



CITY COUNCIL AGENDA

MEETING DATE: JANUARY 14, 2014

TIME: 1:00 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

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CITY COUNCIL WILL RECESS FROM 5:30 P.M. UNTIL 6:30 P.M. FOR DINNER

City Council meetings are broadcast live on Channel 18 the 2nd and 4th Tuesdays of each month, beginning at 1:00 p.m.

For the agenda item number call: 385-5170

CITY OF COLORADO SPRINGS

To: Members of City Council

From: President Keith King

Subject: Agenda for the City Council Meeting of January 14, 2014 – 1:00 P.M., Council Chambers, City Hall, 107 North Nevada Avenue.

1. Call to Order.
2. Invocation and Pledge of Allegiance.
3. Changes to Agenda/Postponements.
4. Councilmember Comments.

CONSENT CALENDAR

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

SECOND PRESENTATION:

- A-1. CPC LUM 13-00076: Ordinance No. 13-80 amending the Comprehensive Plan 2020 Land Use Map reflecting changes from July 1, 2010 through June 30, 2013. [second presentation] **(Item No. 5-B-10 – C.C. Meeting – December 10, 2013)**

Recommendation: Pass ordinance on final presentation.

- A-2. Ordinance No. 13-82 establishing 2014 operating and occupancy rates for Non-Signatory airlines and other users at the Colorado Springs Municipal Airport. [second presentation] **(Item No. 17 – C.C. Meeting – December 10, 2013)**

Recommendation: Pass ordinance on final presentation.

FIRST PRESENTATION:

- B-1. Approval of the Minutes of the regular Council Meeting of December 10, 2013 and the minutes of the Special Called Session of December 18, 2013.

- B-2. Appointments to various Boards and Commissions. See attached memo.

- B-3. Designating the City Clerk's Office as the public place for posting of public notices for public meetings. (City Clerk – Sarah Johnson)

See attached memorandum from the City Clerk.

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- B-4. The City Clerk reports that on September 24, 2013 there was filed with her a petition for the annexation of Dusty Hills Annexation. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to City Council and recommends that the petition be referred to the City Administration for review and recommendation. (City Clerk – Sarah Johnson)

See attached petition and vicinity map.

- B-5. A resolution granting permission to close a consensual transaction for the acquisition of property for Southern Delivery System project improvements. (Utilities – Jerry Forte)

See attached memorandum from the Utilities Chief Executive Officer and copy of proposed resolution.

- B-6. An ordinance including certain property into the boundaries of the Barnes & Powers South Business Improvement District. (Planning & Development – Peter Wysocki)

See attached memorandum from the Planning and Development Director and copy of proposed ordinance.

- B-7. An ordinance excluding certain property from the boundaries of the Barnes & Powers North Business Improvement District. (Planning & Development – Peter Wysocki)

See attached memorandum from the Planning and Development Director and copy of proposed ordinance.

- B-8. AR PFP 13-00541: (Administrative) Request by Lotus of Rocky Mountain Solar & Wind, Inc. on behalf of Kirby Hughes for an Amendment to Plat Restriction to allow the installation of a stand-alone solar array within a defined “No Build” area on Lot 8, Cedar Heights Filing No. 1 (2725 Black Canyon Road). (Planning & Development – Peter Wysocki)

See attached memorandum from the Planning and Development Director and copy of proposed resolution.

- B-9. CPC ZC 13-00120: (Quasi-Judicial Matter) Request by El Paso County for a zone change from M-1/SS (Light Industrial with Streamside Overlay) to PF/SS (Public Facility with Streamside Overlay) consisting of 5.76 acres located east of Mark Dabling Boulevard and north of Fillmore Street. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Walkowski, seconded by Commissioner Markewich, to approve the petitioner’s request. The motion unanimously carried. (Commissioner Gonzalez was excused and Commissioner Phillips was absent.)

(Item A – CPC Meeting – November 21, 2013)

See attached memorandum from the Planning Development Director, copy of proposed ordinance, and Record-of-Decision.

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B-10. The Falls at Colorado Springs

- B-10A. CPC MPA 02-00064-A1MJ13: Request by Classic Consulting Engineers on behalf of the Community Church of the Rockies of Colorado Springs for approval of a major amendment to the Woodmen Pointe Master Plan consisting of 15.4 acres located northwest of the Austin Bluffs and Woodmen Road intersection. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Ham, seconded by Commissioner Shonkwiler, to approve the petitioner's request subject to technical modifications listed in the Record-of-Decision. The motion unanimously carried. (Commissioner Phillips was absent.)

(Item 6.A – CPC Meeting – November 21, 2013)

See attached memorandum from the Planning and Development Director and Record-of-Decision.

- B-10B. CPC PUZ 13-00098: (Quasi-Judicial Matter) Request by Classic Consulting Engineers on behalf of the Community Church of the Rockies of Colorado Springs for approval of a zone change from A/AO/SS (Agricultural with the Airport and Streamside Overlays) to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlays) consisting of 15.4 acres located northwest of the Austin Bluffs and Woodmen Road intersection. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Ham, seconded by Commissioner Shonkwiler, to approve the petitioner's request. The motion unanimously carried. (Commissioner Phillips was absent.)

(Item 6.B – CPC Meeting – November 21, 2013)

See memorandum and Record-of-Decision attached to Item No. 5-B-10A and copy of proposed ordinance.

- B-10C. CPC PUD 13-00099: (Quasi-Judicial Matter) Request by Classic Consulting Engineers on behalf of the Community Church of the Rockies of Colorado Springs for approval of The Falls at Colorado Springs PUD Development plan consisting of 15.4 acres located northwest of the Austin Bluffs and Woodmen Road intersection. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Ham, seconded by Commissioner Shonkwiler, to approve the petitioner's request subject to technical

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modifications listed in the Record-of-Decision. The motion unanimously carried. (Commissioner Phillips was absent.)

(Item 6.C – CPC Meeting – November 21, 2013)

See memorandum and Record-of-Decision attached to Item No. 5-B-10A.

6. Recognitions.
7. Citizen Discussion.
8. Mayor's Business.

ITEMS CALLED OFF CONSENT CALENDAR

UTILITIES BUSINESS

9. Ordinance No. 13-81 amending Ordinance No. 03-204 pertaining to the appointment of Utilities Policy Advisory Committee Members. [second presentation] **(Item No. 10 – C.C. Meeting – December 10, 2013)**

See attached ordinance.

UNFINISHED BUSINESS

NEW BUSINESS

10. PROCESS FOR MAYORAL APPOINTEES

- 10A. An ordinance amending Section 201 (Appointees) of Part 2 (Appointive Officers, General Provisions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the confirmation process for Mayoral Appointees. (Council)

See attached memorandum from Councilmembers Don Knight and Andy Pico and copy of proposed ordinance.

- 10B. An ordinance amending Section 303 (Appoint to Acting Capacity) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the confirmation process for Mayoral Appointees. (Council)

See memorandum attached to Item No. 10A and copy of proposed ordinance.

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- 10C. A resolution adopting an amendment to the “City of Colorado Springs Rules and Procedures of City Council” relating to General Procedures for confirmation of Mayoral Appointees. (Council)

See memorandum attached to Item No. 10A and copy of proposed resolution.

11. Barnes Center

- 11A. CPC MP 10-00089-A2MJ13: Request by NES Inc. on behalf of Cypress Partners LLC for approval of a master plan amendment to change the traffic patterns in the High Chaparral Master Plan located northwest of Barnes Road and Powers Boulevard. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Henninger, seconded by Commissioner Ham, to approve the petitioner’s request subject to the technical modifications listed in the Record-of-Decision. The motion carried 6-3. (Commissioners Ham, Henninger, and Donley were opposed.)

(Item 4.A – CPC Meeting – December 19, 2013)

See attached memorandum from the Planning and Development Director and Record-of-Decision.

- 11B. CPC ZC 13-00107: (Quasi-Judicial Matter) Request by NES Inc. on behalf of Cypress Partners LLC for approval of a zone change from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) consisting of 15.9 acres located northwest of Barnes Road and Powers Boulevard. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Henninger, seconded by Commissioner Ham, to approve the petitioner’s request. The motion unanimously carried.

See memorandum and Record-of-Decision attached to Item No. 11A and copy of proposed ordinance.

- 11C. CPC CP 13-00108: (Quasi-Judicial Matter) Request by NES Inc. on behalf of Cypress Partners LLC for approval of a concept plan for eight (8) retail lots consisting of 15.9 acres located northwest of Barnes Road and Powers Boulevard. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Henninger, seconded by Commissioner Ham, to approve the petitioner’s request. The motion unanimously carried.

See memorandum and Record-of-Decision attached to Item No. 11A.

PUBLIC HEARING

12. Added Item Agenda.
13. Executive Session.
14. Adjourn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith King". The signature is written in a cursive style with a large, stylized "K" and "K" at the end.

Keith King
City Council President

**COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
DECEMBER 10, 2013 – 1:00 P.M.**

Council met in Regular Session.

There were present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider. Also present, Chief of Staff Neumann and Legislative Counsel Massey.

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1. **Call to Order.**

City Clerk Johnson called the roll. All Councilmembers were present.

2. **Invocation and Pledge of Allegiance.**

The meeting was opened with an invocation by Victoria Heim, Chaplain. Autumn Schubauer and Amber Marek led the assembly in three songs.

3. **Changes to Agenda/Postponements.**

President King stated Agenda Item 6, Recognitions, would need to be taken out-of-order at this time due to the recipients' schedule limitations.

Resolution No. 130-13 was presented: "A Resolution of Appreciation for the work of several citizens on the Mayor's Cup Golf Tournament raising funds for Public Safety Scholarships at Pikes Peak Community College."

President King presented the framed Resolution of Appreciation to Donna Nelson appearing on behalf of the Mayor. She introduced the members of the committee present. BJ Hybl, Sponsorship Chair of the tournament, expressed appreciation for the work of everyone and stated they are looking forward to another great tournament next year.

Motion by Bennett, second by Snider, to adopt the Resolution.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

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4. **Councilmember Comments.**

Councilmember Martin described the artwork currently on display at City Hall created by Coronado High School students.

CONSENT CALENDAR

5. The following items were acted upon by unanimous consent of the members present, with the exception of Items A-2, B-1, B-6, and B-7, which were called up for separate consideration:

SECOND PRESENTATION:

- A-1. Ordinance No. 13-74 entitled: "An Ordinance vacating public alley right-of-way consisting of 2,192 square feet located between Adams Street and 26th Street" was presented for final passage.
- A-2. See action taken later in the meeting.

FIRST PRESENTATION:

- B-1. See action taken later in the meeting.
- B-2. Appointments to various Boards and Commissions.
- B-3. Resolution No. 131-13 was presented: "A Resolution approving the City's Investment Policy."
- B-4. The City Clerk reports that on May 9, 2013 there was filed with her a petition for the annexation of Dublin North 1D. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to City Council and recommends that the petition be referred to the City Administration for review and recommendation.
- B-5. The City Clerk reports that on August 16, 2013 there was filed with her a petition for the annexation of Flying Horse Ranch Addition No. 2. She states that she has examined or caused to be examined the above mentioned petition and has determined that the petition is in substantial compliance with Section 31-12-107(1), C.R.S. The City Clerk herewith communicates such to City Council and recommends that the petition be referred to the City Administration for review and recommendation.
- B-6. See action taken later in the meeting.
- B-7. See action taken later in the meeting.
- B-8. Resolution No. 132-13 was presented: "A Resolution establishing the Active Transportation Advisory Committee of the Citizens' Transportation Advisory Board."

CITY COUNCIL MEETING – DECEMBER 10, 2013

- B-9. Resolution No. 133-13 was presented: “A Resolution amending Resolution No. 220-05 pertaining to City Services for Special Events.”
- B-10. CPC LUM 13-00076: Ordinance No. 13-80 entitled: “An Ordinance amending the Comprehensive Plan 2020 Land Use Map reflecting changes from July 1, 2010 through June 30, 2013” was introduced and read.

Motion by Bennett, second by Snider, that all matters on the Consent Calendar with the exception of Items A-2, B-1, B-6, and B-7, be passed, adopted, and approved by unanimous consent of the members present.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: None

Absent: None

The motion passed unanimously on a 9-0 vote.

6. **Recognitions.**

The Recognition was presented out of order under Agenda Item 3, Changes to Agenda.

7. **Citizen Discussion.**

Charles Barber spoke regarding the *City of Champions* proposed location and the existing railroad tracks and sewer piping locations.

Bev Wenger spoke against the proposed Flying Horse convenience store to be located in their neighborhood across from a children’s park.

Jason Wood, of Pikes Peak United Way, expressed concern for the Council’s plans to cut CSU Community Funding.

Ed Bircham spoke regarding the new major league soccer franchise being brought to Colorado Springs and in support of the *City for Champions*.

Bobby Boles spoke regarding the number of burglaries and theft cases that have taken place in warehouses and storage facilities in the community. Councilmember Knight asked that Mr. Boles leave his name and number so that Council may look at ways to improve the situation and get back with him.

John Castle requested a pit bull ban in Colorado Springs.

8. **Mayor's Business.**

On behalf of Mayor Bach, Chief of Staff Neumann reminded everyone of the January 16th meeting with the El Paso County Commissioners, the outlying community Mayors, and with Council, to move forward on discussions for *City of Champions* and Stormwater. She stated

CITY COUNCIL MEETING – DECEMBER 10, 2013

she did convey Council’s request to split apart the subjects into two separate meetings, and described the Mayor looks forward to receiving their letter outlining their recommendations.

ITEMS CALLED OFF CONSENT CALENDAR

- A-2. Ordinance No. 13-79 entitled: “An Ordinance designated as the “Fifth Supplemental Airport System Bond Ordinance”; concerning the City of Colorado Springs, Colorado Municipal Airport; authorizing the issuance of the “City of Colorado Springs, Colorado, Airport System Revenue Refunding Bonds, Series 2014” for the purpose of refunding the “City of Colorado Springs, Colorado, Airport System Revenue Bonds, Series 2002A”; electing to delegate to the Mayor and the Aviation Director the authority to determine within parameters set forth herein the rates of interest on the Series 2014 bonds, the prices at which the Series 2014 bonds will be sold, the aggregate principal amount of the Series 2014 bonds, the maturities and redemption features of the Series 2014 bonds and the present value savings to be accomplished by the refunding; providing other details and making other provisions concerning such Series 2014 bonds; ratifying action previously taken; making certain amendments to the general bond ordinance; approving certain documents; and providing other matters relating thereto.

Motion by Miller, second by Pico, that the Ordinance be finally passed.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: None
Absent: None

The motion passed unanimously on a 9-0 vote.

FIRST PRESENTATION:

- B-1. Approval of the Minutes of the Regular Council Meeting of November 26, 2013 and the Special Meeting of November 20, 2013.

Councilmember Snider requested a correction referring to page 10, paragraph 2, of the Minutes of November 26, 2013, changing the “Strong Mayor/Council form of government...” to “Council-Mayor form of government...” as per City Charter.

Councilmember Miller also noted that there needed to be a change in one of the multiple motions of Item 13, clarifying that the statement after the vote for the second motion should read “The amended motion passed...” rather than “The motion to amend passed....”.

Motion by Snider, second by Miller, to correct the Minutes of the November 20, 2013, Council meeting, as noted.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: None
Absent: None

CITY COUNCIL MEETING – DECEMBER 10, 2013

The motion passed unanimously on a 9-0 vote.

- B-6. Resolution No. 134-13 was presented: “A Resolution determining the necessity, and authorizing the acquisition of and entry into possession and use agreements for, certain real property for Southern Delivery System project improvements.”

Lyman Ho, Acquisition Manager for SDS, described the acquisition process and the background supporting the need for the current request. Councilmember Knight requested a hard copy of the map that Mr. Ho presented.

Motion by Bennett, second by Pico, that the Resolution be adopted.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: Collins

Absent: None

The motion passed on an 8-1 vote.

- B-7. Resolution No. 135-13 was presented: “A Resolution granting permission to close consensual transactions for the acquisition of property for Southern Delivery System project improvements.”

Mr. Ho explained the status of the negotiations building up to the request for the acquisitions and responded to questions from Councilmembers Knight and Miller.

Motion by Bennett, second by Pico, that the Resolution be adopted.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Noes: Collins

Absent: None

The motion passed on an 8-1 vote.

UTILITIES BUSINESS

9. Resolution No. 136-13 was presented: “A Resolution regarding certain changes to Colorado Springs Utilities Tariff Electric Rate Schedules.”

George Luke, General Manager of Energy Supply CSU, provided background and answered questions relative to the tariff that would support energy produced with woody biomass for Fort Carson over a 12-month test period. Chris Bidlack, City Attorney – Utilities Division, answered Council’s legal questions.

Motion by Gaebler, second by Snider, that the Resolution be adopted.

Ayes: Bennett, Gaebler, King, Martin, Pico, Snider

Noes: Collins, Knight, Miller

Absent: None

CITY COUNCIL MEETING – DECEMBER 10, 2013

The motion passed on a 6-3 vote.

10. Ordinance No. 13-81 entitled: “An Ordinance amending Ordinance No. 03-204 pertaining to the appointment of Utilities Policy Advisory Committee members” was introduced and read.

Jerry Forté, CEO of Colorado Springs Utilities, briefed Council on the requested change to the procedure for appointment of UPAC members. Sherri Newell, Chief Strategy External Affairs Officer for Colorado Springs Utilities, was present to answer additional questions.

Motion by Bennett, second by Gaebler, that the Ordinance be passed as introduced.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: None
Absent: None

The motion passed unanimously on a 9-0 vote.

UNFINISHED BUSINESS

11. Ordinance No. 13-73 entitled: “An Ordinance amending Ordinance No. 12-108 (2013 Appropriation Ordinance) for supplemental appropriations to the General Fund in the amount of \$2,000,000 and the Grants Fund in the amount of \$10,000,000 for the response and repairs required after the September 2013 flooding” was presented for final passage.

Motion by Bennett, second by Snider, that the Ordinance be finally passed.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: Collins
Absent: None

The motion passed on an 8-1 vote.

12. Ordinance No. 13-75 entitled: “An Ordinance approving the Annual Budget for Colorado Springs Utilities and appropriating monies for the several purposes named in the Annual Budget for Colorado Springs Utilities for the year ending December 31, 2014” was presented for final passage.

Councilmembers commented both in favor and in opposition to the Ordinance.

Citizen Ed Bircham spoke to support the Ordinance.

Jason Wood of Pikes Peak United Way spoke in opposition to the Ordinance.

Motion by Pico, second by Miller, that the Ordinance be finally passed.

Ayes: Bennett, King, Knight, Miller, Pico, Snider
Noes: Collins, Gaebler, Martin
Absent: None

CITY COUNCIL MEETING – DECEMBER 10, 2013

The motion passed on a 6-3 vote.

13. Ordinance No. 13-76 entitled: “An Ordinance repealing Ordinance No. 13-59 and adopting the City of Colorado Springs – 2014 Salary Structure for Civilian and Sworn municipal employees” was presented for final passage.

Motion by Bennett, second by Gaebler, that the Ordinance be finally passed.

