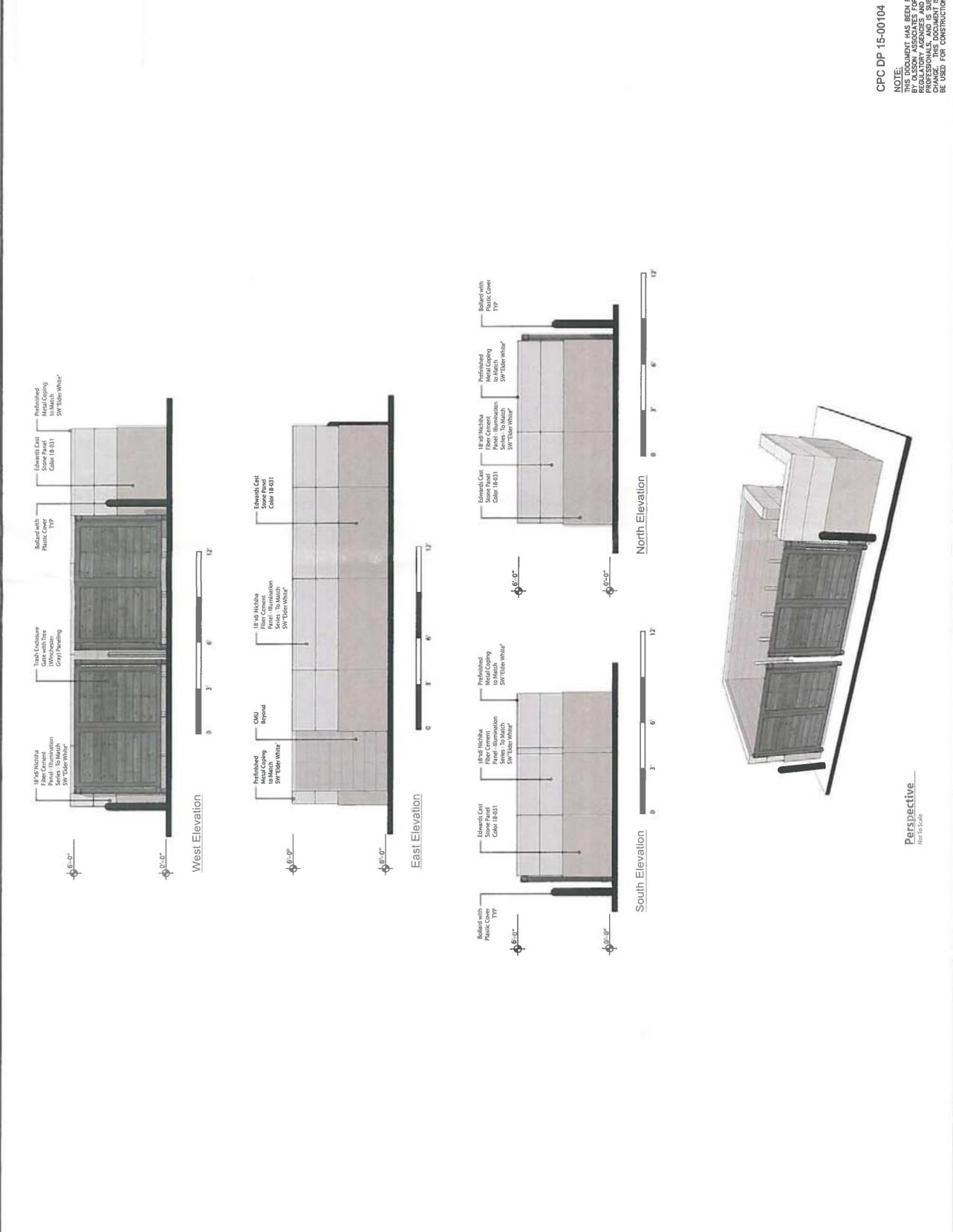
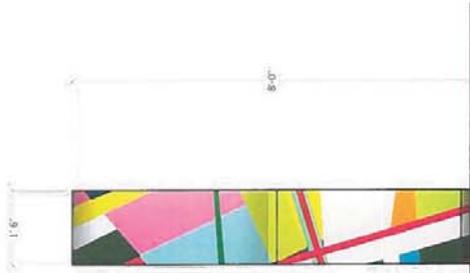


FIGURE 1

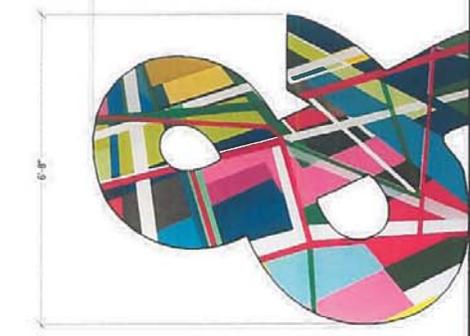
REVISION DESCRIPTION	DATE



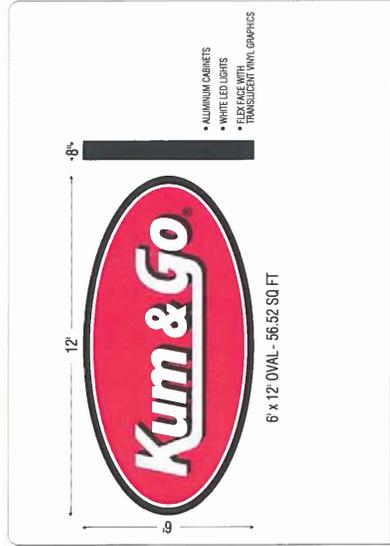
4 Right Elevation
NTS



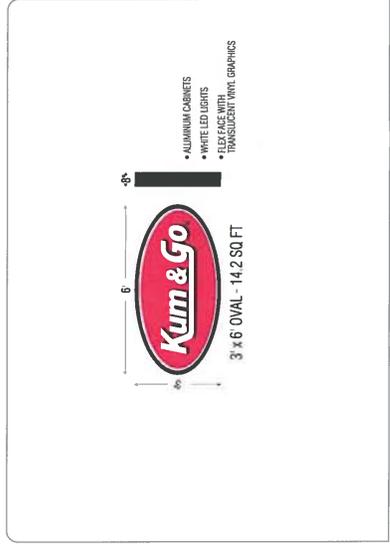
3 Left Elevation
NTS



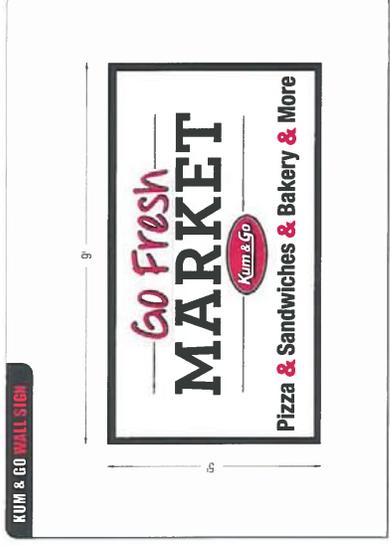
2 Front Elevation
NTS



KUM & GO WALL SIGN
KUM & GO
1020 WALDEN AVENUE
DENVER, CO 80202
303.228.0128 FAX 303.228.0123
TOLL FREE: 800.729.8066
MAGLE SIGNS INC.