Ayes: Bennett, Gaebler, King, Knight, Martin, Pico, Snider
Noes: Collins, Miller
Absent: None

The motion passed on a 7-2 vote.

14. Ordinance No. 13-77 entitled: “The Annual Appropriation Ordinance adopting the Annual Budget and appropriating monies for the several purposes named in said Budget for the year ending December 31, 2014” was presented for final passage.

Councilmembers provided comment both in favor and in opposition to the Ordinance.

Walter Lawson spoke against the Ordinance due to the lack of inclusion in the budget for early detection and suppression of wild fire threats.

Motion by Knight, second by Pico, that the Ordinance be finally passed.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: Collins
Absent: None

The motion passed on an 8-1 vote.

15. Ordinance No. 13-78 entitled: “An Ordinance making the Annual Tax Levy for the City of Colorado Springs for the year ending December 31, 2014” was presented for final passage.

Motion by Bennett, second by Snider, that the Ordinance be finally passed.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: Collins
Absent: None

The motion passed on an 8-1 vote.

NEW BUSINESS

16. Resolution No. 137-13 was presented: “A Resolution setting the Annual Tax Levy for all purposes in and during the year 2014 at 4.279 mills upon each dollar of assessed valuation within the corporate limits of the City of Colorado Springs.”

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Kara Skinner, CFO, provided a brief explanation of the Resolution setting the Tax Levy for 2014.

Motion by Bennett, second by Pico, that the Resolution be adopted.

Ayes: Bennett, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: Collins
Absent: None

The motion passed on an 8-1 vote.

17. Ordinance No. 13-82 entitled: "An Ordinance establishing 2014 Operating and Occupancy rates for Non-Signatory airlines and other users at the Colorado Springs Municipal Airport" was introduced and read.

Dan Gallagher, Interim Aviation Director, briefed Council on the background and administrative costs included in the Ordinance.

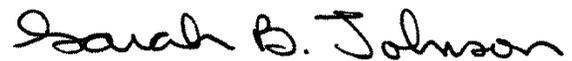
Motion by Gaebler, second by Snider, that the Ordinance be passed as introduced.

Ayes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider
Noes: None
Absent: None

The motion passed unanimously on a 9-0 vote.

At 2:50 p.m., there being no further business to come before City Council,

COUNCIL ADJOURNED



Sarah B. Johnson
City Clerk

**COLORADO SPRINGS, COLORADO
CITY HALL – 107 N. NEVADA AVENUE
COUNCIL CHAMBERS
DECEMBER 18, 2013 – 1:00 p.m.**

Council met in **Special Session**.

There were present: President King, President Pro Tem Bennett, Councilmembers Collins, Gaebler, Knight, Martin, Miller, Pico, and Snider.

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1. Call to Order.

City Clerk Johnson called the roll. All Councilmembers were present.

2. Council met for consideration of the Mayor's disapproval by Veto of elements of Sections 1, 2, and 3 of Ordinance No. 13-77 entitled: "The Annual Appropriation Ordinance adopting the Annual Budget and the Appropriating monies for the several purposes named in said Budget for the year ending December 31, 2014."

President King briefly outlined the course of order for the meeting. He requested Council first address Sections 1 and 3 as vetoed. Then, they will move to Section 2 for each of the individual line items as vetoed.

Referring to City Charter § 3-70 (e), Legislative Counsel Massey recommended Council consider each of the line item vetoes individually, followed by a motion and a vote per item.

3. President King requested Council allow Public Testimony to be heard during the Special Meeting. Consensus of Council approved Public Testimony.

Alicia McConnell, Board Chair, and Doug Price, President, both representing the Convention & Visitor's Bureau (CVB), spoke to encourage full funding of the CVB in 2014. Loren, Sales Director for Holiday Inn Express, and Ann Alba, representing the Pikes Peak Lodging Association, also spoke in support of full funding for tourism.

Paul Kleinschmidt spoke for not cutting police funding and requested Council, as the Utility Board, find a way to accommodate park watering needs.

4. The items subject to the Mayor's veto were considered in the following order:
 - A. Override Mayor's Disapproval by Veto of the second sentence of Section 1 relating to Council's segregation from five to twelve "Departments" for budgeting and appropriation purposes:

SPECIAL CITY COUNCIL MEETING – DECEMBER 18, 2013

Motion by Knight, second by Pico, that the Mayor's Veto be overridden.

Ayes: Bennett, Collins, King, Knight, Miller, Pico
Noes: Gaebler, Martin, Snider
Absent: None

The motion passed on a 6-3 vote.

B. Override Mayor's Disapproval by Veto of Section 3 in its entirety.

Motion by Knight, second by Pico, that the Mayor's Veto be overridden.

Ayes: Bennett, Collins, King, Knight, Miller, Pico
Noes: Gaebler, Martin, Snider
Absent: None

The motion passed on a 6-3 vote.

C. Override Mayor's Disapproval by Veto of Section 2, Line 6, Increase in Park Water Funding.

Motion by Knight, second by Pico, that the Mayor's Veto be overridden.

Ayes: Bennett, Gaebler, King, Martin, Miller, Pico, Snider
Noes: Collins, Knight
Absent: None

The motion passed on a 7-2 vote.

D. Override Mayor's Disapproval by Veto of Section 2, Line 7, Decrease in Police Hiring and Vehicle Purchases.

Legislative Counsel Massey and Kara Skinner, CFO, provided clarification on action and budget results for this line item.

Motion by Knight, second by Miller, that the Mayor's Veto be overridden.

Ayes: Collins, Gaebler, King, Martin, Miller
Noes: Bennett, Knight, Pico, Snider
Absent: None

The motion failed on a 5-4 vote.

E. Override Mayor's Disapproval by Veto of Section 2, Line 12, Eliminate hiring of OEM Deputy Director.

Motion by Knight, second by Pico, that the Mayor's Veto be overridden.

SPECIAL CITY COUNCIL MEETING – DECEMBER 18, 2013

Ayes: Collins, Pico, Miller

Noes: Knight, Gaebler, King, Bennett, Martin, Snider

Absent: None

The motion failed on a 3-6 vote.

- F. Override Mayor's Disapproval by Veto of Section 2, Line 13, Increase Police Hiring and Vehicle Purchases.

Motion by Knight, second by Bennett, that the Mayor's Veto be overridden.

Ayes: None

Noes: Bennett, Collins, Gaebler, King, Knight, Martin, Miller, Pico, Snider

Absent: None

The motion failed on a 0-9 vote.

- G. Override Mayor's Disapproval by Veto of Section 2, Line 27, Withhold Funds from Convention & Visitors' Bureau.

Motion by Knight, second by Collins, that the Mayor's Veto be overridden.

Ayes: Collins, Knight, Miller, Pico

Noes: Bennett, Gaebler, King, Martin, Snider

Absent: None

The motion failed on a 4-5 vote.

- H. Override Mayor's Disapproval by Veto of Section 2, Line 28, Withhold (funds) from the Regional Business Alliance (RBA).

Motion by Knight, second by Miller, that the Mayor's Veto be overridden.

Ayes: Collins, King, Miller, Pico

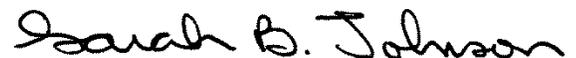
Noes: Bennett, Gaebler, Knight, Martin, Snider

Absent: None

The motion failed on a 4-5 vote.

There being no further business, at 11:04 a.m., Council President King announced,

COUNCIL ADJOURNED



Sarah B. Johnson, City Clerk



CITY OF COLORADO SPRINGS

REGULAR MEETING AGENDA ITEM CONSENT

REGULAR MEETING DATE: January 14, 2013

TO: President Keith King and Members of City Council

FROM: Samantha Gunther, Assistant to Council

Subject Title: Appointments to Boards and Commissions

AIRPORT ADVISORY COMMISSION

Pat Boone resigned leaving a vacancy and there are two alternate vacancies. Councilmember Andy Pico and Councilmember Joel Miller recommend Mark Baker to fill Pat Boone's vacancy and Jason Harris and John Maier as alternates.

	<u>Appointed</u>	<u>Expiration</u>
Mark Baker – new appointment	1/14/14	8/24/17
Jason Harris – new alternate	1/14/14	8/24/17
John Maier – new alternate	1/14/14	8/24/17

LIQUOR AND BEER LICENSING BOARD

Veronica Frias has served one three year term and will not seek re-appointment. Mike Nemeth has served two three-year terms and will not seek re-appointment, leaving two vacancies. Mark Cluass went from alternate to regular, leaving an alternate vacancy. Councilmember Jill Gaebler and Councilmember Helen Collins suggest Gregory Howard and Randall Kouba to fill the two regular seats and Ian Flesher to fill the alternate vacancy.

	<u>Appointed</u>	<u>Expiration</u>
Randall Kouba – new appointment	1/14/14	1/1/17
Gregory Howard – new appointment	1/14/14	1/1/17
Ian Flesher – new alternate	1/14/14	1/1/17

LODGERS AND AUTOMOBILE RENTAL TAX ADVISORY COMMITTEE

Dennis Lesko resigned from the committee leaving two years left on his three-year term. Councilmember Jan Martin is recommending that 1st alternate. Mr. Fred Veitch moves to a voting member and finishes Dennis Lesko's term.

	<u>Appointed</u>	<u>Expiration</u>
Fred Veitch – from alternate to regular	9/25/12	7/22/16



Regular Agenda Item

COUNCIL MEETING DATE: January 14, 2014

TO: President and Members of City Council
CC: Mayor Steve Bach
VIA: Laura Neumann, Chief of Staff/Chief Administrative Officer
FROM: Sarah B. Johnson, City Clerk

Subject Title: Designation of City Clerk's Office for posting of public meetings

SUMMARY:

Designating the City Clerk's Office as the public place for posting of public notices for public meetings, in accordance with CRS 24-6-402.

PREVIOUS COUNCIL ACTION:

In accordance with CRS 24-6-402 (Colorado Sunshine Law; Open Meetings Law), City Council has annually designated the City Clerk's Office as the public place for posting all public meetings at its first regular meeting of each calendar year.

BACKGROUND:

Pursuant to the Colorado Sunshine Law; Open Meetings Law (CRS 24-6-402), any meetings at which adoption of a proposed policy, position, resolution, rule, regulation or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in accordance, requires notice of the meeting to be posted in a designated public place within the boundaries of the local public body not less than 24 hours prior to the meeting.

Additionally, the statute mandates that at its first regular meeting of each calendar year, the local public body must formally designate the public place for posting all public meetings.

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES:

Do not designate the City Clerk's Office as official public place for posting of notices.

RECOMMENDATION:

Designate the City Clerk's Office as the public place for posting of public notices for public meetings.

PROPOSED MOTION:

Move approval to designate the City Clerk's Office as the public place for posting of public notices for public meetings.

Attachments: CRS Section 24-6-402 (Colorado Sunshine Law; Open Meetings Law)

C.R.S. 24-6-402

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2013) ***

TITLE 24. GOVERNMENT - STATE
ADMINISTRATION
ARTICLE 6. COLORADO SUNSHINE LAW
PART 4. OPEN MEETINGS LAW

C.R.S. **24-6-402** (2013)**24-6-402.** Meetings - open to public - definitions

(1) For the purposes of this section:

(a) "Local public body" means any board, committee, commission, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.

(b) "Meeting" means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.

(c) "Political subdivision of the state" includes, but is not limited to, any county, city, city and county, town, home rule city, home rule county, home rule city and county, school district, special district, local improvement district, special improvement district, or service district.

(d) "State public body" means any board, committee, commission, or other advisory, policy-making, rule-making, decision-making, or formally constituted body of any state agency, state authority, governing board of a state institution of higher education including the regents of the university of Colorado, a nonprofit corporation incorporated pursuant to section 23-5-121 (2), C.R.S., or the general assembly, and any public or private entity to which the state, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the state public body.

(2) (a) All meetings of two or more members of any state public body at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.

(b) All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.

(c) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar

year. The posting shall include specific agenda information where possible.

(d) (I) Minutes of any meeting of a state public body shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (3) of this section is held shall reflect the topic of the discussion at the executive session.

(II) Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (4) of this section is held shall reflect the topic of the discussion at the executive session.

(III) If elected officials use electronic mail to discuss pending legislation or other public business among themselves, the electronic mail shall be subject to the requirements of this section. Electronic mail communication among elected officials that does not relate to pending legislation or other public business shall not be considered a "meeting" within the meaning of this section.

(IV) Neither a state nor a local public body may adopt any proposed policy, position, resolution, rule, or regulation or take formal action by secret ballot unless otherwise authorized in accordance with the provisions of this subparagraph (IV). Notwithstanding any other provision of this section, a vote to elect leadership of a state or local public body by that same public body may be taken by secret ballot, and a secret ballot may be used in connection with the election by a state or local public body of members of a search committee, which committee is otherwise subject to the requirements of this section, but the outcome of the vote shall be recorded contemporaneously in the minutes of the body in accordance with the requirements of this section. Nothing in this subparagraph (IV) shall be construed to affect the authority of a board of education to use a secret ballot in accordance with the requirements of section 22-32-108 (6), C.R.S. For purposes of this subparagraph (IV), "secret ballot" means a vote cast in such a way that the identity of the person voting or the position taken in such vote is withheld from the public.

(d.5) (I) (A) Discussions that occur in an executive session of a state public body shall be electronically recorded. If a state public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the state public body shall continue to electronically record the minutes of its open meetings that occur on or after August 8, 2001; except that electronic recording shall not be required for two successive meetings of the state public body while the regularly used electronic equipment is inoperable. A state public body may satisfy the electronic recording requirements of this sub-subparagraph (A) by making any form of electronic recording of the discussions in an executive session of the state public body. Except as provided in sub-subparagraph (B) of this subparagraph (I), the electronic recording of an executive session shall reflect the specific citation to the provision in subsection (3) of this section that authorizes the state public body to meet in an executive session and the actual contents of the discussion during the session. The provisions of this sub-subparagraph (A) shall not apply to discussions of individual students by a state public body pursuant to paragraph (b) of subsection (3) of this section.

(B) If, in the opinion of the attorney who is representing a governing board of a state institution of higher education, including the regents of the university of Colorado, and is in attendance at an executive session that has been properly announced pursuant to paragraph (a) of subsection (3) of this section, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record or electronic recording shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. The electronic recording of said executive session discussion shall reflect that no further record or electronic recording was kept of the discussion based on the opinion of the attorney representing the governing board of a state institution of higher education, including

the regents of the university of Colorado, as stated for the record during the executive session, that the discussion constituted a privileged attorney-client communication, or the attorney representing the governing board of a state institution of higher education, including the regents of the university of Colorado, may provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney.

(C) If a court finds, upon application of a person seeking access to the record of the executive session of a state public body in accordance with section 24-72-204 (5.5) and after an in camera review of the record of the executive session, that the state public body engaged in substantial discussion of any matters not enumerated in subsection (3) of this section or that the body adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of paragraph (a) of subsection (3) of this section, the portion of the record of the executive session that reflects the substantial discussion of matters not enumerated in subsection (3) of this section or the adoption of a proposed policy, position, resolution, rule, regulation, or formal action shall be open to public inspection pursuant to section 24-72-204 (5.5).

(D) No portion of the record of an executive session of a state public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the state public body or as provided in sub-subparagraph (C) of this subparagraph (I) and section 24-72-204 (5.5).

(E) The record of an executive session of a state public body recorded pursuant to sub-subparagraph (A) of this subparagraph (I) shall be retained for at least ninety days after the date of the executive session.

(II) (A) Discussions that occur in an executive session of a local public body shall be electronically recorded. If a local public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the local public body shall continue to electronically record the minutes of its open meetings that occur on or after August 8, 2001; except that electronic recording shall not be required for two successive meetings of the local public body while the regularly used electronic equipment is inoperable. A local public body may satisfy the electronic recording requirements of this sub-subparagraph (A) by making any form of electronic recording of the discussions in an executive session of the local public body. Except as provided in sub-subparagraph (B) of this subparagraph (II), the electronic recording of an executive session shall reflect the specific citation to the provision in subsection (4) of this section that authorizes the local public body to meet in an executive session and the actual contents of the discussion during the session. The provisions of this sub-subparagraph (A) shall not apply to discussions of individual students by a local public body pursuant to paragraph (h) of subsection (4) of this section.

(B) If, in the opinion of the attorney who is representing the local public body and who is in attendance at an executive session that has been properly announced pursuant to subsection (4) of this section, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record or electronic recording shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication. The electronic recording of said executive session discussion shall reflect that no further record or electronic recording was kept of the discussion based on the opinion of the attorney representing the local public body, as stated for the record during the executive session, that the discussion constituted a privileged attorney-client communication, or the attorney representing the local public body may provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney.

(C) If a court finds, upon application of a person seeking access to the record of the executive session of a local public body in accordance with section 24-72-204 (5.5) and after an in

camera review of the record of the executive session, that the local public body engaged in substantial discussion of any matters not enumerated in subsection (4) of this section or that the body adopted a proposed policy, position, resolution, rule, regulation, or formal action in the executive session in contravention of subsection (4) of this section, the portion of the record of the executive session that reflects the substantial discussion of matters not enumerated in subsection (4) of this section or the adoption of a proposed policy, position, resolution, rule, regulation, or formal action shall be open to public inspection pursuant to section 24-72-204 (5.5).

(D) No portion of the record of an executive session of a local public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the local public body or as provided in sub-subparagraph (C) of this subparagraph (II) and section 24-72-204 (5.5).

(E) The record of an executive session of a local public body recorded pursuant to sub-subparagraph (A) of this subparagraph (II) shall be retained for at least ninety days after the date of the executive session.

(e) This part 4 does not apply to any chance meeting or social gathering at which discussion of public business is not the central purpose.

(f) The provisions of paragraph (c) of this subsection (2) shall not be construed to apply to the day-to-day oversight of property or supervision of employees by county commissioners. Except as set forth in this paragraph (f), the provisions of this paragraph (f) shall not be interpreted to alter any requirements of paragraph (c) of this subsection (2).

(3) (a) The members of a state public body subject to this part 4, upon the announcement by the state public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (3) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the entire membership of the body after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the matters enumerated in paragraph (b) of this subsection (3) or the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subparagraph (I) of paragraph (d.5) of subsection (2) of this section, shall occur at any executive session that is not open to the public:

(I) The purchase of property for public purposes, or the sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest. No member of the state public body shall use this paragraph (a) as a subterfuge for providing covert information to prospective buyers or sellers. Governing boards of state institutions of higher education including the regents of the university of Colorado may also consider the acquisition of property as a gift in an executive session, only if such executive session is requested by the donor.

(II) Conferences with an attorney representing the state public body concerning disputes involving the public body that are the subject of pending or imminent court action, concerning specific claims or grievances, or for purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of a state public body is not sufficient to satisfy the requirements of this subsection (3).

(III) Matters required to be kept confidential by federal law or rules, state statutes, or in accordance with the requirements of any joint rule of the senate and the house of

representatives pertaining to lobbying practices;

(IV) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

(V) Determining positions relative to matters that may be subject to negotiations with employees or employee organizations; developing strategy for and receiving reports on the progress of such negotiations; and instructing negotiators;

(VI) With respect to the board of regents of the university of Colorado and the board of directors of the university of Colorado hospital authority created pursuant to article 21 of title 23, C.R.S., matters concerning the modification, initiation, or cessation of patient care programs at the university hospital operated by the university of Colorado hospital authority pursuant to part 5 of article 21 of title 23, C.R.S., (including the university of Colorado psychiatric hospital), and receiving reports with regard to any of the above, if premature disclosure of information would give an unfair competitive or bargaining advantage to any person or entity;

(VII) With respect to nonprofit corporations incorporated pursuant to section 23-5-121 (2), C.R.S., matters concerning trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person;

(VIII) With respect to the governing board of a state institution of higher education and any committee thereof, consideration of nominations for the awarding of honorary degrees, medals, and other honorary awards by the institution and consideration of proposals for the naming of a building or a portion of a building for a person or persons.

(b) (I) All meetings held by members of a state public body subject to this part 4 to consider the appointment or employment of a public official or employee or the dismissal, discipline, promotion, demotion, or compensation of, or the investigation of charges or complaints against, a public official or employee shall be open to the public unless said applicant, official, or employee requests an executive session. Governing boards of institutions of higher education including the regents of the university of Colorado may, upon their own affirmative vote, hold executive sessions to consider the matters listed in this paragraph (b). Executive sessions may be held to review administrative actions regarding investigation of charges or complaints and attendant investigative reports against students where public disclosure could adversely affect the person or persons involved, unless the students have specifically consented to or requested the disclosure of such matters. An executive session may be held only at a regular or special meeting of the state public body and only upon the announcement by the public body to the public of the topic for discussion in the executive session and the affirmative vote of two-thirds of the entire membership of the body after such announcement.

(II) The provisions of subparagraph (I) of this paragraph (b) shall not apply to discussions concerning any member of the state public body, any elected official, or the appointment of a person to fill the office of a member of the state public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (3), the state board of parole created in part 2 of article 2 of title 17, C.R.S., may proceed in executive session to consider matters connected with any parole proceedings under the jurisdiction of said board; except that no final parole decisions shall be made by said board while in executive session. Such executive session may be held only at a regular or special meeting of the state board of parole and only upon the affirmative vote of two-thirds of the membership of the board present at such meeting.

(d) Notwithstanding any provision of paragraph (a) or (b) of this subsection (3) to the contrary, upon the affirmative vote of two-thirds of the members of the governing board of an institution of higher education who are authorized to vote, the governing board may hold an executive session in accordance with the provisions of this subsection (3).

(3.5) A search committee of a state public body or local public body shall establish job search goals, including the writing of the job description, deadlines for applications, requirements for applicants, selection procedures, and the time frame for appointing or employing a chief executive officer of an agency, authority, institution, or other entity at an open meeting. The state or local public body shall make public the list of all finalists under consideration for the position of chief executive officer no later than fourteen days prior to appointing or employing one of the finalists to fill the position. No offer of appointment or employment shall be made prior to this public notice. Records submitted by or on behalf of a finalist for such position shall be subject to the provisions of section 24-72-204 (3) (a) (XI). As used in this subsection (3.5), "finalist" shall have the same meaning as in section 24-72-204 (3) (a) (XI). Nothing in this subsection (3.5) shall be construed to prohibit a search committee from holding an executive session to consider appointment or employment matters not described in this subsection (3.5) and otherwise authorized by this section.

(4) The members of a local public body subject to this part 4, upon the announcement by the local public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (4) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized, and the affirmative vote of two-thirds of the quorum present, after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except the review, approval, and amendment of the minutes of an executive session recorded pursuant to subparagraph (II) of paragraph (d.5) of subsection (2) of this section, shall occur at any executive session that is not open to the public:

(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;

(b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4).

(c) Matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

(d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

(e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;

(f) (I) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the

employees have requested an open meeting. With respect to hearings held pursuant to the "Teacher Employment, Compensation, and Dismissal Act of 1990", article 63 of title 22, C.R.S., the provisions of section 22-63-302 (7) (a), C.R.S., shall govern in lieu of the provisions of this subsection (4).

(II) The provisions of subparagraph (I) of this paragraph (f) shall not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of the "Colorado Open Records Act", part 2 of article 72 of this title; except that all consideration of documents or records that are work product as defined in section 24-72-202 (6.5) or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4);

(h) Discussion of individual students where public disclosure would adversely affect the person or persons involved.

(5) (Deleted by amendment, L. 96, p. 691, § 1, effective July 1, 1996.)

(6) The limitations imposed by subsections (3), (4), and (5) of this section do not apply to matters which are covered by section 14 of article V of the state constitution.

(7) The secretary or clerk of each state public body or local public body shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies will be discussed and shall provide reasonable advance notification of such meetings, provided, however, that unintentional failure to provide such advance notice will not nullify actions taken at an otherwise properly published meeting. The provisions of this subsection (7) shall not apply to the day-to-day oversight of property or supervision of employees by county commissioners, as provided in paragraph (f) of subsection (2) of this section.

(8) No resolution, rule, regulation, ordinance, or formal action of a state or local public body shall be valid unless taken or made at a meeting that meets the requirements of subsection (2) of this section.

(9) The courts of record of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state. In any action in which the court finds a violation of this section, the court shall award the citizen prevailing in such action costs and reasonable attorney fees. In the event the court does not find a violation of this section, it shall award costs and reasonable attorney fees to the prevailing party if the court finds that the action was frivolous, vexatious, or groundless.

(10) Any provision of this section declared to be unconstitutional or otherwise invalid shall not impair the remaining provisions of this section, and, to this end, the provisions of this section are declared to be severable.

HISTORY: Source: Initiated 72. L. 73: p. 1666, § 1.C.R.S. 1963: § 3-37-402.L. 77: (1) and (2) amended and (3) added, pp. 1155, 1157, § § 1, 1, effective June 19.L. 85: (2.6) added, p. 644, § 6, effective June 19.L. 87: (1), (2.3)(a), (2.3)(b), and (2.5) amended and (2.3)(f) added, p. 926, § 1, effective March 27.L. 89: (2.3)(f) amended, p. 1004, § 4, effective October 1.L. 91: Entire section amended, p. 815, § 2, effective June 1; (3)(a)(VI) amended, p. 586, § 6, effective October 1.L. 92: (2)(f) added, p. 972, § 1, effective April 23.L. 96: (2)(d)(III) added, p. 1480, § 2, effective June 1; (1)(b), (1)(d), (2)(d), IP(3)(a), (3)(a)(II), (3)(a)(V), (3)(b), IP (4), (4)(c), (5), and (7) amended and (3.5) added, p. 691, § 1, effective July 1.L. 97: (3.5)

amended, p. 320, § 1, effective April 14.L. 99: (4)(g) amended, p. 205, § 1, effective March 31.L. 2000: (1)(d) amended and (3)(a)(VII) added, pp. 414, 415, § § 4, 5, effective April 13.L. 2001: (3)(a)(III) amended, p. 150, § 5, effective March 27; (2)(d.5) added and IP(3)(a), (3)(b), IP(4), and (4)(f) amended, pp. 1069, 1072, § § 1, 2, effective August 8.L. 2002: (3)(a)(IV) and (4)(d) amended, p. 238, § 7, effective April 12; (2)(d.5)(I)(A) and (2)(d.5)(II)(A) amended, p. 643, § 3, effective May 24; (3)(a)(VIII) added, p. 85, § 1, effective August 7.L. 2006: (2)(d.5)(I)(A), (2)(d.5)(I)(B), (2)(d.5)(II)(A), and (2)(d.5)(II)(B) amended, p. 9, § 1, effective August 7.L. 2009: (2)(d.5)(I)(B) and (3)(a)(II) amended, (HB 09-1124), ch. 94, p. 359, § 1, effective August 5; (4)(g) amended, (SB 09-292), ch. 369, p. 1967, § 74, effective August 5.L. 2010: (3)(d) added, (SB 10-003), ch. 391, p. 1859, § 40, effective June 9.L. 2012: (2)(d)(IV) added, (HB 12-1169), ch. 64, p. 227, § 1, effective March 24.

Editor's note: Subsection (2.3)(f) was amended by House Bill No. 1143, enacted by the General Assembly at its first regular session in 1989, as a conforming amendment necessitated by the authorization for the operation of the university of Colorado university hospital by a nonprofit-nonstock corporation. The Colorado Supreme Court subsequently declared House Bill No. 1143 unconstitutional in its entirety. See *Colorado Association of Public Employees v. Board of Regents*, 804 P.2d 138 (Colo. 1990). Senate Bill 91-225, enacted by the General Assembly at its first regular session in 1991, authorized the operation of university hospital by a newly created university of Colorado hospital authority. Since the previous act was declared unconstitutional in its entirety, the General Assembly elected to make a similar conforming amendment in Senate Bill 91-225. However, subsection (2.3)(f) was amended in Senate Bill 91-33, enacted by the General Assembly at its first regular session in 1991. The provisions of said subsection (2.3)(f) were moved to subsection (3)(a), and, therefore, said subsection was the version amended. For further explanation of the circumstances surrounding the enactment of Senate Bill 91-225, see the legislative declaration contained in section 1 of chapter 99, Session Laws of Colorado 1991.

Cross references: For the legislative declaration contained in the 1996 act enacting subsection (2)(d)(III), see section 1 of chapter 271, Session Laws of Colorado 1996. For the legislative declaration contained in the 2002 act amending subsections (2)(d.5)(I)(A) and (2)(d.5)(II)(A), see section 1 of chapter 187, Session Laws of Colorado 2002. For the legislative declaration in the 2010 act adding subsection (3)(d), see section 1 of chapter 391, Session Laws of Colorado 2010.

ANNOTATION

Law reviews. For article, "Home Rule Municipalities and Colorado's Open Records and Meetings Laws", see 18 Colo. Law. 1125 (1989). For article, "Practicing Law Before Part-Time Citizen Boards and Commissions", see 18 Colo. Law. 1133 (1989). For article, "E-mail, Open Meetings, and Public Records", see 25 Colo. Law. 99 (October 1996).

Constitutionality of section. The open meetings law does not conflict with § 12 of art. V, Colo. Const., which provides in pertinent part: "Each house shall have power to determine the rules of its proceedings . . .". *Cole v. State*, 673 P.2d 345 (Colo. 1983).

The open meetings law strikes the proper balance between the public's right of access to information and a legislator's right to freedom of speech. *Cole v. State*, 673 P.2d 345 (Colo. 1983).

Although § 14 of art. V, Colo. Const., expressly authorizes the general assembly to conduct certain business in secret, both the senate and the house of representatives have determined that the business of legislative caucuses is not such as ought to be kept secret. Therefore, the open meetings law does not conflict with § 14 of art. V, Colo. Const. *Cole v. State*, 673 P.2d 345 (Colo. 1983).

Section only applies to state agencies, authorities, and the general assembly. *Bagby v. Sch. Dist. No. 1*, 186 Colo. 428, 528 P.2d 1299 (1974).

This section, in contrast to the Florida statute from which it was modeled, only applies to any state agency or authority. *James v. Bd. of Comm'rs*, 200 Colo. 28, 611 P.2d 976 (1980).

A broad construction of this section is unwarranted because the general assembly was very specific in defining the entities whose meetings were to be open to the public. *Free Speech Def. Comm. v. Thomas*, 80 P.3d 935 (Colo. App. 2003).

Section fails to define scope of term "state agency or authority". *James v. Bd. of Comm'rs*, 200 Colo. 28, 611 P.2d 976 (1980).

A county retirement plan operates as an agency or instrumentality of the county when the plan has availed itself of public entity tax and health benefits, has used county purchasing accounts, facilities, and the county seal, is authorized to levy a retirement tax, and has a budget that is factored into the county budget. Such plan is thereby subject to the open meetings law and the open records law. *Zubeck v. El Paso County Retirement Plan*, 961 P.2d 597 (Colo. App. 1998).

"Formal action" includes review of hearing officer's decision resulting in order representing final agency action on a particular issue. The quasi-judicial nature of such review is immaterial. *Lanes v. State Auditor's Office*, 797 P.2d 764 (Colo. App. 1990).

Teacher hiring and firing decisions are formal decisions, and, therefore, a firing decision by a school board that is made during an executive session as described in § 22-32-108 is invalid. *Barbour v. Hanover Sch. Dist. No. 28*, 148 P.3d 268 (Colo. App. 2006), *aff'd in part and rev'd in part on other grounds*, 171 P.3d 223 (Colo. 2007).

Legislative caucus meetings are "meetings" of policy making bodies within the meaning of the Colorado open meetings law and are therefore subject to the open meetings law's requirement that "meetings" be "public meetings open to the public at all times". *Cole v. State*, 673 P.2d 345 (Colo. 1983).

A local public body is required to give public notice of any meeting attended or expected to be attended by a quorum of the public body when the meeting is part of the policy-making process. *Bd. of County Comm'rs v. Costilla County Conservancy Dist.*, 88 P.3d 1188 (Colo. 2004).

A meeting is part of the policy-making process when the meeting is held for the purpose of discussing or undertaking a rule, regulation, ordinance, or formal action. If the record supports the conclusion that the meeting is rationally connected to the policy-making responsibilities of the public body holding or attending the meeting, then the meeting is subject to the Open Meetings Law, and the public body holding or attending the meeting must provide notice. *Bd. of County Comm'rs v. Costilla County Conservancy Dist.*, 88 P.3d 1188 (Colo. 2004).

Board of county commissioners was not required to give notice of a meeting arranged by others because nothing in the record establishes any connection between the meeting and the policy-making function of the board. *Bd. of County Comm'rs v. Costilla County Conservancy Dist.*, 88 P.3d 1188 (Colo. 2004).

E-mails exchanged between a regulatory agency's chairperson, its commissioners, and a member of the governor's staff about draft language of, and the agency's position on, pending legislation did not constitute a meeting under the statute because the e-mails did not concern the agency's public business. "Public business" means a public body's policy-making functions, which consist of discussing or undertaking a rule, regulation, ordinance, or formal action of the public body itself. Providing input on pending legislation is not a policy-making function of a

regulatory agency. *Intermountain Rural Elec. Ass'n v. Pub. Utils. Comm'n*, 2012 COA 123, -- P.3d --.

Mere legislative formation of agency or authority insufficient. The mere enactment of legislation which permits the formation of a commission, board, agency, or authority does not per se make that body a state agency or authority. *James v. Bd. of Comm'rs*, 200 Colo. 28, 611 P.2d 976 (1980).

Section does not apply to political subdivisions. *Bagby v. Sch. Dist. No. 1*, 186 Colo. 428, 528 P.2d 1299 (1974); *James v. Bd. of Comm'rs*, 42 Colo. App. 27, 595 P.2d 262 (1978), *aff'd*, 200 Colo. 28, 611 P.2d 976 (1980).

Local licensing authority of city was an arm of a political subdivision of the state rather than a state agency and thus was not subject to open meetings law with regard to license suspension revocation proceeding. *Lasterka Corp. v. Buckingham*, 739 P.2d 925 (Colo. App. 1987).

Nor to urban renewal authority. Rather than being a state agency or authority, an urban renewal authority is an arm or agency of the municipality which creates it, and, therefore, this section has no applicability to such an authority. *James v. Bd. of Comm'rs*, 42 Colo. App. 27, 595 P.2d 262 (1978), *aff'd*, 200 Colo. 28, 611 P.2d 976 (1980).

Nor to redistricting negotiations held in courthouse under judge's supervision. *Combined Communications Corp. v. Finesilver*, 672 F.2d 818 (10th Cir. 1982).

Nor to a district attorney's advisory board. A district attorney is not a political subdivision under this section and, therefore, his advisory board is not a local public body. A district attorney is also not a state agency or state authority pursuant to the definition of state public body under this section, therefore, his advisory board is not a state public body. *Free Speech Def. Comm. v. Thomas*, 80 P.3d 935 (Colo. App. 2003).

Prohibition against making final policy decisions or taking formal action in a closed meeting also prohibits "rubber-stamping" previously decided issues. *Bagby v. Sch. Dist. No. 1*, 186 Colo. 428, 528 P.2d 1299 (1974); *Van Alstyne v. Housing Auth. of City of Pueblo*, 985 P.2d 97 (Colo. App. 1999); *Walsenburg Sand & Gravel Co. v. City Council of Walsenburg*, 160 P.3d 297 (Colo. App. 2007).

Because the purpose of the open meetings law is to require open decision-making, not to permanently condemn a decision made in violation of the statute, a public body may "cure" a previous violation of the law by holding a subsequent complying meeting that is not a mere rubber stamping of an earlier decision. *COHVCO v. Bd. of Parks & Outdoor Rec.*, 2012 COA 146, 292 P.3d 1132.

School boards not covered since they are political subdivisions. *Bagby v. Sch. Dist. No. 1*, 186 Colo. 428, 528 P.2d 1299 (1974).

Section establishes flexible standard of notice. In view of the numerous meetings to which the statutory requirement of full and timely notice is applicable, this section establishes a flexible standard aimed at providing fair notice to the public, so that whether the notice requirement has been satisfied in a given case will depend upon the particular type of meeting involved. *Benson v. McCormick*, 195 Colo. 381, 578 P.2d 651 (1978); *Lewis v. Town of Nederland*, 934 P.2d 848 (Colo. App. 1996); *Town of Marble v. Darien*, 181 P.3d 1148 (Colo. 2008).

Publication of notice of meeting of local public body in newspaper of general circulation in the county in which the meeting is to be held, six days prior to the meeting, satisfies notice requirements of section. *Van Alstyne v. Housing Auth. of City of Pueblo*, 985 P.2d 97 (Colo. App. 1999).

An emergency necessarily presents a situation in which public notice, and likewise, a public forum would be impracticable or impossible. *Lewis v. Town of Nederland*, 934 P.2d 848 (Colo. App. 1996).

Procedures contained in a municipal ordinance requiring ratification of action taken at an emergency meeting at either the next board meeting or a special meeting where public notice of the emergency has been given, represent reasonable satisfaction of the "public" conditions of the Open Meetings Law under emergency circumstances. *Lewis v. Town of Nederland*, 934 P.2d 848 (Colo. App. 1996).

Some overt action must be taken by the board to give notice to the public that a meeting is to be held. At the very minimum, full and timely notice to the public requires that notice of the meeting be posted within a reasonable time prior to the meeting in an area which is open to public view. *Hyde v. Banking Bd.*, 38 Colo. App. 41, 552 P.2d 32 (1976).

The mailing of notice to the persons on the "sunshine list" does not constitute full and timely notice to the public. *Hyde v. Banking Bd.*, 38 Colo. App. 41, 552 P.2d 32 (1976).

Though a copy of the notice mailed to persons on the "sunshine list" is available for public inspection upon request, such a procedure does not constitute sufficient notice to the public under this section. *Hyde v. Banking Bd.*, 38 Colo. App. 41, 552 P.2d 32 (1976).

Full notice requirement satisfied. An ordinary member of the community would understand that notice of an advisory committee update would include consideration of, and possible formal action on, the advisory committee's recommendations. *Town of Marble v. Darien*, 181 P.3d 1148 (Colo. 2008).