KUM & GO WALL SIGN
KUM & GO
1020 WALDEN AVENUE
DENVER, CO 80202
303.228.0128 FAX 303.228.0123
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CPC DP 15-00104

FIGURE 1



6400 Westtown Parkway
 West Dux Moises, Iowa
 P: 515-228-0128
 F: 515-228-9773

#687 - COLORADO SPRINGS, CO
 EAST PLATTE AVENUE & WOOTEN ROAD
 SIGN ELEVATIONS

NO PRODUCT TEAM
 NAME, JOB
 NUMBER, DATE
 DRAWN BY
 DATE, TITLE

REVISIONS	DATE	REVISION DESCRIPTION

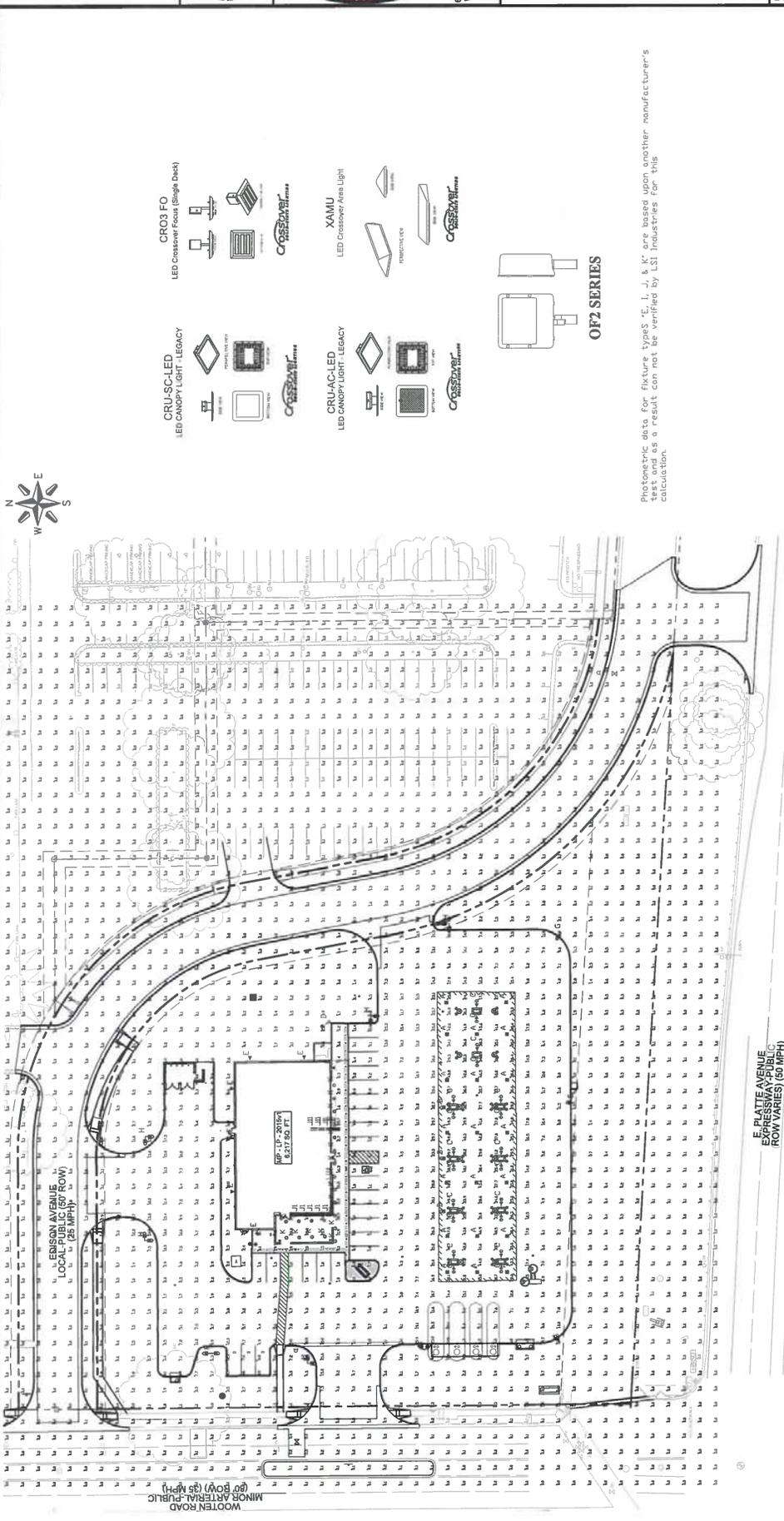
DATE 12-16-15
 SHEET NUMBER A1.5
 12 OF 13

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CPC DP 15-00104



FIGURE 1



NOTE: PHOTOMETRIC DATA HAS BEEN RELEASED BY DESIGN ASSOCIATES FOR HEALTHY BY REGULATORY AGENCIES AND OTHER PROFESSIONALS, AND IS SUBJECT TO CHANGE. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.

CITY PLANNING APPROVAL

know what's below.
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811
CALL BEFORE YOU DIG. 811 IS THE NATIONAL RELAY CENTER FOR THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES (USHS).

Photometric data for fixture types 'E', 'J', 'K', & 'K' are based upon another manufacturer's calculation as a result can not be verified by LSI Industries for this calculation.