Section does not require a public body to adjourn and re-notify when the action already falls under a topic listed on the notice. The particular notice contained the agenda information available at the time of the notice and, thus, satisfied the requirement that "specific agenda information" be included "where possible". *Town of Marble v. Darien*, 181 P.3d 1148 (Colo. 2008).

Compliance with subsection (3) is not substitute for compliance with subsection (2). *Hyde v. Banking Bd.*, 38 Colo. App. 41, 552 P.2d 32 (1976).

Action taken without full and timely notice is invalid. This section does not invalidate the formal action of a board for the failure to comply with notice to those persons on the "sunshine list", but it does invalidate an action taken where there is not full and timely notice to the public. *Hyde v. Banking Bd.*, 38 Colo. App. 41, 552 P.2d 32 (1976).

City council's use of anonymous ballot procedure to fill city council vacancies and to appoint municipal judge is not prohibited by section. Section does not impose specific voting procedures on local public bodies let alone one that prohibits the use of anonymous ballots. Section is silent as to whether the votes taken need to be recorded in a way that identifies which elected official voted for which candidate. Rather, section only requires that the public have access to meetings of local public bodies and be able to observe the decision-making process. *Henderson v. City of Fort Morgan*, 277 P.3d 853 (Colo. App. 2011).

Subsection (4) invalidates any formal action regarding compensation taken other than at an open meeting, absent prior request by the person affected for an executive session. *Lanes v. State Auditor's Office*, 797 P.2d 764 (Colo. App. 1990).

District court erred in permitting the redaction of the minutes of a county retirement plan's meetings that were not conducted in an executive session because the plan did not follow the statutory requirements for calling an executive session and the meetings were not actually held in an executive session. *Zubeck v. El Paso County Retirement Plan*, 961 P.2d 597 (Colo. App.

1998).

If a local public body fails strictly to comply with the requirements set forth to convene an executive session, it may not avail itself of the protections afforded by the executive session exception. Therefore, if an executive session is not properly convened, it is an open meeting subject to the public disclosure requirements of the Open Meetings Law. *Gumina v. City of Sterling*, 119 P.3d 527 (Colo. App. 2004).

Subsection (9) is not a general grant of standing to any citizen and does not abrogate the requirement that in order to have standing the plaintiff must suffer an injury in fact. *Pueblo Sch. Dist. No. 60 v. Colo. High Sch. Activities Assn.*, 30 P.3d 752 (Colo. App. 2000).

Subsection (9) entitles plaintiffs to an award of attorney fees upon a finding that the governmental entity has violated any of the provisions of law. There is no requirement that the violation be knowing or intentional. *Zubeck v. El Paso County Retirement Plan*, 961 P.2d 597 (Colo. App. 1998).

Subsection (9) establishes mandatory consequences for a violation of the Open Meetings Law, entitling plaintiffs to their costs and attorney fees incurred in bringing an action to force a public body to comply with the law. *Van Alstyne v. Housing Auth. of City of Pueblo*, 985 P.2d 97 (Colo. App. 1999).

Where a public body cured an admitted violation before the filing of a complaint, the plaintiff was not a prevailing party and is not entitled to an award of fees and costs. *COHVCO v. Bd. of Parks & Outdoor Rec.*, 2012 COA 146, 292 P.3d 1132.

PETITION FOR ANNEXATION

DUSTY HILLS ANNEXATION

To the City Council of the City of Colorado Springs:

We, the undersigned, constituting and comprising the owners of 100%* of the area (territory) (excluding public streets and alleys) described in **Exhibit 1** attached hereto and made a part of the Petition (the "Described Area"), do hereby petition that the Described Area be annexed to and become a part of the City of Colorado Springs and do represent and state:

1. It is desirable and necessary that the Described Area be annexed to the City of Colorado Springs.
2. The requirements of Sections 31-12-104 and 31-12-105, C.R.S. 1973, as amended, exist or have been met as these sections apply to the annexation of the Described Area.
3. That the annexation of the Described Area complies with Section 30 of Article II of the Colorado Constitution.
4. That the undersigned request that the City of Colorado Springs approve the annexation of the Described Area.
5. That the legal description of the land owned by each Petitioner hereto is attached to and made part of this Petition.

The Petitioner(s) hereto understand and are cognizant of the fact that the City of Colorado Springs ("City") is not legally required to annex the Described Area, and that if the City does annex the Described Area, the annexation shall be upon the conditions and agreement of the Petitioner(s) as set forth in the Annexation Agreement.

NOW, THEREFORE, in consideration of the foregoing statement, and in further consideration of the benefits which will accrue to the Petitioner(s) and the obligations resulting to the City if the Described Area is annexed to the City, the Petitioner(s) agree and covenant that if the Described Area is annexed to the City, the Petitioner(s) will comply with all applicable provisions of the Code of the City of Colorado Springs 2001, as amended, and all applicable ordinances, resolutions, and regulations of the City now existing or as hereinafter amended.

The covenants and agreements herein above set forth shall run with the land owned by each Petition hereto which is subject to this annexation and shall extend to and be binding upon the heirs, assigns, legal representatives and successors to each Petitioner. Each Petitioner expressly accepts the aforesaid covenants and agreements by proceeding with the Petition for Annexation to the City.

Dusty Hills Incorporated

By William H. West
William H. West, President

Date Nov 12, 2013

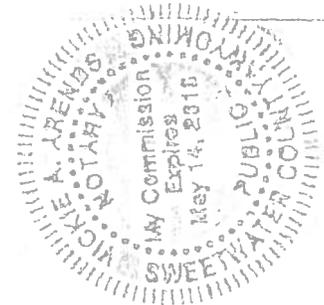
Attest Robert C. West
Robert C. West, Secretary

Date Nov. 15, 2013

Mailing Address:
95 Woodmen Court
Colorado Springs, Colorado 80919

Legal Description: See Exhibit 2

STATE OF WYOMING)
) ss.
COUNTY OF SWEETWATER)



The foregoing Petition for Annexation was acknowledged before me this 12th day of November, 2013 by William H. West as President of Dusty Hills Incorporated, a Colorado corporation, on behalf of the corporation.

Witness my official hand and seal.

My Commission expires: 5/14/16

Vickie A Arends
Notary Public

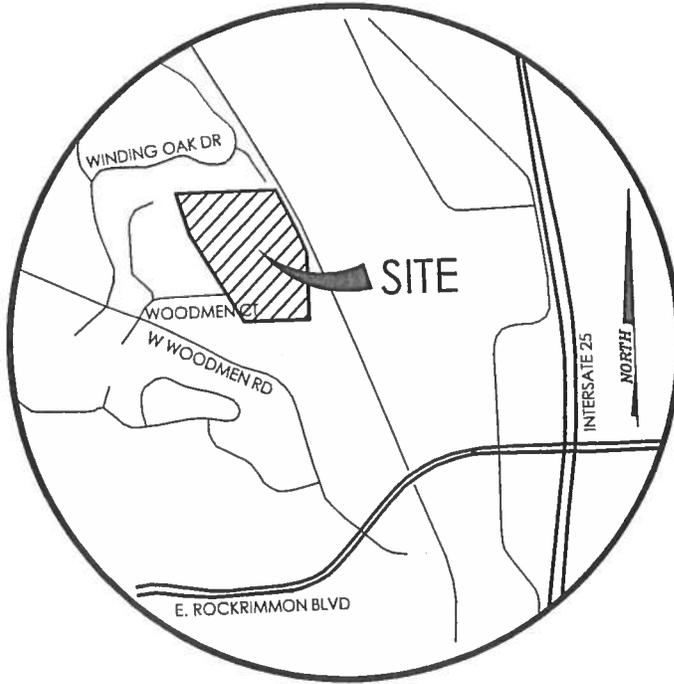
STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

The foregoing Petition for Annexation was acknowledged before me this 15th day of NOVEMBER, 2013 by Robert C. West as Secretary of Dusty Hills Incorporated, a Colorado corporation, on behalf of the corporation.

Witness my official hand and seal.

My Commission expires: 7/20/2015

David R. Gorman
Notary Public





Colorado Springs Utilities
It's how we're all connected

Interoffice Memorandum

MEETING DATE: January 14, 2014

TO: President and Members of City Council

FROM: *[Signature]* JAF
Jerry Forte, P.E., Chief Executive Officer

RE: **A RESOLUTION GRANTING PERMISSION TO CLOSE A CONSENSUAL TRANSACTION FOR THE ACQUISITION OF PROPERTY FOR SOUTHERN DELIVERY SYSTEM PROJECT IMPROVEMENTS**

UTILITIES' STRATEGIC GOAL(S) THIS ITEM SUPPORTS: I1 - Plan, Build, Rehabilitate, and Maintain Infrastructure.

SUMMARY: Southern Delivery System (SDS) staff requests permission to close on consensual acquisitions of real property required for the SDS project in El Paso County. This acquisition is for a permanent easement for the SDS pipeline to be installed within the property generally located between Fountain Creek and Hanover Road in El Paso County. The actual construction will be solely underground via a tunnel and will not require any surface disturbance. Due to this construction method, no temporary easement is needed on the property. As a permanent easement, the value is based on a percentage of the fee value of the land. The area of the easement is approximately 8.253 acres. The property is encumbered with a conservation easement initially funded by Colorado Open Lands, Great Outdoors Colorado (GOCO), the United States Department of Agriculture and El Paso County. Following past practices at the direction of the holder of the conservation easement, the compensation was valued as if the property is unencumbered. The holders of the conservation easement have approved the proposed use of the property for the SDS project in the letter attached as Attachment A. The calculations are shown on the attached Summary of Just Compensation as Attachment B. A diagram showing the location of the easement is also attached as Attachment C.

PREVIOUS COUNCIL ACTION: Since September 8, 2009, City Council has passed a number of resolutions authorizing the closings of more than 200 property transactions for the SDS project.

BACKGROUND: Pursuant to the provisions of the Colorado Constitution and the Colorado Springs City Charter, the City is empowered to acquire real property necessary for Utilities projects. Colorado Springs Utilities requests permission to close the transaction listed on Exhibit A of the resolution.

This resolution authorizes Colorado Springs Utilities staff to complete the purchase of this real property.

FINANCIAL IMPLICATIONS: This land acquisition is budgeted in the 2014 SDS Project budget.

BOARD/COMMISSION RECOMMENDATION: Not Applicable.

STAKEHOLDER PROCESS: Staff has been in contact with property owners impacted by the SDS project and will continue to communicate with stakeholders on a frequent basis. In addition, negotiations with property owners were conducted in accord with the Federal Uniform Act, the City of Colorado Springs Procedure Manual for the Acquisition and Disposition of Real Property Interests and all applicable law.

ALTERNATIVES: Acquisition of Permanent Easements could be delayed or discontinued. However, choosing this alternative will likely result in increased project costs and schedule delays.

RECOMMENDATION: Move approval of proposed resolution.

PROPOSED MOTION: Approval of proposed resolution.

c: Utilities' Officer Team
 City Real Estate Services

Resolution No. _____

**A RESOLUTION GRANTING PERMISSION TO CLOSE A CONSENSUAL
TRANSACTION FOR THE ACQUISITION OF PROPERTY FOR SOUTHERN
DELIVERY SYSTEM PROJECT IMPROVEMENTS**

SECTION 1. City Council finds the acquisition of the property listed in the attached Exhibit A to be necessary for the Southern Delivery System (SDS) project.

SECTION 2. The Project Manager and City Real Estate Services (RES) Manager are authorized to close and acquire this property in accord with City of Colorado Springs Procedures Manual for the Acquisition and Disposition of Real Property Interests.

SECTION 3. This Resolution shall be in full force and effect immediately upon its adoption.

Dated at Colorado Springs, Colorado this _____ day of _____, 2014.

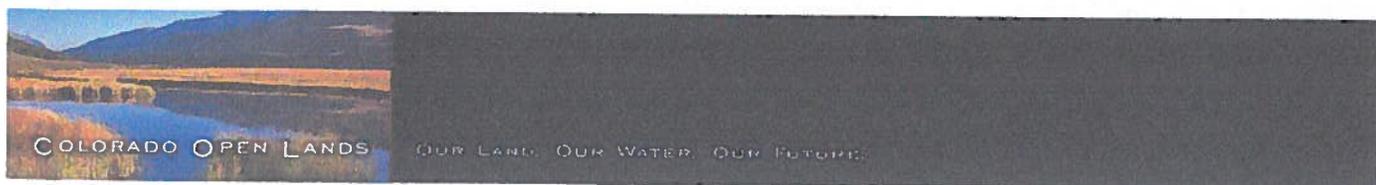
Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

Exhibit A

Assessor's Parcel Number (APN)	Property Owner	Property Address	Permanent Easement Area (AC)	Temporary Easement Area (AC)	Fee Simple	Total Price
57000-00-156	Hanna Ranches, Inc., a New Mexico Corporation	15680, Hanover Road, Fountain, CO	8.253 AC	0	0	\$24,759.00



December 9, 2013

Hanna Ranches, Inc.
 Attn: Ann Hanna
 4895 Evening Sun Lane
 Colorado Springs, CO 80917

Dear Ann,

The purpose of this letter is to respond to your request, dated September 27th 2013, to grant a utility easement to Colorado Springs Utilities for the purposes of an underground water pipeline on the Hanna Ranch conservation easement.

Section B(3) Utility Lines of the conservation easement states that, "New utility lines may be installed outside of the Building Envelope, provided that said utility lines are installed underground and further provided that any portion of the Property that is disturbed by such activity shall be restored to a condition that is consistent with the Purpose and Intent promptly after said activity is completed. Any easement, right of way or other interest to be used for utility lines are subject to Section 6.I. (Easements, Rights of Way or Other Interests) of this Deed.

Section 6.I states, " Except as provided in Exhibit D, Item 23, Grantor shall not convey or modify any easement, right of way, or other interest to be used for utilities, pipelines, trails or roads without the prior written approval of Grantee. Grantor shall notify Grantee in writing not less than sixty (60) calendar days prior to the date Grantor intends to undertake the activity in question. The written notice shall describe the proposed activity in sufficient detail (i.e. location, size, scope, design, nature) to allow Grantee to evaluate the consistency of the proposed activity with the Purpose and Intent. The granting of such interests by Grantor and the use of such easement, right or way or other interest shall be consistent with the Purpose and Intent and shall be subject to the terms of this Deed."

We have reviewed the documentation you provided, including your letter and the 90% construction drawings. Based on our review, we have determined that the proposed construction and easement grant are consistent with the terms of the conservation easement and the preservation and protection of the conservation values and therefore we approve your request.

This determination is based on the fact that:

- 1) The Conservation Values will not be impacted because:
 - a. The pipeline will be installed underground.
 - b. The installation of the underground pipeline will not cause any portion of the surface to be disturbed.
- 2) Sixty days prior written notice was provided.
- 3) The granting of the easement and the underground pipeline is consistent with the Purpose and Intent because the Conservation Values will not be impacted.

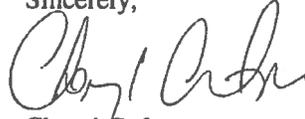
274 UNION BOULEVARD, SUITE 350 LAKEWOOD, CO 80228 WWW.COLORADOOPENLANDS.ORG T. 303.968.2373 F. 303.968.2363

Please be advised that this approval is only for the construction for which plans were provided and this letter does not preclude our responsibility or ability to enforce the terms of the easement.

Thank you for your timely request. Please don't hesitate to contact me if you have any questions regarding this proposal or other easement issues you would like to discuss.

Colorado Open Lands appreciates your commitment to protecting the conservation values of your property and we look forward to working with you in the future.

Sincerely,



Cheryl Cufre
Director of Land Stewardship
303-988-2373 x 219
ccufre@coloradoopenlands.org

CC:
Lyman Ho



Colorado Springs Utilities

It's how we're all connected

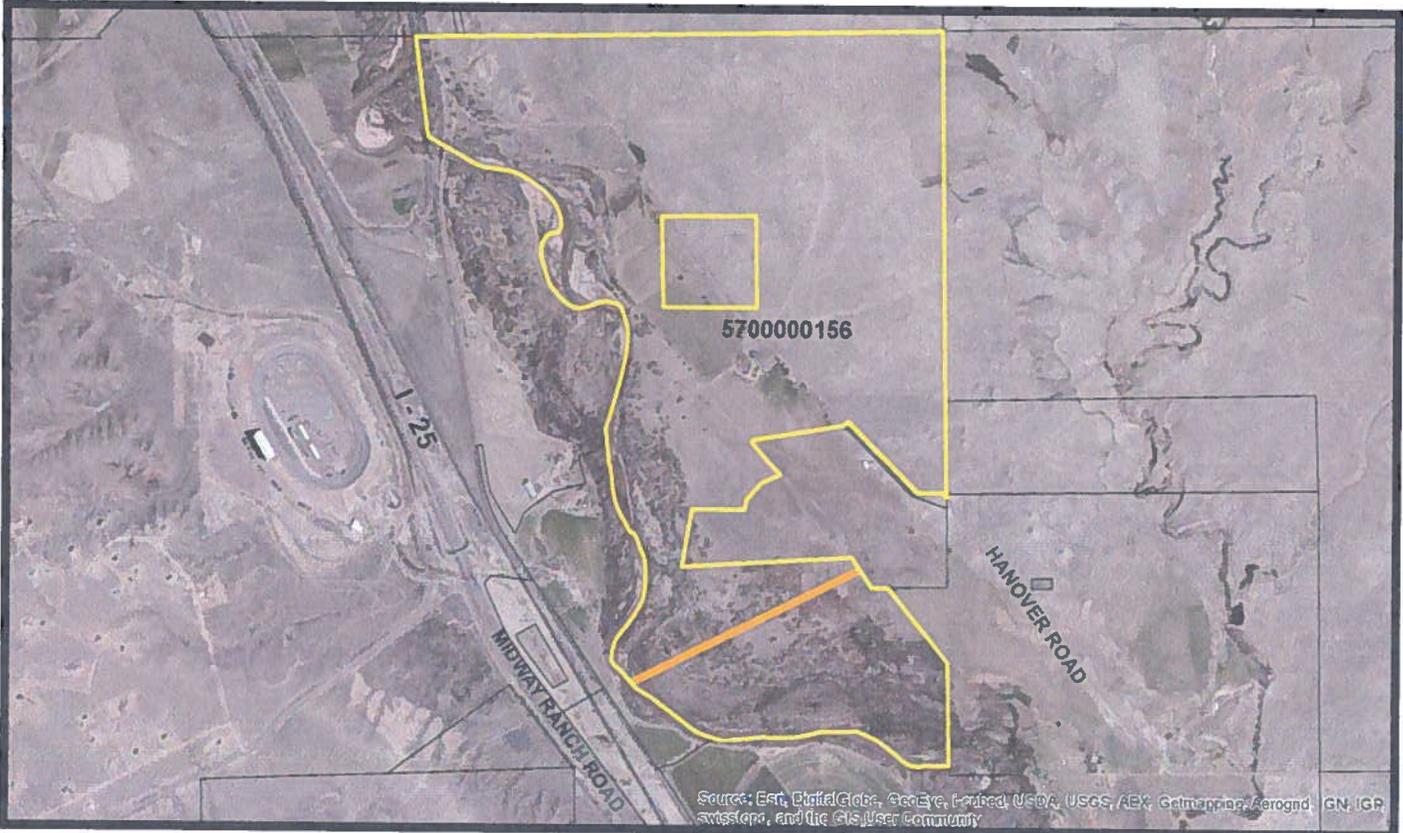
Assessors Parcel No.: 57000-00-156

Re: Southern Delivery System Project Summary Statement of Just Compensation

Permanent Utility Easement		
8.253 Acres X \$4,000.00/AC X 75% =	\$	24,759.00
Land Rental (Temporary Construction Easement)		
N/A	\$	0.00
Improvements		
N/A	\$	0.00
Damages or Cost to Cure		
N/A	\$	0.00
Less Benefits		
N/A	\$	0.00
GROSS TOTAL	\$	24,759.00
TOTAL JUST COMPENSATION	\$	24,759.00

121 South Tejon Street, Third Floor
P.O Box 1103, Mail Code 930
Colorado Springs, CO 80947-0390

Phone 719-668-8677
Fax 719-668-8734
<http://www.csu.org>

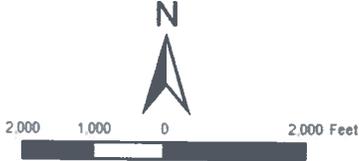


-  PARCEL AREA IN ACRES (1023.82 ±)
-  PERMANENT EASEMENT IN ACRES (8.25 ±)
-  TEMPORARY EASEMENT IN ACRES (0.00 ±)

**SOUTHERN DELIVERY SYSTEM
EASEMENT AND ACQUISITION EXHIBIT
PARCEL # 5700000156**

August 7, 2013

Note: This exhibit does not represent a land survey plat by CH2M HILL. CH2M HILL has made a good-faith effort to provide the most recent and accurate information available. This information is not to be used in any legal or official venue and is subject to change.





Regular Agenda Item

COUNCIL MEETING DATE: January 14, 2014

TO: President and Members of City Council

CC: Mayor Steve Bach

VIA: Laura Neumann, Chief of Staff /Chief Administrative Officer

FROM: Peter Wysocki, Planning and Development Director
Carl Schueler, Senior Planner

Subject Title: Ordinance Including Certain Property into the Barnes & Powers South Business Improvement District

SUMMARY:

This very small (one square foot) parcel is being petitioned for inclusion into the boundaries of the Barnes & Powers South Business Improvement District ("the BID"). State Statute (Section 31-25-1220, C.R.S.) requires that any inclusions of property from BIDs be approved by the City. In accordance with the statutory section cited above, the petition for inclusion has been verified and arrangements made with the City for legal publication. This item is directly related to the immediately preceding item on today's agenda.

PREVIOUS COUNCIL ACTION:

The BID was established pursuant to Ordinance 04-50 adopted by Council on April 27, 2004, which Ordinance approved the initial operating plan and budget ("Operating Plan") for the BID. The BID's Operating Plan has been approved annually since that time in accordance with Section 31-25-1211, C.R.S., most recently in November of 2013. Council approved issuances of debt by this BID in 2007 and 2011 (Resolutions 68-07 and 108-11).

BACKGROUND:

BIDs are created under Colorado Statute and City Policy to finance and/or maintain certain public improvements in non-residential areas, utilizing a property tax mill levy as the revenue source. BIDs are a separate legal entity from the City, but their budgets and operating plans must be approved annually by the City. In 2007, the owners who originally created this BID (Nor'wood Development Corporation) sold all of the property in the BID to an unrelated party (Costco). The purpose of this inclusion is to allow the current Board of Directors (Nor'wood) to continue to operate and control this BID. The inclusion comprises a total of one square foot of property which is being contemporaneously excluded from the Barnes & Powers North BID. The most recent Operational Plan for this BID anticipates this inclusion. The District's \$835,000 "2007A" bonds are developer-owned, have an interest rate of 8.5% and remain outstanding. They were issued for the purpose of financing public improvements benefitting property in its current boundaries. The limited 2011 bonds have been paid off. Legal notice of this hearing has been published as required by Statute.

The District and Nor'wood represent that Costco has been informed of the presence and obligations of this BID in 2007 when they purchased the property, and they have been comfortable with Nor'wood continuing to administer the BID. Although Costco has no qualified electors at this time, this small property inclusion would not preclude them from qualifying electors at some future time, and thereby taking a more active role in this District. At the direction of City Council, City staff has also provided letter notice of this hearing to Costco's corporate address and to the address of this property. On January 2, 2014, Mr. Bruce Coffey, in-house counsel with Costco responded to this letter verbally. As of this date their intent is to not formally comment on the basis that this is a housekeeping fix that does not alter their current financial obligations and does not preclude them from asserting control over the board at some future date if they ever desired to.

FINANCIAL IMPLICATIONS:

There should be no direct financial implications to the City from this action. The inclusion of this property will have no discernible effect on the financial capability of either effected BID to meet their financing obligations.

BOARD/COMMISSION RECOMMENDATION:

The members of the City Special District Review Committee were provided e-mail notice of this request (with documentation) and have been asked to provide comments.

STAKEHOLDER PROCESS:

Other than the petitioners, the only significant stakeholder is assumed to be the current owners of the majority of the property in this BID (Costco). Letter notice of this hearing has been provided to Costco as described above.

ALTERNATIVES:

City Council could choose to approve, not approve or modify the proposed ordinance.

RECOMMENDATION:

Staff recommends approval of the attached ordinance.

PROPOSED MOTION:

Move approval of the attached ordinance.

Attachments:

- An ordinance including certain property in the boundaries of the Barnes & Powers South Business Improvement District
 - o Exhibit A - Inclusion Petition
- Letter from District Re: Costco d. November 15, 2013
- Letter from District d. September 13, 2013
- Letter from District d. September 24, 2013
- Letter notice to Costco d. December 10, 2013

ORDINANCE NO. 14-____

**AN ORDINANCE INCLUDING CERTAIN PROPERTY INTO THE BOUNDARIES OF
THE BARNES & POWERS SOUTH BUSINESS IMPROVEMENT DISTRICT**

WHEREAS, City Council received a Petition for Inclusion (the "Petition") filed pursuant to C.R.S. § 31-25-1220 for the inclusion of certain property described in the Petition attached and made a part of this Ordinance as Exhibit "A" (the "Property") from the Barnes & Powers South Business Improvement District ("District"); and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in the *Colorado Springs Gazette*, calling for a public hearing on the inclusion request set forth in the Petition, proof of publication for which is attached and made a part of this Ordinance as Exhibit "B"; and

WHEREAS, City Council has conducted a Public Hearing and heard all persons having objections to the inclusion of the Property into the District; and

WHEREAS, the Property sought to be included in the District is located entirely within the City of Colorado Springs, El Paso County, Colorado, and does not include property within any other county or within any other incorporated city, town, or city and county.

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

Section 1. City Council finds and determines that it has jurisdiction in this matter pursuant to the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S.

Section 2. City Council finds and determines that the change in boundaries of the Barnes & Powers South Business Improvement District as proposed in the Petition does not adversely affect the District.

Section 3. Pursuant to C.R.S. § 31-25-1220, City Council grants the Petition and orders the inclusion of the Property into the boundaries of the District.

Section 4. The City Clerk is directed to file a certified copy of this Ordinance with the County Clerk and Recorder of El Paso County, Colorado.

Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 14th day of January 2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A

PETITION FOR INCLUSION OF LAND

into

BARNES & POWERS SOUTH BUSINESS IMPROVEMENT DISTRICT

TO: City Council, City of Colorado Springs, Colorado.

The undersigned, BARNES & POWERS NORTH NO. 1, LLC hereby respectfully petitions the City Council pursuant to Section 31-25-1220, C.R.S., for the inclusion of the hereinafter described land into the Barnes & Powers South Business Improvement District.

The undersigned hereby requests that the herein described property be included in said District and that an Ordinance be adopted by the City Council including said land in said District, and that from and after the entry of such Ordinance, said land shall be liable for assessments and other obligations of said District.

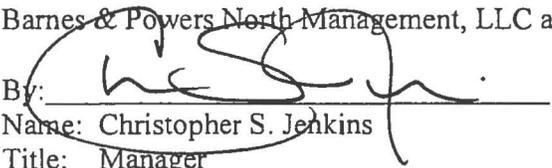
The undersigned represents to the City Council that it is the owner of the property hereinafter described and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

This Petition is accompanied by a deposit of \$100.00; said deposit is believed to be sufficient to pay all pre- and post-acceptance costs of the inclusion proceedings, but should said deposit be insufficient, the undersigned further agrees that it shall pay in full the fees and costs incurred by the City and the District for the publication of notice of the hearing on inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the land into said District, whether or not such inclusion is approved.

The legal description of said land situate in the County of El Paso, State of Colorado, is attached hereto as Exhibit A.

This is a verified petition.

Petitioner: BARNES & POWERS NORTH NO. 1, LLC
By: Barnes & Powers North Management, LLC as Manager
By: 
Name: Christopher S. Jenkins
Title: Manager

Petitioner's
Street Address: 111 South Tejon, Suite 222
Colorado Springs, CO 80903

EXHIBIT A



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

The foregoing instrument was acknowledged before me this 30 day of August, 2013, by Christopher S. Jenkins as Manager of Barnes & Powers North Management, LLC, the Manager of Barnes & Powers North No. 1, LLC.

Witness my hand and official seal.

My Commission Expires: 02/27/16
Marion Mann DeJong
Notary Public

EXHIBIT A



6385 Corporate Drive, Suite 101
Colorado Springs, Colorado 80919
(719)785-0790 (719)785-0799(fax)

JOB NO. 2091.13
AUGUST 15, 2013
PAGE 1 OF 1

LEGAL DESCRIPTION: BUSINESS IMPROVEMENT DISTRICT CONVEYANCE

A PARCEL OF LAND BEING A PORTION OF LOT 1, COMMERCIAL CENTER AT POWERS AND BARNES FILING NO. 4, RECORDED UNDER RECEPTION 208712243 RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A TANGENT LINE ON THE NORTHERLY RIGHT OF WAY LINE OF BARNES ROAD AS PLATTED IN STETSON HILLS SUBDIVISION NO. 1 RECORDED IN PLAT BOOK Z-3 AT PAGE 103, RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT BOTH ENDS BY A RED PLASTIC SURVEY CAP STAMPED PLS 20681 ON A NO. 4 REBAR, IS ASSUMED TO BEAR N88°44'44"E, A DISTANCE OF 548.50 FEET,

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THENCE N88°44'44"E, ON THE SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 155.23 FEET, TO THE POINT OF BEGINNING;

THENCE N01°22'21"W, A DISTANCE OF 1.00 FEET;

THENCE N88°44'44"E, A DISTANCE OF 1.00 FEET;

THENCE S01°22'21"E, A DISTANCE OF 1.00 FEET TO POINT ON SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT OF WAY;

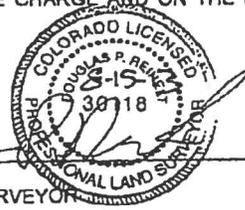
THENCE S88°44'44"W, ON SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1.00 SQUARE FEET

LEGAL DESCRIPTION STATEMENT:

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


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



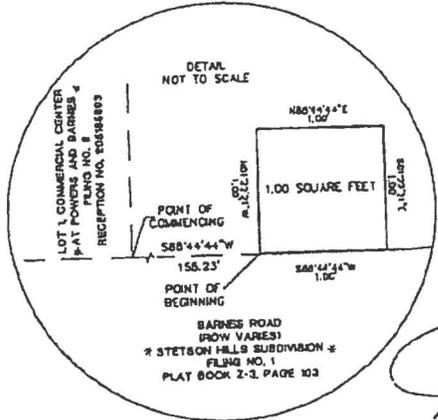
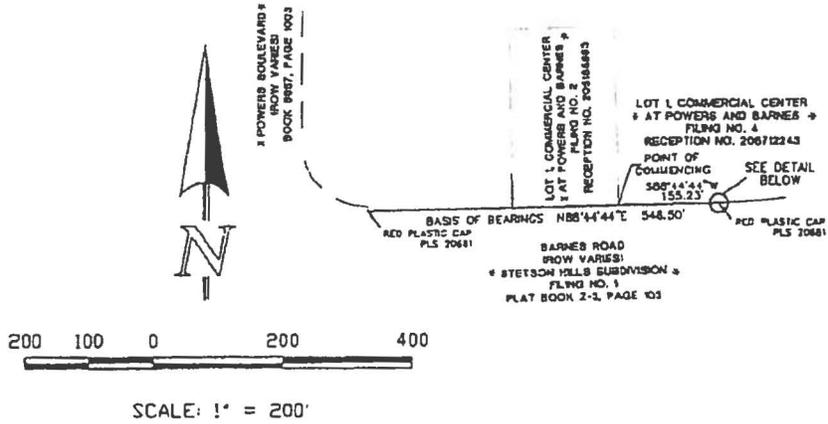
August 15, 2013
DATE

EXHIBIT A



6385 Corporate Drive, Suite 101 (719)785-0790
 Colorado Springs, Colorado 80919 (719)785-0796 (Fax)

COMMERCIAL CENTER AT POWERS AND
 BARNES FILING NO. 4, BUSINESS
 IMPROVEMENT DISTRICT CONVEYANCE
 JOB NO. 2091.13
 SHEET 1 OF 1
 AUGUST 15, 2013



CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.

SPENCER FANE
& GRIMSHAW_{LLP}
ATTORNEYS & COUNSELORS AT LAW

MARY L. CARTER,
LEGAL ADMINISTRATIVE ASSISTANT
DIRECT DIAL: (303) 839-3871
mcarter@spencerfane.com

File No. 5114191-0010
5114192-0009

September 13, 2013

City Clerk
City of Colorado Springs
PO Box 1575, Mail Code 110
30 S Nevada Ave, Suite 101
Colorado Springs, CO 80903

**Re: Barnes & Powers North Business Improvement District - Petition for
Exclusion of Land; Barnes & Powers South Business Improvement District –
Petition for Inclusion of Land**

Dear City Clerk:

This office represents the Barnes & Powers North Business Improvement District and the Barnes & Powers South Business Improvement District. Please be advised that the Boards of Directors of the two Districts unanimously voted to approve the inclusion and exclusion at their last Board meetings on August 28, 2013.

Enclosed please find the following:

1. Original Petition for Inclusion of Property into the Barnes & Powers South Business Improvement District, along with a copy of the same. Please date stamp and return to my attention the copy of the Petition in the enclosed, self-addressed, stamped envelope.
2. Original Petition for Exclusion of Property from the Barnes & Powers North Business Improvement District, along with a copy of the same. Please also date stamp and return to my attention the copy of the Petition in the enclosed, self-addressed, stamped envelope.
3. Proposed Notice of Inclusion and Notice of Exclusion for publication in the *Colorado Springs Gazette*, required to be coordinated by the City Clerk in accordance with Section 31-25-1220(1), C.R.S.
4. Proposed Bill for an Ordinance relating to the inclusion and Bill for an Ordinance relating to the exclusion for your use.

1700 Lincoln Street, Suite 3800
Denver, Colorado 80203-4538

DN 925703.1

(303) 839-3800 www.spencerfane.com Fax (303) 839-3838

City Clerk
September 13, 2013
Page 2

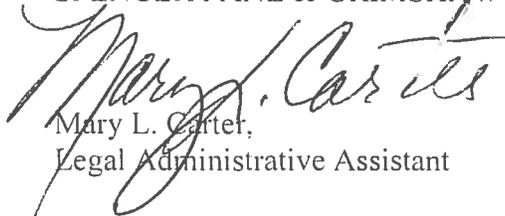
5. Our check in the amount of \$200.00 is also enclosed to cover the pre- and post-acceptance costs of the exclusion/inclusion proceedings. Should this deposit be insufficient, the Petitioners have agreed to pay any additional costs of the City.

If you would prefer, please advise the undersigned via email of the hearing date and this office will coordinate the publication of the notices of public hearing on the proposed inclusion and exclusion with the *Colorado Springs Gazette*, providing the City Clerk with the Proofs of Publication prior to the scheduled hearing date. Kindly advise us if your office will be handling the publication.

If you have any questions, or need anything further, please feel free to call or email.

Very truly yours,

SPENCER FANE & GRIMSHAW LLP



Mary L. Carter,
Legal Administrative Assistant

MLC/idi
Enclosures

SPENCER FANE
& GRIMSHAW^{LLP}
ATTORNEYS & COUNSELORS AT LAW

RUSSELL W. DYKSTRA
DIRECT DIAL: (303) 839-3845
rdykstra@spencerfane.com

File No. 14191-10/14192-9

September 24, 2013

VIA ELECTRONIC MAIL

Carl Schueler, AICP
Senior Planner - Comprehensive
City of Colorado Springs
Land Use Review Division
30 S. Nevada, Suite 105, MC155
Colorado Springs, CO

via e-mail: cschueler@springsgov.com

**Re: Barnes & Powers North BID/Exclusion; Barnes & Powers South
BID/Inclusion**

Dear Carl:

In response to your e-mail of September 18, 2013 to my legal assistant, Mary Carter, regarding the above referenced exclusion and inclusion of property from one BID to another, please be advised as follows:

The entire property originally included within the Barnes & Powers South Business Improvement District, which was improved by the provision of public improvements (water, sewer, streets, etc.) through use of bonds issued by the BID, was sold to Costco.

This necessitated a requalification of the Barnes & Powers South BID Board by excluding a small parcel of land from the Barnes & Powers North BID into the Barnes & Powers South BID that could then be leased to the Board members of the Barnes & Powers South BID. This requalification would then allow the Board to continue to perform the basic functions of the District, which mainly consists of the collection of property taxes and payment of the bonds.

1700 Lincoln Street, Suite 3800
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Carl Schueler, AICP
September 19, 2013
Page 2

The property owner of the parcel generated the legal description of the small parcel that is being used for this purpose and has signed a lease of the property to the five Board members, qualifying them for appointment as directors.

Please let me know if you require additional information or have any questions.

Very truly yours,

SPENCER FANE & GRIMSHAW LLP



Russell W. Dykstra

RWD/mlc



PLANNING & DEVELOPMENT DEPARTMENT
Land Use Review Division

December 10, 2013

Costco Wholesale Corporate Property Tax Dept - 1014
999 Lake Drive
Issaquah, WA 98027

RE: Business Improvement District Property Inclusion Affecting Your Location at 5881 Barnes Road
Colorado Springs, CO (Tax Schedule # 53302-02-008)

This is to inform you that on **January 14, 2014**, the Colorado Springs City Council will be taking action on a proposed ordinance which would include a small parcel of land into the Barnes & Powers South Business Improvement District ("the BID") which overlays and at this time is limited to, your above-referenced property. The hearing is scheduled for 1:00 p.m. at Colorado Springs City Hall, 107 North Nevada Avenue in Colorado Springs. The intent of the property inclusion is to allow the current Board of Directors to continue to administer the BID including servicing of the BID's bonded indebtedness, as they have since Costco acquired the property in 2007.

If you desire additional information or have any comments or concerns, please feel free to contact me at (719) 385-5391 or cschueler@springsgov.com. Please also feel free to contact Mr. Ralph Braden who represents the current BID Board of Directors at rbraden@nor-wood.com.