CRU-SC-LED
LED CANOPY LIGHT - LEGACY

CRU-AC-LED
LED CANOPY LIGHT - LEGACY

CR03-FC
LED Crossover Area Light (Single Deck)

XAMU
LED Crossover Area Light

OF2 SERIES

MINOR ARTERIAL - FULL (50 MPH)
WOOLLEN ROAD

EMERSON AVENUE
LOCAL PUBLIC (50 MPH)
MINOR ARTERIAL - FULL (50 MPH)

E PLATTE AVENUE
EXPRESSWAY - FULL (60 MPH)
ROW VARIES (60 MPH)

Calculation Summary

Label	Calc Type	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALC POINTS AT GRADE	Illuminance	FC	3.20	60.2	0.0	N/A	N/A
DISPENSER - 3 Side_2	Illuminance	FC	351.0	36.3	26.8	2.06	3.59
PARKING/DRIVE SUMMARY	Illuminance	FC	4.02	33.3	1.8	10.0	41.63

Based on the information provided, all dimensions and workable locations determined the necessity of the position to maintain uniformity in fixture location.

The lighting plan represents fixture locations based on the information provided. It is the responsibility of the lighting engineer to verify the lighting plan against the site conditions and to make any necessary adjustments to the plan.

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Description	LLF	Lumens/Leq	Arr. Lum. Lumens	Arr. Watts
[Symbol]	20	A	SINGLE	CRU-SC-LED-HD-CV	1.000	N/A	18056	139.6
[Symbol]	3	B	SINGLE	CRU-AC-LED-HD-CV	1.000	N/A	15729	138
[Symbol]	20	C	SINGLE	CR03-FD-LED-30-CV-VE-WHT	1.000	N/A	2674	458
[Symbol]	1	D	SINGLE	DPRE V-B 400 PS90 F	0.740	32000	17947	44
[Symbol]	7	E	SINGLE	DT-9032-AC-UN - 17' MH - FIXTURE BY JIND LIGHTING	1.000	N/A	3404	352
[Symbol]	1	F	SINGLE	XAMU-F-LED-288-HD-CV-VE-BLK 1000 DM 18' POLE 2' 2.5' BASE	1.000	N/A	34664	1775
[Symbol]	3	G	SINGLE	XAMU-F-LED-288-HD-CV-VE-BLK 1000 DM 18' POLE 2' 2.5' BASE	1.000	N/A	17332	1775
[Symbol]	2	H	SINGLE	XAMU-F-LED-188-HD-CV-VE-BLK 1000 DM 18' POLE 2' 2.5' BASE	1.000	N/A	34664	352
[Symbol]	2	I	SINGLE	LU-1-60325-M-440 - FIXTURE BY LIGMAN LIGHTING	1.000	N/A	1462	25.5
[Symbol]	2	J	SINGLE	LOG RD-120-96-40K - 30X60-SAM-WH-DIM-ETC - FIXTURE BY LUMENPULSE	1.000	N/A	1462	25.5
[Symbol]	14	K	SINGLE	LOG RD-120-96-40K - 30X60-SAM-WH-DIM-ETC - FIXTURE BY LUMENPULSE	1.000	N/A	1462	25.5
[Symbol]	97	K	SINGLE	SBA-203511-SB4-SASF - 9' MH - FIXTURE BY JIND LIGHTING	1.000	N/A	1515	25.4

FIGURE 1



September 29, 2015

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

Re: Kum & Go #687 Development Plan/Final Plat/Vacation of ROW/Development Plan Minor Modification – Edison Avenue and Wooten Road (4810 Edison Avenue)

Mr. Schultz:

Kum & Go, L.C. respectfully submits the enclosed development plan, final plat, vacation of right of way, and development plan minor modification for Kum & Go Store #687, located at the northeast corner of Edison Avenue and Wooten Road intersection, within the existing subdivision Platte Business Center Filing No. 2, to be re-platted as Lot 1 of Platte Business Center Filing No. 4. The enclosed final plat reflects the vacation and realignment of a portion of Edison Avenue. In addition, a 35' utility easement will be dedicated along the southern property line of Lot 1 and a 5' utility and public improvement easement along the realigned Edison right of way. The enclosed development plan outlines the development of a 2.47 acre lot (Lot 1) for a Kum & Go convenience store and the realignment of Edison Avenue. Finally, a minor modification was made to the boundaries of the existing development plan to reflect the realignment of Edison Avenue.

Uses adjacent to the site are as follows:

- North - General Industrial/Parking Lot
- South (across East Platte Avenue) - Commercial/Warehouse
- East - Parking Lot
- West (across Wooten Road) - General Industrial/Office

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

The enclosed site layout proposes to face the Kum & Go store entry to the south, with three (3) full movement access points along the proposed realigned Edison Avenue and a right-in-right-out access at Wooten Road. Kum & Go also plans to install a right-in-right-out access at East Platte Avenue to Edison Avenue.

Parking for the facility will be accomplished with 25 parking stalls located immediately adjacent to the building; one stall at the south building entry will be striped as ADA accessible. This arrangement will promote adequate circulation for, both, fuel delivery trucks and customers. Multiple points of entry with adjacent parking diminish the congested feel of a single entry development, and will provide for safe and convenient access to the store. Although a traffic study has not been prepared for this project, it is

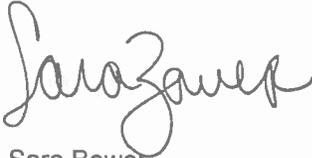
anticipated that development of Lot 1 will not overburden the adjacent thoroughfares, since much of the traffic expected to utilize this store will be pulled from the existing (or "pass-by") traffic on the adjacent streets. Additionally, Kum & Go proposes to enhance pedestrian circulation through the lot by installing a new east-west sidewalk, connecting to the existing detached sidewalk along Wooten Road.

Utility services for the store will be connected to the public water and sewer systems, as shown on the enclosed development plan. The plan also depicts drainage patterns for the Kum & Go site which, generally, flow away from the building to a water quality pond prior to being discharged offsite.

Finally, the enclosed landscaping plan depicts substantial greenery which meets City requirements. Screening along the roadways reduces headlight spill and softens the edge of parking areas. The tree plantings are concentrated along the roadway, which also adds to the public benefit.

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

Sincerely,



Sara Bower
Olsson Associates

Attachments: Store #687 Development Plan/Final Plat/Vacation of ROW/Development Plan Minor Modification Submittal Package

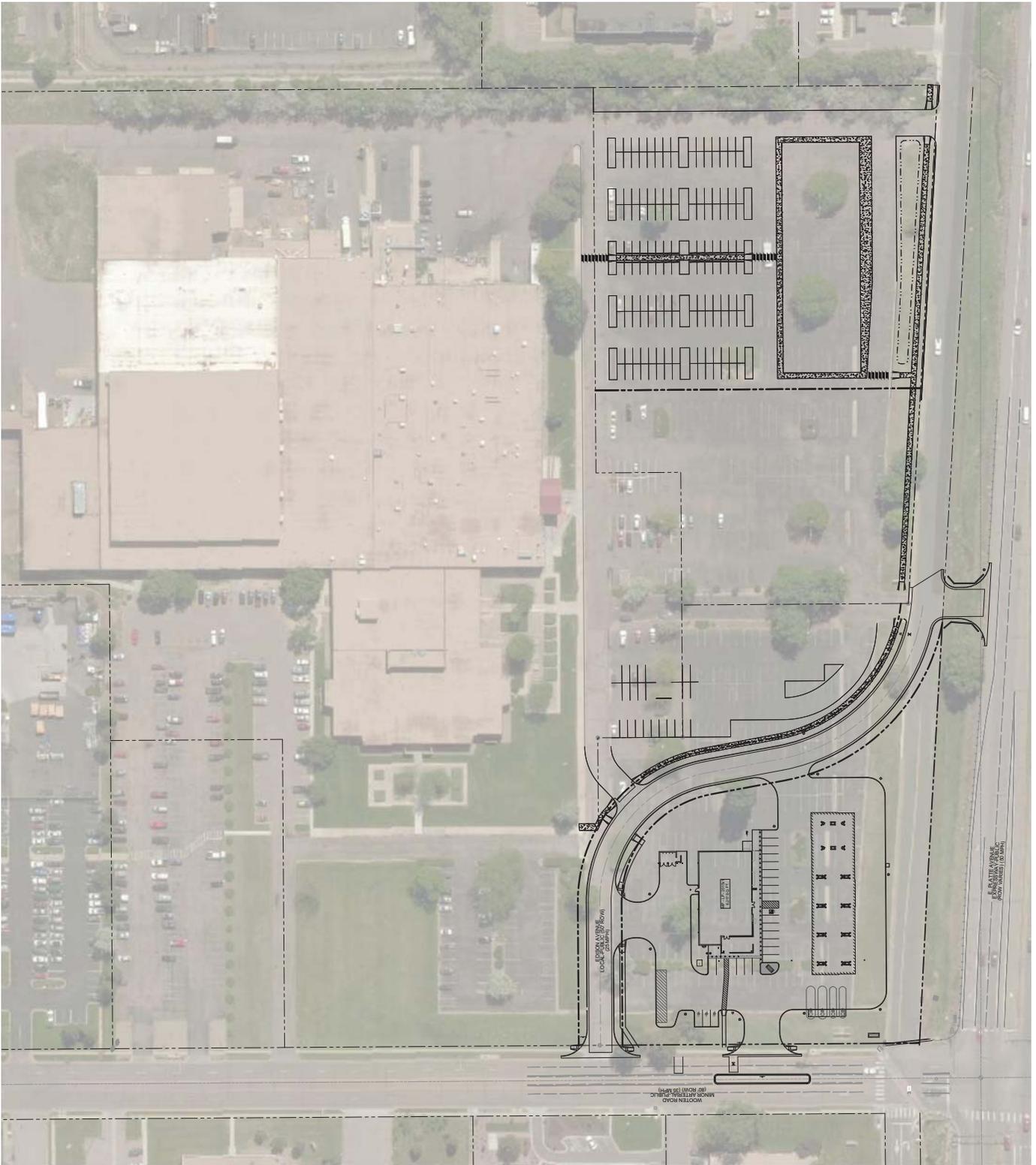


FIGURE 4

VACATION PLAT REVIEW CRITERIA:
7.7.402 (C): VACATION PROCEDURES

- C. Review Criteria: The vacation of right of way is solely at the discretion of the City Council. An application for vacation of public right of way may be approved by City Council only if the request complies with the following criteria:
1. The right of way is no longer needed for public transportation purposes;
 2. The vacation will not adversely impact use of the right of way for public utility and/or drainage purposes;
 3. The vacation will not adversely impact the uniform width of the remaining portions of the public right of way along the block frontage for which vacation is sought;
 4. Access to lots or properties surrounding the public right of way will not be adversely affected; and
 5. The vacation is consistent with the purpose of this Subdivision Code. (Ord. 96-44; Ord. 01-42; Ord. 06-13)



Memorandum

File #: CPC ZC 15-00130, **Version:** 1

A request by FN, LLC for approval of a zone change from PIP-1/CU/AO/APZ-2 (Planned Industrial Park with a Conditional Use and Airport Overlay and Accident Potential Subzone 2) to C-5/AO/APZ-2 (Intermediate Business with Airport Overlay and Accident Potential Subzone 2).

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the zone change request from PIP-1/AO (Planned Industrial Park with Airport Overlay) to C-5/AO (Intermediate Business 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.

N/A

7.5.603: FINDINGS:

- 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)



Memorandum

File #: CPC CP 15-00131, **Version:** 1

A request by FN, LLC for approval of a concept plan for Platte Business Center Filing 2B to allow for two commercial lots. This plan is in conjunction with the proposed realignment of Edison Ave.

The subject property consists of 5.62 acres, located at 4930 Edison Ave and is currently zoned PIP-1/CU/AO/APZ-2 (Planned Industrial Park with a Conditional Use and Airport Overlay and Accident Potential Subzone 2).
(Quasi-Judicial)

Presenter:

Mike Schultz, Principal Planner, Planning and Community Development

Proposed Motion:

Approve the Platte Business Center Filing 2B Concept Plan, based upon the finding that the concept plan complies with the concept plan review criteria in City Code Section 7.5.501.E. contingent upon addressing the technical and informational modifications listed below.

Technical and Informational Modifications to the Concept Plan:

1. Continue coordination with City and Traffic Engineering to ensure all points of access issues have been resolved.
2. Continue coordination with City and Traffic Engineering regarding turn/stacking lane on west bound Platte as part of proposed access.
3. An Avigation Easement or proof of previous filing (book/page or reception number) is requested.