Sincerely,

Carl Schueler, AICP, Senior Planner-Comprehensive Planning

Attachment: Excerpts from December 9, 2013 City Council agenda packet

cc: Costco
5881 Barnes Road
Colorado Springs, CO 80922

Ralph Braden, Nor'wood Development Corporation (via e-mail)

Mary Carter, Spencer Fane & Grimshaw LLP (via e-mail)

N O R ' W O O D

November 15, 2013

Carl Schueler

Re: Barnes and Powers South Business Improvement District

You have requested this letter concerning the lack of interest of COSTCO in managing the Barnes and Powers South Business Improvement District.

The property included within the Barnes and Powers South Business Improvement District was sold to COSTCO in 2007. COSTCO representatives expressed no interest in managing the BID at that time. Consequently, with COSTCO's consent since 2007, the BID has been managed by the current board of directors with no request from COSTCO to take over management of the business affairs of the BID.


Ralph Braden



FORMAL AGENDA ITEM

COUNCIL MEETING DATE: January 14, 2014

TO: President and Members of City Council

CC: Mayor Steve Bach

VIA: Laura Neumann, Chief of Staff /Chief Administrative Officer

FROM: Peter Wysocki, Planning and Development Director
Carl Schueler, Senior Planner

Subject Title: Ordinance Excluding Certain Property from the Barnes & Powers North Business Improvement District

SUMMARY:

This very small (one square foot) parcel that is being petitioned for exclusion from the boundaries of the Barnes & Powers North Business Improvement District ("the BID"). State Statute (Section 31-25-1220, C.R.S.) requires that any exclusions of property from BIDs be approved by the City. In accordance with the statutory section cited above, the petition for inclusion has been verified and arrangements made with the City for legal publication. This item is directly related to the immediately following item on today's agenda. These associated exclusion and inclusion actions will allow the current directors of the Barnes & Powers South Business Improvement District to continue to govern and administer that BID.

PREVIOUS COUNCIL ACTION:

The BID was established pursuant to Ordinance 04-49 adopted by Council on April 27, 2004, which Ordinance approved the initial operating plan and budget ("Operating Plan") for the BID. The BID's Operating Plan has been approved annually since that time in accordance with Section 31-25-1211, C.R.S., and most recently in November 2013. Council approved issuance of debt by this BID in 2007 (Resolutions 84-07).

BACKGROUND:

BIDs are created under Colorado Statute and City Policy to finance and/or maintain certain public improvements in non-residential areas, utilizing a property tax mill levy as the revenue source. BIDs are a separate legal entity from the City, but their budgets and operating plans must be approved annually by the City. In 2007, the owners who originally created this BID and the related Barnes & Powers South BID (Nor'wood Development Corporation) sold all of the property in the South BID to an unrelated party (Costco). The purpose of this exclusion is to subsequently include this small property into the South BID in order to allow the current Board of Directors of that BID (Nor'wood) to continue to operate and control it. The exclusion comprises a total of one square foot of property which is being contemporaneously included in the Barnes & Powers South BID. The most recent Operational Plan for this BID anticipates this exclusion. This District's \$4,000,000 "2007A" bonds have an interest rate of 6.5% and remain outstanding.

They were issued for purpose of financing public improvements benefitting property in its current boundaries. Legal notice of this hearing has been published as required by Statute.

FINANCIAL IMPLICATIONS:

There should be no direct financial implications to the City from this action. The exclusion of this property will have no discernible effect on the financial capability of either effected BID to meet their financing obligations.

BOARD/COMMISSION RECOMMENDATION:

The members of the City Special District Review Committee were provided e-mail notice of this request (with documentation) and have been asked to provide comments.

STAKEHOLDER PROCESS:

Other than the petitioners, there are no substantially impacted stakeholders for this particular action. However, the owners of property in the South BID (Costco), will be impacted by the corresponding property inclusion action (see next agenda item).

ALTERNATIVES:

City Council could choose to approve, not approve or modify the proposed ordinance.

RECOMMENDATION:

Staff recommends approval of the attached ordinance.

PROPOSED MOTION:

Move approval of the attached ordinance.

Attachments:

- Letter from District dated September 13, 2013
- Letter from District dated September 24, 2013
- An ordinance excluding certain property from the boundaries of the Barnes & Powers North Business Improvement District
 - o Exhibit A – Exclusion Petition

SPENCER FANE
& GRIMSHAW_{LLP}
ATTORNEYS & COUNSELORS AT LAW

MARY L. CARTER,
LEGAL ADMINISTRATIVE ASSISTANT
DIRECT DIAL: (303) 839-3871
mcarter@spencerfane.com

File No. 5114191-0010
5114192-0009

September 13, 2013

City Clerk
City of Colorado Springs
PO Box 1575, Mail Code 110
30 S Nevada Ave, Suite 101
Colorado Springs, CO 80903

**Re: Barnes & Powers North Business Improvement District - Petition for
Exclusion of Land; Barnes & Powers South Business Improvement District –
Petition for Inclusion of Land**

Dear City Clerk:

This office represents the Barnes & Powers North Business Improvement District and the Barnes & Powers South Business Improvement District. Please be advised that the Boards of Directors of the two Districts unanimously voted to approve the inclusion and exclusion at their last Board meetings on August 28, 2013.

Enclosed please find the following:

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September 13, 2013
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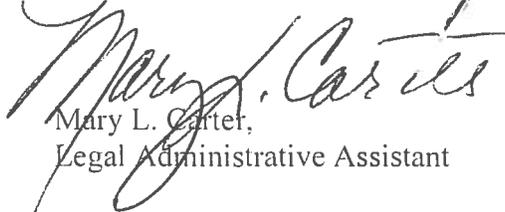
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If you have any questions, or need anything further, please feel free to call or email.

Very truly yours,

SPENCER FANE & GRIMSHAW LLP



Mary L. Carter,
Legal Administrative Assistant

MLC/idi
Enclosures

SPENCER FANE
& GRIMSHAW^{LLP}
ATTORNEYS & COUNSELORS AT LAW

RUSSELL W. DYKSTRA
DIRECT DIAL: (303) 839-3845
rdykstra@spencerfane.com

File No. 14191-10/14192-9

September 24, 2013

VIA ELECTRONIC MAIL

Carl Schueler, AICP
Senior Planner - Comprehensive
City of Colorado Springs
Land Use Review Division
30 S. Nevada, Suite 105, MC155
Colorado Springs, CO

via e-mail: cschueler@springsgov.com

**Re: Barnes & Powers North BID/Exclusion; Barnes & Powers South
BID/Inclusion**

Dear Carl:

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Carl Schueler, AICP
September 19, 2013
Page 2

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Please let me know if you require additional information or have any questions.

Very truly yours,

SPENCER FANE & GRIMSHAW LLP



Russell W. Dykstra

RWD/mlc

ORDINANCE NO. 14-____

**AN ORDINANCE EXCLUDING CERTAIN PROPERTY FROM THE BOUNDARIES OF
THE BARNES & POWERS NORTH BUSINESS IMPROVEMENT DISTRICT**

WHEREAS, City Council received a Petition for Exclusion (the "Petition") filed pursuant to C.R.S. § 31-25-1220 for the exclusion of certain property described in the Petition attached and made a part of this Ordinance as Exhibit "A" (the "Property") from the Barnes & Powers North Business Improvement District ("District"); and

WHEREAS, in accord with the law, a public notice of the Petition has been given and published in the *Colorado Springs Gazette*, calling for a public hearing on the exclusion request set forth in the Petition, proof of publication for which is attached and made a part of this Ordinance as Exhibit "B"; and

WHEREAS, City Council has conducted a Public Hearing and heard all persons having objections to the exclusion of the Property from the District; and

WHEREAS, the Property sought to be excluded from the District is located entirely within the City of Colorado Springs, El Paso County, Colorado, and does not include property within any other county or within any other incorporated city, town, or city and county.

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

Section 1. City Council finds and determines that it has jurisdiction in this matter pursuant to the Business Improvement District Act, Part 12 of Article 25 of Title 31, C.R.S.

Section 2. City Council finds and determines that the change in boundaries of the Barnes & Powers North Business Improvement District as proposed in the Petition does not adversely affect the District.

Section 3. Pursuant to C.R.S. § 31-25-1220, City Council grants the Petition and orders the exclusion of the Property from the boundaries of the District.

Section 4. The City Clerk is directed to file a certified copy of this Ordinance with the County Clerk and Recorder of El Paso County, Colorado.

Section 5. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 6. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 14th day of January 2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A

PETITION FOR EXCLUSION OF LAND

from

BARNES & POWERS NORTH BUSINESS IMPROVEMENT DISTRICT

TO: City Council, City of Colorado Springs, Colorado.

The undersigned, BARNES & POWER NORTH NO. 1, LLC hereby respectfully petitions the City Council pursuant to Section 31-25-1220, C.R.S., for the exclusion of the hereinafter described land from the Barnes & Powers North Business Improvement District.

The undersigned hereby requests that the herein described property be excluded from said District and that an Ordinance be adopted by the City Council excluding said land from said District, and that from and after the entry of such Ordinance, said land shall not be liable for assessments and other obligations of said District.

The undersigned represents to the City Council that it is the owner of the property hereinafter described and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

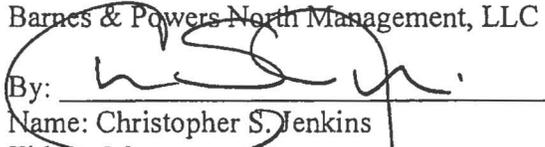
Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

This Petition is accompanied by a deposit of \$100.00; said deposit is believed to be sufficient to pay all pre- and post-acceptance costs of the exclusion proceedings, but should said deposit be insufficient, the undersigned further agrees that it shall pay in full the fees and costs incurred by the City and the District for the publication of notice of the hearing on exclusion, publication of the ordinance approving the exclusion (if any), filing and recording fees, and all other costs of exclusion of the land from said District, whether or not such exclusion is approved.

The legal description of said land situate in the County of El Paso, State of Colorado, is attached hereto as Exhibit A.

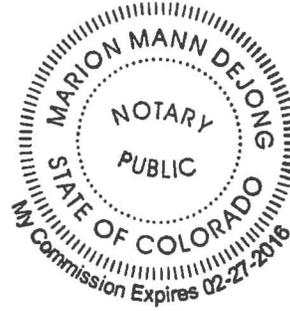
This is a verified petition.

Petitioner: BARNES & POWERS NORTH NO. 1, LLC
By: Barnes & Powers North Management, LLC as Manager

By: 
Name: Christopher S. Jenkins
Title: Manager

Petitioner's
Street Address: 111 South Tejon, Suite 222
Colorado Springs, CO 80903

EXHIBIT A



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

The foregoing instrument was acknowledged before me this 30 day of August, 2013, by Christopher S. Jenkins as Manager of Barnes & Powers North Management, LLC, the Manager of Barnes & Powers North No. 1, LLC.

Witness my hand and official seal.

My Commission Expires: 02/27/16
Marion Mann DeJong
Notary Public

EXHIBIT A



6385 Corporate Drive, Suite 101
Colorado Springs, Colorado 80919
(719)785-0790 (719)785-0799(fax)

JOB NO. 2091.13
AUGUST 15, 2013
PAGE 1 OF 1

LEGAL DESCRIPTION: BUSINESS IMPROVEMENT DISTRICT CONVEYANCE

A PARCEL OF LAND BEING A PORTION OF LOT 1, COMMERCIAL CENTER AT POWERS AND BARNES FILING NO. 4, RECORDED UNDER RECEPTION 208712243 RECORDS OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: A TANGENT LINE ON THE NORTHERLY RIGHT OF WAY LINE OF BARNES ROAD AS PLATTED IN STETSON HILLS SUBDIVISION NO. 1 RECORDED IN PLAT BOOK Z-3 AT PAGE 103, RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT BOTH ENDS BY A RED PLASTIC SURVEY CAP STAMPED PLS 20681 ON A NO. 4 REBAR, IS ASSUMED TO BEAR N88°44'44"E, A DISTANCE OF 548.50 FEET,

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 1, COMMERCIAL CENTER AT POWERS AND BARNES FILING NO. 2, RECORDED UNDER RECEPTION 205185893 RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE SOUTHERLY BOUNDARY OF LOT 1, COMMERCIAL CENTER AT POWERS AND BARNES FILING NO. 4, RECORDED UNDER RECEPTION 208712243 SAID POINT ALSO BEING ON THE NORTHERLY RIGHT OF WAY LINE OF BARNES ROAD AS PLATTED IN STETSON HILLS SUBDIVISION NO. 1 RECORDED IN PLAT BOOK Z-3 AT PAGE 103;

THENCE N88°44'44"E, ON THE SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 155.23 FEET, TO THE POINT OF BEGINNING;

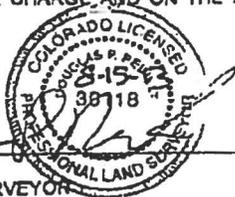
THENCE N01°22'21"W, A DISTANCE OF 1.00 FEET;
THENCE N88°44'44"E, A DISTANCE OF 1.00 FEET;
THENCE S01°22'21"E, A DISTANCE OF 1.00 FEET TO POINT ON SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT OF WAY;
THENCE S88°44'44"W, ON SAID SOUTHERLY BOUNDARY AND SAID NORTHERLY RIGHT OF WAY A DISTANCE OF 1.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 1.00 SQUARE FEET

LEGAL DESCRIPTION STATEMENT:

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


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



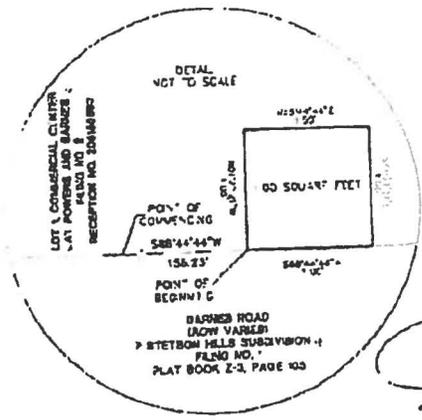
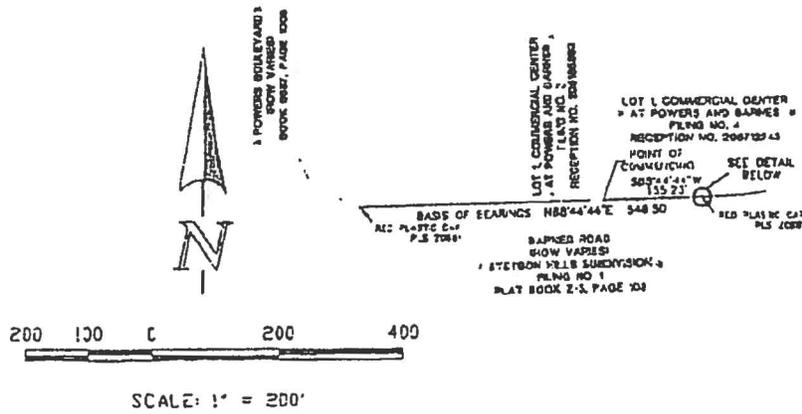
August 15, 2013
DATE

EXHIBIT A



5335 Corporate Drive, Suite 100 (719) 785-3793
 Colorado Springs, Colorado 80919 719) 785-3799 (Fax)

COMMERCIAL CENTER AT POWERS AND
 BARNES FILING NO. 4, BUSINESS
 IMPROVEMENT DISTRICT CONVEYANCE
 JOB NO. 2091.13
 SHEET 1 OF 1
 AUGUST 15, 2013



CCES, LLC DOES NOT EXPRESS NOR IMPLY ANY WARRANTY WITH THE ABOVE WRITTEN LEGAL DESCRIPTION AND EXHIBIT. THE LEGAL DESCRIPTION WAS WRITTEN FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT DEPICT A MONUMENTED LAND SURVEY.



FORMAL AGENDA ITEM

COUNCIL MEETING DATE: January 14, 2014

TO: President and Members of City Council
CC: Mayor Steve Bach
VIA: Laura Neumann, Chief of Staff/Chief Administrative Officer
FROM: Peter Wysocki, Planning and Development Director
Erin McCauley, Planner II

Subject Title: Amend a Plat Restriction for Lot 8, Cedar Heights Filing No. 1 (2725 Black Canyon Road)

SUMMARY:

This is a request by Lotus of Rocky Mountain Solar & Wind, Inc. on behalf of Kirby Hughes to amend a plat restriction to allow a solar array to be installed within a defined "No Build" area shown on the Cedar Heights Filing No. 1 subdivision plat.

PREVIOUS COUNCIL ACTION:

None

BACKGROUND:

The "No Build" areas as platted in the Cedar Heights subdivisions do not allow structures of any kind, however small those structures may be. These "No Build" areas were platted to prohibit building on areas with potential geologic hazards including potentially unstable slopes, rock outcroppings and shallow bedrock, and areas with thin residual soils. Since solar arrays are uninhabitable and feature relatively shallow foundations/footings, their impacts are significantly smaller than other structures and can be located within these "No Build" areas with little to no concern. A Hillside Site Plan would still be required for ultimate approval to ensure site compatibility.

FINANCIAL IMPLICATIONS:

Not applicable

BOARD/COMMISSION RECOMMENDATION:

As required by Section 7.7.503.D.1 of the City Code, a request to amend a plat restriction is placed directly onto a City Council agenda for action after approval by the administration. No review by a board or commission is required.

STAKEHOLDER PROCESS:

Postcards were sent to 11 property owners within 150 ft. of the boundaries of the subject property and a poster was placed at the site for a period of ten (10) days in accordance with standard procedure. No comments were received.

ALTERNATIVES:

1. Approve the Resolution to amend the plat restriction;
2. Deny the Resolution to amend the plat restriction; or
3. Refer the matter back to staff for further consideration.

RECOMMENDATION:

Approve the Resolution to amend the plat restriction to allow the installation of a solar array within the defined "No Build" area on Lot 8, Cedar Heights Filing No. 1.

PROPOSED MOTION:

FILE NO. AR APR 13-00541 – AMENDMENT TO PLAT RESTRICTION

Approve the attached Resolution amending the plat restriction to allow the installation of a solar array within the defined "No Build" area on Lot 8, Cedar Heights Filing No. 1 based upon the finding the request complies with the criteria in Section 7.7.503 of the City Code.

c: File No. AR APR 13-00541

Attachments:

- A resolution modifying a plat restriction on Lot 8 Cedar Heights Filing No. 1
- Development Review Criteria

RESOLUTION NO. _____-14

**A RESOLUTION MODIFYING A PLAT RESTRICTION ON LOT 8 CEDAR HEIGHTS
FILING NO. 1**

WHEREAS, Lot 8, Cedar Heights Filing No. 1 includes specified "No Build" areas;
and

WHEREAS, "No Build" areas have been located over areas with potential
geologic hazards including steep and potentially unstable slopes, shallow bedrock and
thin residual soils; and

WHEREAS, the location of a solar array within a platted "No Build" area poses no
greater risk to the subdivision or the lot from a geologic hazard perspective.

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

City Council finds that pursuant to Section 7.7.503 of the City Code the plat
restriction is hereby amended to allow installation of a solar array within the "No Build"
area at a location to be reviewed and approved on a Hillside Site Plan by the Land Use
Review Division.