N/A

NEW BUSINESS

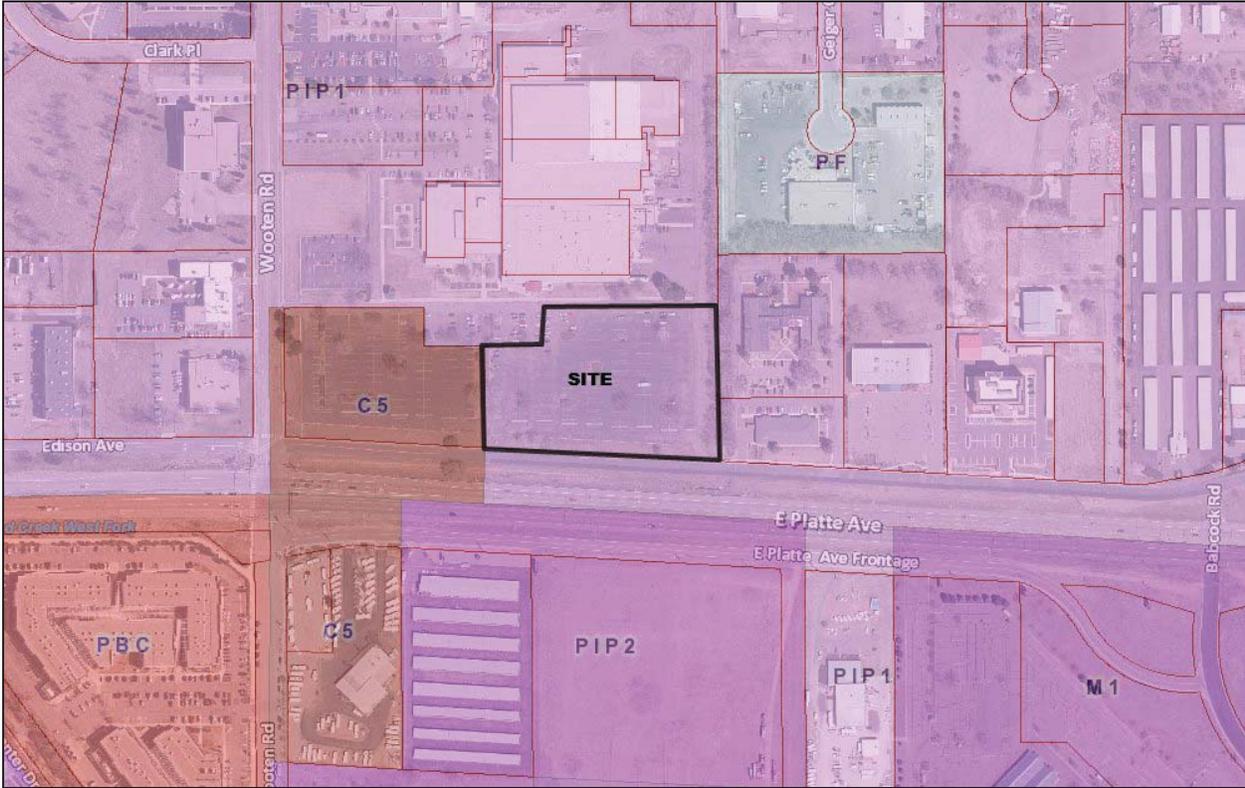
CITY PLANNING COMMISSION AGENDA

ITEM NO: _____

STAFF: MIKE SCHULTZ _____

FILE NO(S):
CPC ZC 15-00130 – QUASI-JUDICIAL
CPC CP 15-00131 – QUASI-JUDICIAL

PROJECT: PLATTE BUSINESS CENTER
APPLICANT: OLSSON ASSOCIATES
OWNER: FN, LLC



PROJECT SUMMARY:

1. Project Description: There are two applications as part of this proposal. A zone change request from PIP-1/AO (Planned Industrial Park with Airport Overlay) to C-5/AO (Intermediate Business with Airport Overlay) and a concept plan that illustrates a general layout for a commercial shopping center building on one lot of the two planned lots (**FIGURE 1**). Due to a visibility concern with one of the tenants, they have left one of the lots vacant.

The proposed zone change and concept plan are closely tied with the adjacent property requests involving a vacation of right-of-way for a portion of Edison Avenue and a development plan for a convenience store.

A subdivision plat is being processed administratively.

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

BACKGROUND:

1. Site Address: 4930 Edison Avenue
2. Existing Zoning/Land Use: PIP-1/Vacant parking lot
3. Surrounding Zoning/Land Use: North: PIP-1/Mix of Commercial/Industrial
South: C-5/RV Sales and PIP-2/Mini-storage
East: PIP-1/Office
West: PIP-1/Office
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: Smartt's Addition #9, 1963
6. Master Plan/Designated Master Plan Land Use: There is not a master plan for this site.
7. Subdivision: Platte Business Center Filing No. 2
8. Zoning Enforcement Action: No enforcement cases are active.
9. Physical Characteristics: The site is mostly a paved parking lot.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process included posting of the site and sending postcards to 10 property owners within 500 feet during the internal review and prior to the City Planning Commission meeting. Initially the Asian Market tenant had issues involving future buildings blocking visibility to the business. The applicant spoke with the tenant and resolved the issue (see below discussion in review of issues).

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Landscape, Police and E-911.

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

1. Review Criteria / Design & Development Issues:
The proposed zone change and concept plan are tied together with the proposed vacation of right-of-way of Edison Avenue and the Kum & Go project directly to the west of this site. Points of access have been agreed upon and are shown as part of an attached diagram (**FIGURE 3**). The purpose of realigning the frontage road is two-fold: the intersection design now is unsafe for motorists due to the proximity of the Platte Avenue intersection and secondly, realignment provides the applicant a "hard corner" for identification purposes.

The anticipated combination of commercial traffic for both uses triggered the need to redesign the easterly frontage road from Wooten Road to reduce risks of vehicle turning conflicts at the intersection. The City plans to monitor the intersection to determine if or when other traffic improvements may be warranted. Those improvements could include a center lane median or a potential realignment of the west leg of Edison Avenue away from the Platte Avenue intersection.

The site located to the west of the subject property was rezoned to C-5 in 2010. The proposed rezone for the remainder of the property to the east would complete the C-5 zoning to allow commercial center frontage along Highway 24/Platte Avenue. The property owner, FN, LLC, is working with the tenants of the building to the north; which has become a mix of uses including an Asian grocery market on the south side of the building facing Platte Avenue. Access points into the commercial/industrial site will be reconfigured and will continue to allow vehicular access off of the realigned frontage road. City Traffic has agreed to allow a new access from Platte Avenue to the Edison Avenue frontage road; east/west traffic would have stop conditions along Edison Avenue.

As stated above, the owner of the Asian Market had some initial concerns of a future building pad blocking the visibility to his business. The applicant has removed the building pad from Lot 1 on the concept plan which will remain as a free standing parking lot for the foreseeable future. If and when a future building is located on the lot, the property owner and staff will work with the tenant to appropriately site the building to minimize obstructed views to the market.

Staff is processing concurrent subdivision plats for both properties. Platte Business Center Filing 2A dedicates the realigned frontage road right-of-way and Filing 2B plats the subject property.

The vacation request is being processed as a vacation plat which will require signatures by various departments and the Mayor. The subdivision plats and vacation plat will be recorded concurrently.

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

2. Conformance with the City Comprehensive Plan:

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

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

Strategy LU 302e: Incorporate Mixed-use Activity Center Principles into the Design of New and Redeveloping Employment and Commercial Centers

Design and develop commercial and employment centers as activity centers that include a range of integrated uses, such as retail, concentrated office, research and development, institutional, entertainment, and civic activities.

Objective LU 4: Encourage Infill and Redevelopment

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

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

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

good internal circulation via a system of commercial streets, pedestrian paths, and well-designed parking.

The future commercial use of the property will provide a commercial/retail component use within an area that is void of these services east of Murray Blvd. This infill project will help reinvigorate a stretch of Platte Avenue that is underserved for retail uses. Staff anticipates additional commercial interest could eventually occur on the south side of Platte Avenue near the existing flea market.

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

STAFF RECOMMENDATION:

Item No: CPC ZC 15-00130 – ZONE CHANGE

Approve the zone change request from PIP-1/AO (Planned Industrial Park with Airport Overlay) to C-5/AO (Intermediate Business 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

Item No: CPC CP 15-00131 – CONCEPT PLAN

Approve the Platte Business Center Filing 2B Concept Plan, based upon the finding that the concept plan complies with the concept plan review criteria in City Code Section 7.5.501.E. contingent upon addressing the technical and informational modifications listed below.

Technical and Informational Modifications to the Concept Plan:

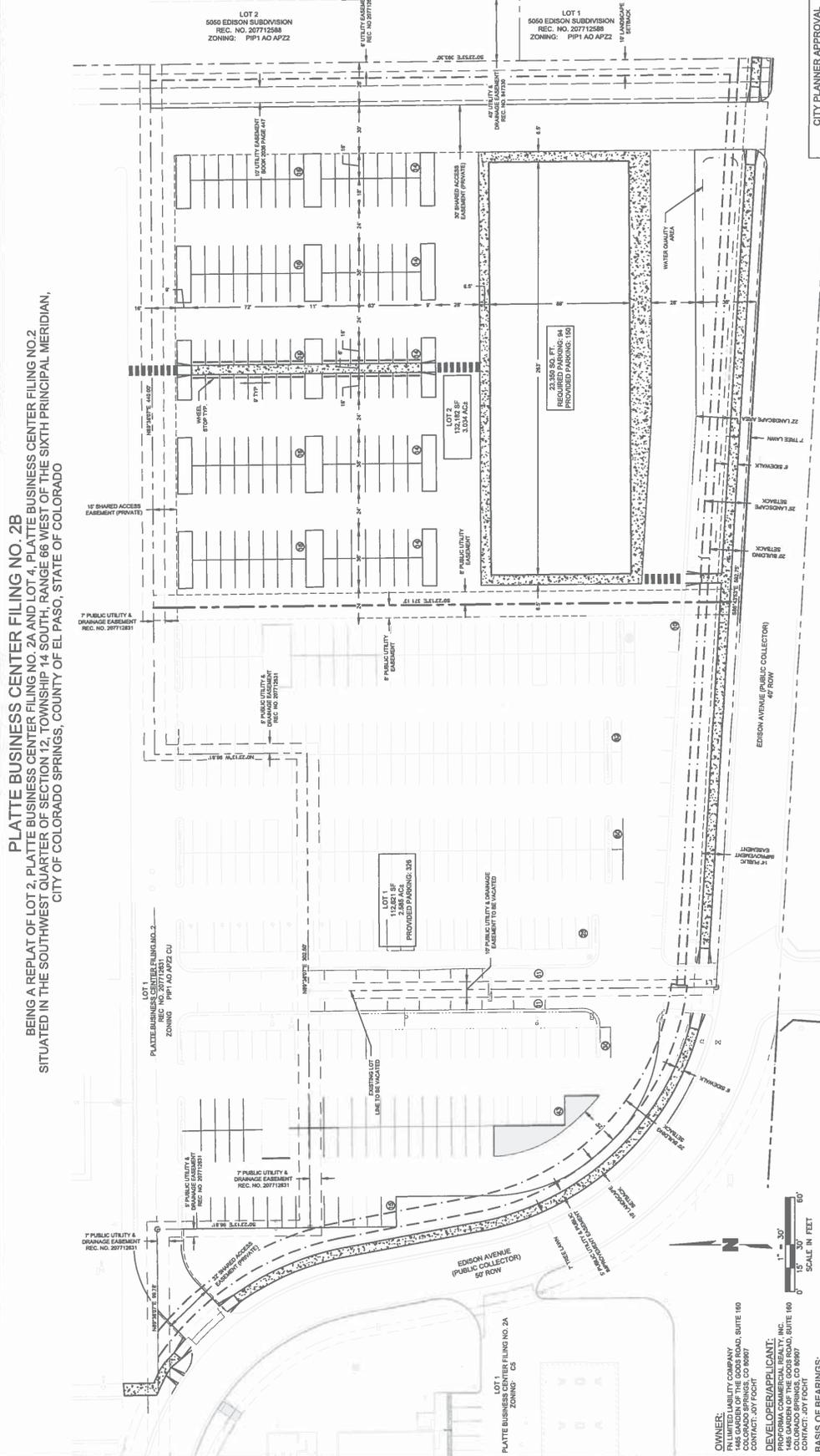
1. Continue coordination with City and Traffic Engineering to ensure all points of access issues have been resolved.
2. Continue coordination with City and Traffic Engineering regarding turn/stacking lane on west bound Platte as part of proposed access.
3. An Avigation Easement or proof of previous filing (book/page or reception number) is requested.