DATED at Colorado Springs, Colorado, this 14th day of January 2014.

Keith King, Council President

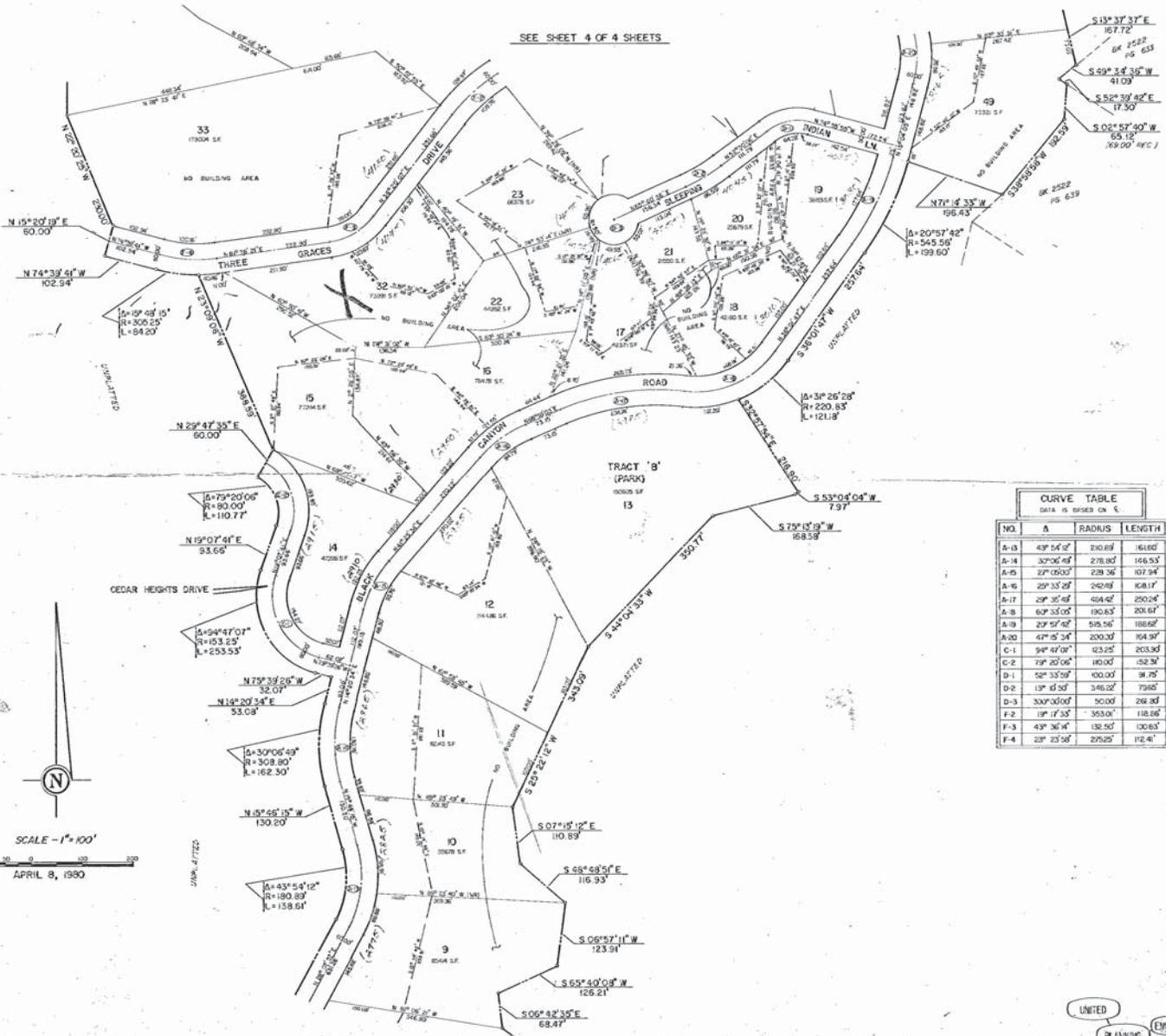
ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A

CEDAR HEIGHTS FILING NO. 1 COLORADO SPRINGS, COLORADO

SEE SHEET 4 OF 4 SHEETS



CURVE TABLE			
DATA IS BASED ON C			
NO.	A	RADIUS	LENGTH
A-3	43° 54' 27"	210.69	161.00
A-4	37° 06' 48"	278.85	146.55
A-5	17° 25' 07"	228.36	107.34
A-6	20° 33' 28"	242.68	108.17
A-7	20° 35' 45"	244.62	108.04
A-8	60° 33' 05"	130.83	201.67
A-9	20° 57' 42"	245.26	108.62
A-20	47° 45' 34"	200.30	164.97
C-1	94° 47' 02"	123.25	203.30
C-2	79° 20' 06"	110.00	152.34
D-1	52° 33' 59"	100.00	91.75
D-2	19° 43' 50"	346.22	73.65
D-3	300° 00' 00"	50.00	28.85
F-2	19° 17' 33"	353.01	118.06
F-3	43° 36' 48"	132.50	100.83
F-4	23° 23' 58"	275.25	112.41

UNITED ENGINEERS
PLANNING
COLORADO SPRINGS - COLORADO
20 - 118 - 01 - 27 - R

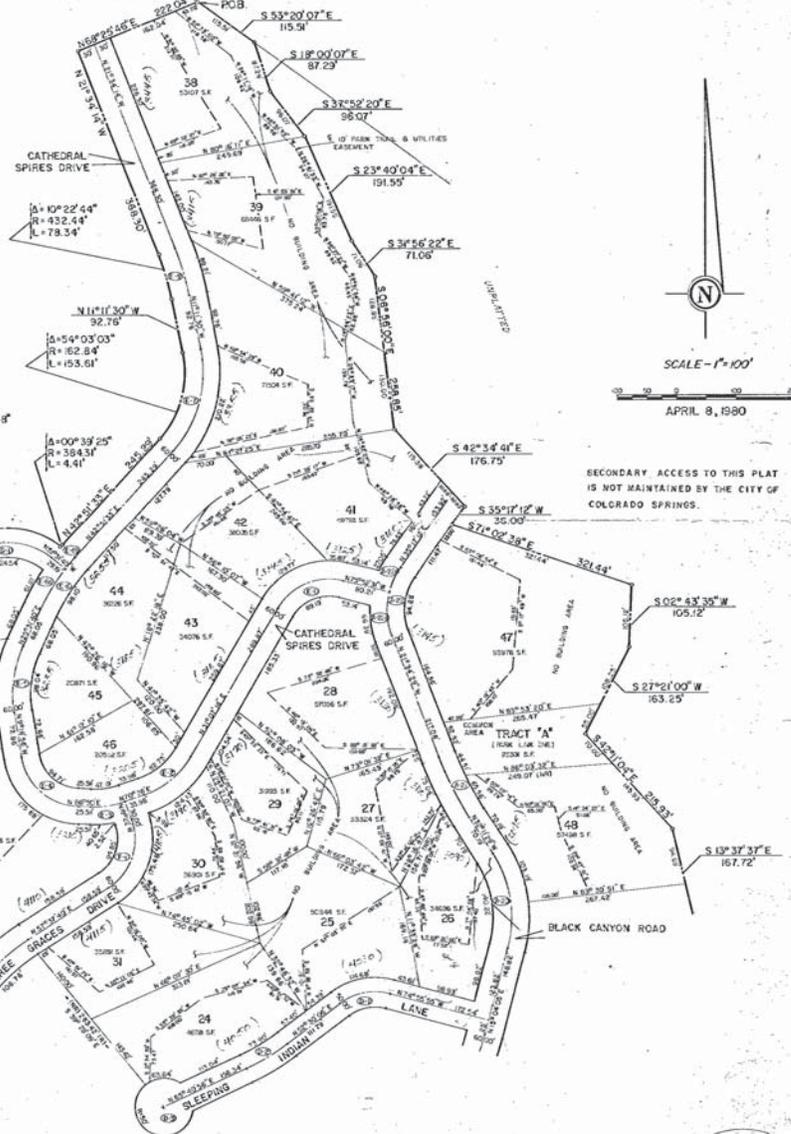
SHEET 3 OF 4 SHEETS

EXHIBIT A

CEDAR HEIGHTS FILING NO. 1 COLORADO SPRINGS, COLORADO



CURVE TABLE DATA IS BASED ON 'E'			
NO	Δ	RADIUS	LENGTH
A-20	41° 05' 34"	200.00'	64.97'
A-21	10° 37' 00"	624.00'	115.63'
A-22	56° 54' 41"	125.00'	124.05'
A-22a	35° 41' 58"	125.00'	77.68'
A-22b	21° 09' 43"	125.00'	46.17'
D-1	52° 35' 59"	100.00'	36.75'
D-2	13° 10' 50"	346.22'	79.65'
D-3	300° 00' 00"	50.00'	261.90'
E-1	73° 00' 11"	100.00'	127.42'
E-2	39° 30' 42"	150.00'	103.44'
E-3	22° 32' 00"	1500.00'	58.89'
E-4	77° 31' 03"	100.00'	135.29'
E-5	34° 50' 37"	191.21'	116.28'
E-6	17° 19' 52"	354.31'	107.18'
E-6a	12° 56' 40"	354.31'	80.05'
E-6b	4° 23' 12"	354.31'	27.13'
E-7	54° 03' 03"	192.84'	181.91'
E-8	10° 22' 44"	462.44'	83.77'
F-1	76° 59' 40"	100.58'	135.16'
F-2	39° 17' 33"	253.01'	118.86'
G-1	79° 03' 48"	120.06'	157.29'
G-2	49° 16' 58"	100.00'	79.32'
G-3	122° 27' 26"	100.00'	301.00'
G-4	276° 02' 15"	50.00'	240.89'
G-5	38° 13' 38"	20.00'	13.38'



SCALE - 1" = 100'
APRIL 8, 1980

SECONDARY ACCESS TO THIS PLAT IS NOT MAINTAINED BY THE CITY OF COLORADO SPRINGS.

SEE SHEET 3 OF 4 SHEETS

SHEET 4 OF 4 SHEETS



DEVELOPMENT APPLICATION REVIEW CRITERIA

7.7.503: RESOLUTIONS FOR AMENDING PLAT RESTRICTIONS:

It is recognized that restrictions and conditions, which are placed on recorded plats, may need to be removed because they no longer apply or are unnecessary.

- A. Requirements: Restrictions and conditions on recorded plats may be removed if it is determined after a review by the Community Development Department, the City Engineer and the Utilities Executive Director, the requirements or conditions are no longer necessary or no longer applicable.
- B. Submission:
1. Letter; Filing Fee: A letter setting forth the reasons for removing the restriction in question together with the filing fee established by City Council.
 2. Copies Of Recorded Plat: A sufficient number of copies of the recorded plat to provide a copy to each agency with an interest in the restriction.
 3. Public Notice: The public notice requirements as defined by part 1 of this article shall apply.
- C. Distribution: The Community Development Department shall date and file the application and within the three (3) working days of submission shall transmit copies of the recorded plat to those agencies having an interest in the restriction that is to be removed for their review and comments.
- D. Community Development Department Action: The Community Development Department shall either approve or disapprove the request.
1. Approval: If the Community Development Department, upon concurrence of the City Engineer and the Utilities Executive Director, approves the request, a resolution detailing the amendment shall be placed upon the next available City Council agenda as a report item.
 2. Disapproval: The Community Development Department shall notify the applicant with all reasons for denial clearly specified.
 3. Appeals: Any person aggrieved by any action of the Community Development Department in relation to this section may appeal such action to the Planning Commission in writing specifying the reasons for the appeal within ten (10) days of the date of said action.
- E. Appeal To Planning Commission: The Planning Commission shall hear requests for removal of plat conditions and restrictions, which have been appealed from a decision of the Community Development Department.
1. Approval: If the Planning Commission approves the amendment, a resolution shall be recorded detailing the action.
 2. Disapproval: If the Planning Commission finds the restrictions or conditions are necessary, then the amendment shall be denied.

DEVELOPMENT APPLICATION REVIEW CRITERIA

F. Appeal To City Council: The City Council shall hear requests for removal of plat conditions and restrictions, which have been appealed from a decision of the Planning Commission.

1. Approval: If the City Council approves the amendment, a resolution shall be recorded detailing the action.
2. Disapproval: If the City Council finds the restrictions or conditions are necessary, then the amendment shall be denied. (Ord. 96-44; Ord. 98-185; Ord. 01-42; Ord. 09-80)



FORMAL AGENDA ITEM

COUNCIL MEETING DATE: January 14, 2014

TO: President and Members of City Council
CC: Mayor Steve Bach
VIA: Laura Neumann, Chief of Staff/Chief Administrative Officer
FROM: Peter Wysocki, Planning and Development Director
Lonna Thelen, Planner II

Subject Title: El Paso County - Emergency Services Division Facility

SUMMARY:

This project is for a zone change from M-1/SS (Light Industrial with a Streamside Overlay) to PF/SS (Public Facility with a Streamside Overlay). The site is 5.76 acres and is located east of Mark Dabling Boulevard and North of Fillmore Street.

BACKGROUND:

The attached Planning Commission Record-of-Decision and the agenda from the November 21, 2013 meeting provide the detailed background information including maps and plans.

ADDITIONAL ANALYSIS:

The El Paso County Sheriff's Office is proposing to relocate their Emergency Services Center to this location. The facility will house multiple functions including large vehicle storage, minor vehicle maintenance, administrative offices, training rooms, a fire base, a patrol sub-station, and overnight sleeping rooms for out-of-town firefighters. The current zoning for this parcel is M-1 and the facility was used for warehouse, distribution, and administrative offices. The rezone to PF would allow a governmental function provided by El Paso County that is typically not permitted or conditional in other zone districts.

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. Approval of a public facilities zone district request requires a determination that a public need exists and the use and location is compatible with adjacent land uses. In this case a public need has been established by the El Paso County Sherriff's office and the use is compatible with the surrounding uses.

Normal procedure for a change of zone requires that a concept plan or development plan be submitted with the zone change. For a PF zone district a development plan is not required with the zone change, but is required prior to building permit.

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission approved the applications with a 7-0 vote at the November 21, 2013 meeting.

STAKEHOLDER PROCESS:

The public process involved with the review of this application included posting of the site and sending of postcards for City Planning Commission to 13 property owners within 500 feet. No comments were received.

ALTERNATIVES:

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

RECOMMENDATION:

Based on the findings made in the City Planning Commission agenda staff report, staff recommends approval of the PF zone change.

PROPOSED MOTION:

CPC ZC 13-00120 – ZONE CHANGE TO PF

Approve the zone change for the Emergency Services Division Facility, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B.

Attachments:

- An ordinance amending the Zoning Map of the City of Colorado Springs relating to 5.76 acres located east of Mark Dabling Boulevard and north of Fillmore Street
- Development Application Review Criteria
- CPC Record of Decision
- CPC Agenda Report

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 5.76 ACRES LOCATED EAST OF MARK DABLING BOULEVARD AND NORTH OF FILLMORE STREET

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 5.76 acres from M-1/SS (Light Industrial with Streamside Overlay) to PF/SS (Public Facility with Streamside Overlay) located east of Mark Dabling Boulevard and north of Fillmore Street for the property described in Exhibit A, attached hereto and made a part hereof by reference, pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

Introduced, read, passed on first reading and ordered published this 14th day of January 2014.

Finally passed _____

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

DEVELOPMENT APPLICATION REVIEW CRITERIA

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)

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

CONSENT CALENDAR

DATE: November 21, 2013

ITEM: A

STAFF: Lonna Thelen

FILE NO.: CPC ZC 13-00120

PROJECT: Emergency Services Division Facility

Markewich pulled Item A from the Consent Calendar.

STAFF PRESENTATION

Commissioner Markewich was concerned with the proximity and high traffic in close proximity to the skate park and children's activities. Ms. Thelen stated this is only a zone change without a development plan.

APPLICANT PRESENTATION

Ms. Jacqueline Kirby, representing El Paso County Sheriff's office, stated this site offers sheriff's officers a place to file paperwork and other administrative uses. Officers would not barrel out of the site at unsafe speeds-that is against the law. The south substation is where calls for emergencies are sent.

Commissioner Shonkwiler was concerned with the site in a floodplain. He requested base floor calculation. Ms. Thelen stated the base floor elevation is at 6,120 and the floodplain elevation requirement is 6,119. That elevation requirement is for the 100-year floodplain zone.

Commissioner Shonkwiler requested information regarding the 500-year floodplain. Mr. Wysocki clarified that a 500-year flood is less likely to occur as compared with a 100-year flood.

Commissioner Shonkwiler felt it was not safe to place emergency services in a floodplain area. Ms. Thelen stated the floodplain administrator informed her that the floodplain is contained in flood channel itself and had no concerns with this application.

Commissioner Donley clarified that a 500-year floodplain has less of a chance occurring, but has a higher elevation because the flood may be higher and poses a greater risk to land or structures.

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

CITIZENS IN FAVOR/OPPOSITION

None

DECISION OF THE PLANNING COMMISSION

Commissioner Donley felt that even though he has concerns regarding an emergency services use in a floodplain. The request is for rezoning to public uses and the specific use should be left to the experts. Commissioner Sparks stated she was in favor of this application. She didn't have any issue with the floodplain.

Commissioner Markewich stated his concern was to ensure that the Sheriff's Department was on record acknowledging that they considered the proximity to the activity fields / skate park and don't believe that the new facility would be a danger to the citizens who utilize them.

Moved by Commissioner Walkowski, seconded by Commissioner Markewich to approve **Item A-File No. CPC ZC 13-00120**, the zone change for the Emergency Services Division Facility based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B. Motion carried 7-0 (Commissioners Gonzalez excused and Commissioner Phillips absent).

November 21, 2013

Date of Decision



Edward Gonzalez, Planning Commission Chair

CONSENT CALENDAR

ITEM : A

STAFF: LONNA THELEN

FILE NO:
CPC ZC 13-00120 – QUASI-JUDICIAL

PROJECT: EMERGENCY SERVICES DIVISION FACILITY

APPLICANT: WILLIAM BOX

OWNER: EL PASO COUNTY



PROJECT SUMMARY:

1. Project Description: This project is for a zone change from M-1/SS (Light Industrial with a Streamside Overlay) to PF/SS (Public Facility with a Streamside Overlay). The site is 5.76 acres and is located east of Mark Dabling Boulevard and North of Fillmore Street.
2. Applicant's Project Statement: **(FIGURE 1)**
3. Planning and Development Department's Recommendation: Approval of the application.

BACKGROUND:

1. Site Address: 3755, 3815, 3825, 3845 North Mark Dabling Boulevard
2. Existing Zoning/Land Use: M-1 SS
3. Surrounding Zoning/Land Use:
North: M-1 / Light Industrial
South: M-1 / Light Industrial
East: R-5 / Multi-Family Residential
West: PF / Park
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: No. Colorado Springs Addition #2, 1970
6. Master Plan/Designated Master Plan Land Use: Fillmore Industrial Park / Industrial
7. Subdivision: Interstate Commerce Center
8. Zoning Enforcement Action: No enforcement actions on this site.
9. Physical Characteristics: The site has an existing building and parking lot on three lots. The other three lots are vacant. The slope across the site is minimal.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of this application included posting of the site and sending of postcards for City Planning Commission to 13 property owners within 500 feet.