THIS DOCUMENT HAS BEEN PREPARED BY OLSSON ASSOCIATES FOR THE REVIEW AND APPROVAL OF THE CITY ENGINEERING DEPARTMENT. IT IS THE PROPERTY OF OLSSON ASSOCIATES AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF OLSSON ASSOCIATES.



REVISIONS

REV. NO.	DATE	REVISION DESCRIPTION



CITY PLANNER APPROVAL

CURVE TABLE		LINE TABLE	
CURVE #	RADIUS	DIRECTION	LENGTH
C1	178.00'	N82°12'47\"	145.00'
C3	178.00'	S47°11'10\"	233.34'

SITE DATA

LOT	USE	EX. ZONE	PR. ZONE	LOT AREA	BUILDING AREA	BUILDING COVERAGE	PROVIDED PARKING	REQUIRED PARKING	PARKING FORMULA	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
1	PARKING	PPP-1C(U)AD-APP-2	PPP-1C(U)AD-APP-2	112,021 SF	NA	NA	328	NA	NA	20 FT	0 FT	0 FT
2	COMM. CENTER	PPP-1C(U)AD-APP-2	C-AMC-APP-2	132,182 SF	23,350 SF	17.61%	150	64	1,250	20 FT	0 FT	0 FT

12. BUILDING ELEVATIONS FRONTING EDISON AVENUE SHALL INCLUDE BUILDING PENETRATION, WINDOW, BUILDING MATERIALS AND/OR FINISHES THAT PROVIDE A 'THROWBACK' APPEARANCE TO THE BUILDING.

13. A ROW VACATION REQUEST (CITY FILE NO. CPC/1400408) HAS BEEN SUBMITTED TO THE CITY ENGINEERING DEPARTMENT ALONG WITH THE PLATTE BUSINESS CENTER FILING NO. 2A RE-PLAT.

7. THE CITY OF COLORADO SPRINGS IS GENERALLY MAINTAINED TO IDENTIFY AND MONITOR ALL STORM WATER DISCHARGES WITHIN THE CITY. THE CITY ENGINEERING DEPARTMENT WILL MONITOR THE CITY ENGINEERING DEPARTMENT. THE APPLICANT WILL NEED TO CALL 719-335-5998 TO OBTAIN THIS PERMIT.

8. THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, OR NATIONAL ORIGIN. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ANY APPLICABLE STATE OR FEDERAL LAWS EXCEPT TO THE EXTENT THAT SAID APPLICABLE LAWS ARE SUPERSEDED BY THE CITY OF COLORADO. THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, COVENANTS, CONDITIONS, EASEMENTS, AND ENCUMBRANCES, WHICH DO NOT CONTAIN RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, OR NATIONAL ORIGIN. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ANY APPLICABLE STATE OR FEDERAL LAWS EXCEPT TO THE EXTENT THAT SAID APPLICABLE LAWS ARE SUPERSEDED BY THE CITY OF COLORADO.

10. THIS PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS, WHICH DO NOT CONTAIN RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, OR NATIONAL ORIGIN. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ANY APPLICABLE STATE OR FEDERAL LAWS EXCEPT TO THE EXTENT THAT SAID APPLICABLE LAWS ARE SUPERSEDED BY THE CITY OF COLORADO.

11. IMPROVEMENTS ARE ANTICIPATED TO BE CONSTRUCTED IN A SINGLE PHASE AND SHALL BE ANTICIPATED TO BE ANTICIPATED TO START THE FALL OF 2016.

NOTES:
 1. UTILITIES ARE SHOWN FROM BEST AVAILABLE RECORD INFORMATION SUPPLEMENTED BY FIELD SURVEY OF VISIBLE SURFACE UTILITIES. UTILITIES NOT SHOWN ARE ASSUMED TO BE FROM RECORD AND HAVE NOT BEEN FIELD VERIFIED.
 2. THE FLOOD INSURANCE RATE MAP FROM PANEL NO. 09M/C0127/S (FIRM NO. 15000-0001) SHOWS A 100-YEAR FLOOD ZONE OVERLAPPING THE SUBJECT PROPERTY DOES NOT LIE WITHIN ANY FLOODPLAIN AS SHOWN ON THE FIRM.
 3. THE SITE LIES WITHIN THE SAND CREEK BASIN.
 4. THE PROPERTY IS SUBJECT TO AN AVIATION EASEMENT RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF EL PASO COUNTY, COLORADO, AT PAGE 281 OF THE RECORDS OF EL PASO COUNTY, COLORADO. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ANY APPLICABLE STATE OR FEDERAL LAWS EXCEPT TO THE EXTENT THAT SAID APPLICABLE LAWS ARE SUPERSEDED BY THE CITY OF COLORADO.
 5. IMPROVEMENTS OF CERTAIN ACCESS DRIVES SHOWN THEREON ARE ANTICIPATED TO BE CONSTRUCTED IN A SINGLE PHASE AND SHALL BE ANTICIPATED TO START THE FALL OF 2016.

LEGAL DESCRIPTION:
 LOT 4, PLATTE BUSINESS CENTER FILING NO. 2, REC. NO. 207714931, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

OWNER:
 FIN LIMITED LIABILITY COMPANY
 PROFORMA COMMERCIAL REALTY, INC.
 15000 W. WOODLAND AVENUE, SUITE 100
 COLORADO SPRINGS, CO 80907
 CONTACT: JOY FOGHT

DEVELOPER/APPLICANT:
 PROFORMA COMMERCIAL REALTY, INC.
 15000 W. WOODLAND AVENUE, SUITE 100
 COLORADO SPRINGS, CO 80907
 CONTACT: JOY FOGHT

SCALE IN FEET
 1" = 30'
 0 15' 30' 60'

LOT 1
 PLATTE BUSINESS CENTER FILING NO. 2A
 ZONING: CS

LOT 2
 PLATTE BUSINESS CENTER FILING NO. 2B
 ZONING: PPI1 AD APPZ

EDISON AVENUE (PUBLIC COLLECTOR)
 50' ROW

EAST PLATTE AVENUE
 PUBLIC ROW WASHED
 BOX 179, PAGES 814-817

7. PUBLIC UTILITY & DRAINAGE EASEMENT
 REC. NO. 20771381

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 REC. NO. 20771381

FIGURE 1



November 5, 2015

Mr. Mike Schultz
Colorado Springs Planning & Development
30 S. Nevada Avenue, STE 105
Colorado Springs, CO 80903

Re: Platte Business Center Filing No. 2B
Colorado Springs, Colorado
OA Project No. A15-1513
Zone Change, Final Plat & Concept Plan - Project Statement

Mr. Schultz:

Proforma Commercial Realty (applicant) plans to re-zone & re-plat their property located in the northeast quadrant of the intersection between E. Platte Avenue & Wooten Road. This project includes Lot 2, Platte Business Center Filing No. 2A, and Lot 4 Platte Business Center Filing No. 2. The two aforementioned lots will be combined, and then subdivided into two separate lots, to be known as Lots 1 & 2, Platte Business Center Filing No. 2B. The total area within the boundary of the re-plat is 5.260 acres, more or less.

The intent of the re-platting exercise is to create two separate lots for future commercial/retail development. In order to complete the re-plat, the applicant wishes to vacate an existing 12 ft public utility & drainage easement that straddles the current lot line between Lot 2 Filing 2A & Lot 4 Filing 2. The vacated easement will be replaced with a 16 ft public utility easement that will straddle the new lot line between Lots 1 & 2 Filing 2B.

Since the property is currently zoned PIP1 CU AO APZ2, the applicant is seeking a zone change to C5 in order to allow commercial/retail development. The project immediately to the west of the subject property is currently zoned C5, and a development plan application has been submitted for review to allow a convenience store with fuel to be built.

The proposed lots will be adequately sized (1.8 AC & 3.8 AC) to house future retail development. Although a single concept is shown in this submittal, there are many variations that could be achieved given the size of the lots. The development will be served by Edison Avenue, but will also have indirect connections to E. Platte Avenue & Wooten Road, both.

While there are no significant natural features to preserve, the environmental quality of the site will be maintained by incorporating water quality measures for any stormwater that will be released from the site. It is anticipated that each lot will provide porous landscape detention to provide for water quality measures. CSU already maintains several utilities in the area, therefore, public utility extensions should not be required to serve this new development. There are no adjacent overhead lines that will require undergrounding.

Standard vehicle circulation patterns are proposed within the planned development, along with dedicated access to Edison Avenue. Pedestrian connections will be provided to the proposed sidewalk along Edison Avenue. Landscaping will be relegated to the edges of each lot, and within parking islands that are intermittently spaced throughout each lot.

Colorado Springs 2020 Land Use Map identifies the subject property as an employment center, and while smaller in nature, the retail uses could provide employment activities (small business, etc.). Given the



current use of the space (parking lot), retail development would be a great addition to the area of the City and would serve to help revive this quadrant of the E. Platte & Wooten Road intersection.

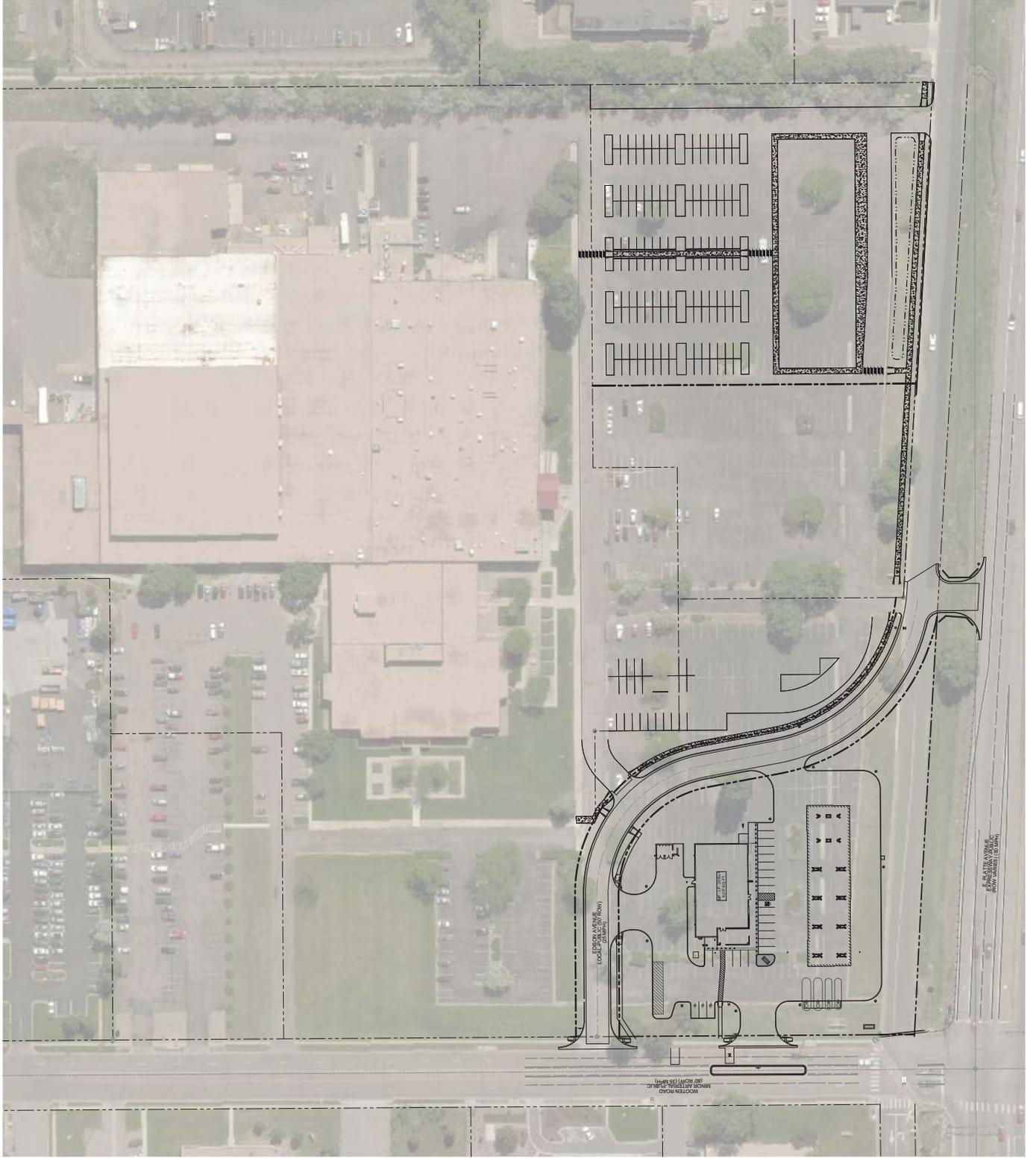


FIGURE 3

7.5.501: CONCEPT PLANS:

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

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