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

1. Review Criteria / Design & Development Issues:
The El Paso County Sheriff's Office is proposing to relocate their Emergency Services Center to this location. The facility will house multiple functions including large vehicle storage, minor vehicle maintenance, administrative offices, training rooms, a fire base, a patrol sub-station, and overnight sleeping rooms for out-of-town firefighters. The current zoning for this parcel is M-1 and the facility was used for warehouse, distribution, and administrative offices. The rezone to PF would allow a governmental function provided by El Paso County that is typically not permitted or conditional in other zone districts.

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. Approval of a public facilities zone district request requires a determination that a public need exists and the use and location is compatible with adjacent land uses. In this case a public need has been established by the El Paso County Sherriff's office and the use is compatible with the surrounding uses.

Normal procedure for a change of zone requires that a concept plan or development plan be submitted with the zone change. For a PF zone district a development plan is not required with the zone change, but is required prior to building permit.

2. Conformance with the City Comprehensive Plan:
The Comprehensive Plan designated land use is an employment center. The zone change to PF will support the use of an employment center and public use building for the El Paso County Sherriff's Office.

3. Conformance with the Area's Master Plan:
The master plan for this area shows industrial. The proposed use will have a variety of uses that include industrial uses. Staff believes that the proposed use that combines industrial, office, public facility and emergency services uses is appropriate in this location.

STAFF RECOMMENDATION:

Item : A CPC ZC 13-00120 – Zone Change

Approve the zone change for the Emergency Services Division Facility based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B.

3755, 3815, 3825 and 3845 N. Mark Dabling Blvd.
Project Description

The properties are owned by El Paso County. The parcel of land with the 3755 street address contains an existing 58,800 square foot building that was originally used as a manufacturing, distribution and administration facility. The current operation is a warehouse, distribution and administration facility. The parcels of land with the 3815, 3825 and 3845 street addresses are vacant and have never been developed, except for the parcel of land with the 3815 street address, which has a small portion of concrete paving and fencing in the southeast corner, contiguous with a similar site improvement on 3755. The building was built in 1984, and no Development Plan exists for any of the properties.

The El Paso County Sheriff's Office desires to consolidate several of its Emergency Services Division functions, which are currently housed in separate facilities throughout the county, into one location. It has been determined that the building and surrounding site amenities at 3755 N. Mark Dabling Blvd. will house these various functions. Those functions include a large area for interior vehicle storage, administrative offices, training rooms, a fire base, a patrol sub-station, and overnight sleeping rooms for out-of-town firefighters. In addition, The County's Fleet Maintenance will occupy a portion of the building to perform routine and minor maintenance on County-owned vehicles.

The current M-1 zone does not allow for several of these types of functions, and the Special Purpose District PF (Public Facility) is more appropriate, and was created for just this type of facility. The intent is to utilize as much of the existing building and site improvements as possible on 3755, with few if any additions to the building, and few extensions of existing paved areas. It is anticipated that the properties with street addresses 3815, 3825 and 3845 will not be developed at this time.

All four properties are adjacent to Monument Creek, and there is an existing multi-use trail between the property lines and the stream. A Streamside Overlay Zone has been established that affects a portion of the property being considered for re-zoning. In addition, there is a developed park across the street from all four properties. Site improvements will take into account the streamside development plan criteria as well as the properties' adjacency to public amenities.



FORMAL AGENDA ITEM

COUNCIL MEETING DATE: January 14, 2014

TO: President and Members of City Council
CC: Mayor Steve Bach
VIA: Laura Neumann, Chief of Staff/Chief Administrative Officer
FROM: Peter Wysocki, Planning and Development Director
Larry Larsen, Senior Planner

Subject Title: Woodmen Pointe Master Plan Amendment and the Zone Change and PUD Development Plan for the Falls at Colorado Springs

SUMMARY:

This is a request by Classic Consulting Engineers on behalf of the Community Church of the Rockies of Colorado Springs for approval of the following development applications:

- a. Woodmen Pointe Master Plan Amendment;
- b. A zone change to PUD/AO/SS (Planned Unit Development zone district with Airport and Streamside overlays); and
- c. The Falls at Colorado Springs PUD Development Plan.

Please see the attached Planning Commission staff report for a detailed project analysis.

PREVIOUS COUNCIL ACTION:

The property was initially master planned and zoned at the time of annexation in 1989.

BACKGROUND:

The amendment to the Woodmen Pointe Master Plan proposes a change in land use from the Multi-Family Residential (12-18 dwelling units per acre and open space land use designations to Commercial, Public Assembly and Open Space land use designations. The zone change will change the 15.4 acres from A/AO/SS (Agricultural zone district with Airport and Streamside overlays) to PUD/AO/SS (Planned Unit Development with Airport and Streamside overlays).

The applications would allow for the development of The Falls at Colorado Springs project. This project includes two event center buildings, both one story in height with one at 9,600 sq. ft. and the other 13,600 sq. ft.; together with associated parking, open space and landscape areas. A conceptual layout for a 5,000 sq. ft. restaurant building is shown but is not a part of this plan at this time.

A subdivision plat for the project is being reviewed administratively in conjunction with the above-mentioned applications.

The property is located northwest of the Austin Bluffs and Woodmen Road intersection and consists of 15.4 acres.

FINANCIAL IMPLICATIONS:

Not applicable

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission unanimously approved the three applications at their November 21, 2013 meeting. There was no public opposition stated at the meeting.

STAKEHOLDER PROCESS:

Two neighborhood meetings were conducted in regards to this project, one during the pre-application stage and the other during the internal review stage.

The standard City notification process for the two neighborhood meetings included posting the property with a poster and mailing postcards to approximately 140 property owners within 1,000 feet of the project area.

Approximately 30 persons attended the first meeting held on July 11, 2013. During that meeting the primary concerns expressed included increased traffic generation and traffic flow, traffic signal at Descartes, on-site security, building height and view protection, drainage, architectural design and building orientation, noise control, hours of operation, trash and litter, lighting levels, adequate parking spaces, potential direct access to Woodmen, trail connections, and impact to property values. A summary of the process and pre-application issues is included and labeled as Figure 6 within the CPC Agenda.

Approximately 25 persons attended the second neighborhood meeting held on October 2, 2013. The applicant addressed the neighbors' concerns in the revised submitted plan. However, similar concerns were again expressed. One e-mail was received regarding this project.

The publication, posting and notification process was also utilized prior to the CPC public hearing.

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

ALTERNATIVES:

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

RECOMMENDATION:

As recommended by the Planning Commission, City Council is requested to approve the major master plan amendment, the rezone, and development plan.

PROPOSED MOTIONS:

CPC MPA 02-00094-A11MJ13 – MASTER PLAN AMENDMENT

Approve the amendment to the Woodmen Pointe Ranch Master Plan based upon the finding that the plan complies with the master plan review criteria in City Code Section 7.5.408, subject to the technical modifications found in the City Planning Commission's Record of Decision.

CPC PUZ 13-00098 – CHANGE OF ZONING TO PUD

Approve the proposed zone change to PUD/AO/SS (Planned Unit Development: Commercial / Public Assembly & Open Space, maximum building height of 30 feet, intensity per approved development plan with Airport and Streamside Overlays), based upon the finding that the change complies with the zone change criteria found in City Code Section 7.5.603.B. and the PUD establishment criteria found in City Code Section 7.3.603.

CPC PUD 13-00099 – DEVELOPMENT PLAN

Approve the Falls at Colorado Springs Filing No. 1 Development Plan based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606, subject to the technical modifications found in the City Planning Commission’s Record of Decision.

Attachments:

- An ordinance amending the Zoning Map of the City of Colorado Springs relating to 15.4 acres located northwest of the Woodmen Road and Austin Bluffs Parkway intersection
- Development Application Review Criteria
- CPC Record-of-Decision
- CPC Agenda

DEVELOPMENT APPLICATION REVIEW CRITERIA

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.

DEVELOPMENT APPLICATION REVIEW CRITERIA

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)

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)

DEVELOPMENT APPLICATION REVIEW CRITERIA

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)

DEVELOPMENT APPLICATION REVIEW CRITERIA

7.3.606: REVIEW CRITERIA FOR DEVELOPMENT PLAN:

A PUD development plan for land within a PUD zone shall be approved if it substantially conforms to the approved PUD concept plan and the PUD development plan review criteria listed below. An application for a development plan shall be submitted in accord with requirements outlined in article 5, parts 2 and 5 of this chapter. Unless otherwise specified by a development agreement, the project shall be vested by the PUD development plan in accord with section 7.9.101 and subsection 7.5.504(C)(2) of this chapter.

- A. Consistency with City Plans: Is the proposed development consistent with the Comprehensive Plan or any City approved master plan that applies to the site?
- B. Consistency with Zoning Code: Is the proposed development consistent with the intent and purposes of this Zoning Code?
- C. Compatibility Of The Site Design With The Surrounding Area:
 - 1. Does the circulation plan minimize traffic impact on the adjacent neighborhood?
 - 2. Do the design elements reduce the impact of the project's density/intensity?
 - 3. Is placement of buildings compatible with the surrounding area?
 - 4. Are landscaping and fences/walls provided to buffer adjoining properties from undesirable negative influences that may be created by the proposed development?
 - 5. Are residential units buffered from arterial traffic by the provision of adequate setbacks, grade separation, walls, landscaping and building orientation?
- D. Traffic Circulation:
 - 1. Is the circulation system designed to be safe and functional and encourage both on and off site connectivity?
 - 2. Will the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 - 3. Will adequately sized parking areas be located to provide safe and convenient access, avoid excessive parking ratios and avoid expanses of pavement?
 - 4. Are access and movement of handicapped persons and parking of vehicles for the handicapped appropriately accommodated in the project design?
 - 5. As appropriate are provisions for transit incorporated?
- E. Overburdening Of Public Facilities: Will the proposed development overburden the capacities of existing and planned streets, utilities, parks, and other public facilities?
- F. Privacy: Is privacy provided, where appropriate, for residential units by means of staggered setbacks, courtyards, private patios, grade separation, landscaping, building orientation or other means?

DEVELOPMENT APPLICATION REVIEW CRITERIA

G. Pedestrian Circulation:

1. Are pedestrian facilities provided, particularly those giving access to open space and recreation facilities?
2. Will pedestrian walkways be functionally separated from vehicular ways and located in areas that are not used by motor vehicles?

H. Landscaping:

1. Does the landscape design comply with the City's landscape code and the City's landscape policy manual?
2. The use of native vegetation or drought resistant species including grasses is encouraged. The City's landscape policy manual or City Planning's landscape architect can be consulted for assistance.

I. Open Space:

1. Residential Area:

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

B. Natural Features: Significant and unique natural features, such as trees, drainage channels, slopes, and rock outcroppings, should be preserved and incorporated into the design of the open space. The Parks and Recreation Advisory Board shall have the discretion to grant park land credit for open space within a PUD development that preserves significant natural features and meets all other criteria for granting park land credit.

2. Nonresidential And Mixed Use; Natural Features: The significant natural features of the site, such as trees, drainage channels, slopes, rock outcroppings, etc., should be preserved and are to be incorporated into the design of the open space.

J. Mobile Home Parks: Does a proposed mobile home park meet the minimum standards set forth in the mobile home park development standards table in section 7.3.104 of this article? (Ord. 03-110; Ord. 03-190, Ord. 12-68)

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

NEW BUSINESS CALENDAR

DATE: November 21, 2013

ITEM: 6.A-6.C

STAFF: Larry Larsen

FILE NO.: CPC MPA 02-00064-A1MJ13, CPC PUZ 13-00098, CPC PUD 13-00099

PROJECT: The Falls at Colorado Springs

STAFF PRESENTATION

Mr. Larry Larsen, City Senior Planner, presented PowerPoint slides (Exhibit A). Mr. Larsen recommended approval of the applications, subject to minor conditions and requested technical modification 7 removed from page 60 of the agenda because the patios will not be used for eating.

Commissioner Shonkwiler inquired of the reason the parking area is located in the middle of the site. Mr. Larsen stated the parking is oriented toward the most activity on the site, which is toward the event center buildings. Mr. Larsen had originally questioned that too, but found today's proposal an appropriate option.

Commissioner Markewich inquired if a bridge of some sort would cross Austin Bluffs and into the site entryway to fill in the roadway dip. Mr. Larsen stated that a crossing will be a combination of additional fill and a culvert.

Commissioner Walkowski inquired if funds are available and who is the responsible party to install the traffic signal. Mr. Larsen stated the applicant will provide 50% of the traffic signal costs and two adjacent property owners will be responsible for the remaining 50%.

Commissioner Walkowski inquired if the site could be used as a typical commercial retail or restaurant center should the event center not be developed. Mr. Larsen stated an amended development plan would be required for a change of use.

Commissioner Gonzalez inquired of a development plan note regarding a communications easement to be vacated before development. Mr. Larsen stated yes, that will be accomplished.

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

Commissioner Gonzalez inquired why the Colorado Springs Fire Dept. (CSFD) did not require additional or emergency access to the site. Mr. Larsen stated that CSFD preferred additional access, but the current plan is acceptable to them.

Commissioner Gonzalez inquired if both event center buildings need to be used at the same time or are they designed for one event per building. Mr. Larsen stated either building could be used, but the site has provided the required amount of parking should both buildings be used at the same time.

Commissioner Gonzalez inquired about development of Lot 2, the restaurant use. Mr. Larsen displayed a slide and explained it is essentially a concept plan for the restaurant pad site.

Commissioner Donley inquired if parking is calculated differently for public assembly compared with a restaurant use. Mr. Larsen explained a public assembly use is based upon available seating. City staff felt it more appropriate to use the restaurant use calculation of one parking space per 100 gross square feet.

APPLICANT PRESENTATION

Mr. Kyle Campbell, Classic Consulting Engineers and Surveyors, presented PowerPoint slides (Exhibit B). During a neighborhood meeting, the applicant was surprised to hear about the illicit activities that occur on the site. Thus, the applicant increased security measures on the site. Mr. Campbell reviewed pages 81-84 of the agenda line by line to explain how the applicant addressed each item raised during the neighborhood meeting.

Commissioner Shonkwiler inquired if utility easements planned to be used at future. Mr. Campbell stated the two easements totaling 300 feet will be retained to keep separation from overhead electrical lines, and Colorado Springs Utilities has no desire to vacate any portion of the 300-foot easement.

Commissioner Ham inquired if the split-rail fence would be installed after the switchback trail. Mr. Campbell stated the fence is included in the initial construction to limit vehicular access.

Commissioner Ham inquired about the existing drainage swale will be cleaned out. Mr. Campbell replied that much debris exists along with overgrown vegetation. The applicant will thin out the vegetation and stabilize and re-vegetate the swale.

Commissioner Markewich inquired if the switchback trail will connect to the existing sidewalk or will it border similar to what exists near Ramblewood Drive. Mr. Campbell stated the trail will act as the southerly boundary of that tract and will interface in between the two residential homes.

Commissioner Markewich inquired if additional signage is planned other than the monument sign with a water feature. Mr. Campbell stated no, it is not necessary because it is a prominent corner.

Commissioner Donley was concerned that the clientele will not consist of specific amount of persons for each event as opposed to a restaurant use that has a restricted amount of seating. He suggested valet

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

parking. He requested the hours of operation noted on the development plan. Mr. Campbell stated the midnight closing is listed on the development plan.

Commissioner Ham inquired of the typical hours of operation. Mr. John Neubauer, Falls Center representative, stated that typically the event hours are during the afternoon and into the evenings.

CITIZENS IN FAVOR

None

CITIZENS IN OPPOSITION

None

STAFF REQUESTED TO SPEAK

None

DECISION OF THE PLANNING COMMISSION

Commissioner Markewich commended the applicant for a nice product in a difficult site.

Commissioner Henninger appreciated the work in the design and hopes it has great success. He supported the project.

Commissioner Shonkwiler supported the project.

Commissioner Gonzalez commended the applicant and the engineer in their effort to address the neighbors' concerns, and addressing the drainage and topography of the site. He found that this project conforms with the Comprehensive Plan, specifically regarding mixed-use land pattern and infill.

Commissioner Ham agreed with Commissioner Gonzalez's comments. He felt it was phenomenal to not have neighborhood opposition during a potentially controversial item.

Moved by Commissioner Ham, seconded by Commissioner Shonkwiler, to approve **Item No. 6.A-File No. CPC MPA 02-00064-A1MJ13**, the Woodmen Pointe Master Plan based upon the finding that the plan complies with the master plan review criteria in City Code Section 7.5.408, subject to the following technical and informational plan modifications:

- Remove the "Proposed 5-foot Sidewalk" shown along Woodmen Road, in the southwestern part of the plan and replace with "Future 12-foot Concrete Trail".

Motion carried 8-0 (Commissioner Phillips absent).

CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION

Moved by Commissioner Ham, seconded by Commissioner Shonkwiler, to approve **Item No. 6.B-File No. CPC PUZ 13-00098**, the proposed zone change to PUD/AO/SS (Planned Unit Development: Commercial / Public Assembly & Open Space, maximum building height of 30 feet, intensity per approved development plan with Airport and Streamside Overlays), based upon the finding that the change complies with the zone change criteria found in City Code Section 7.5.603.B. and the PUD establishment criteria found in City Code Section 7.3.603. Motion carried 8-0 (Commissioner Phillips absent).

Moved by Commissioner Ham, seconded by Commissioner Shonkwiler, to approve **Item No. 6.C-File No. CPC PUD 13-00099**, the Falls at Colorado Springs Filing No. 1 Development Plan based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606, subject to the following technical and informational plan modifications:

1. Provide the City Landscape Architect's (CLA) approval of the development plan addressing all of her concerns regarding sidewalks and encroachments into the landscape setbacks.
2. Provide the City Utilities approval of the development plan and landscape plan and that all of their concerns have been addressed to their satisfaction regarding encroachments into easements and landscape impacts.
3. On the landscape plan show and label all proposed and existing utilities and easements.
4. On the Title Sheet, under Site Data, under Proposed Zoning, include the PUD/AO/SS zoning City approval ordinance number, the approved land use, maximum height and intensity. (This information will be provided after City Council approval.)
5. On the Title Sheet, under Site Data, provide a statement listing all the public improvements to be constructed and installed as part of this project.
6. On all applicable sheets, remove the light pole fixture that is located within the wastewater easement.
7. ~~On Sheet 1, under required parking spaces, add all outside patio areas that will be used for outside eating, modify total required accordingly.~~

Motion carried 8-0 (Commissioner Phillips absent).

November 21, 2013
Date of Decision



Edward Gonzalez, Planning Commission Chair

The Falls at Colorado Springs

City Planning Commission
November 21, 2013

Peter Wysocki, Planning Director
Larry Larsen, Senior Planner

1

The Falls at Colorado Springs

- ✓ AR MPA 02-00064-A1MJ13:
Woodmen Pointe Master Plan
Amendment
- ✓ CPC PUZ 13-00098: Zone Change
from A/AO/SS to PUD/AO/SS
- ✓ CPC PUD 13-00099 The Falls at
Colorado Springs Development
Plan

2

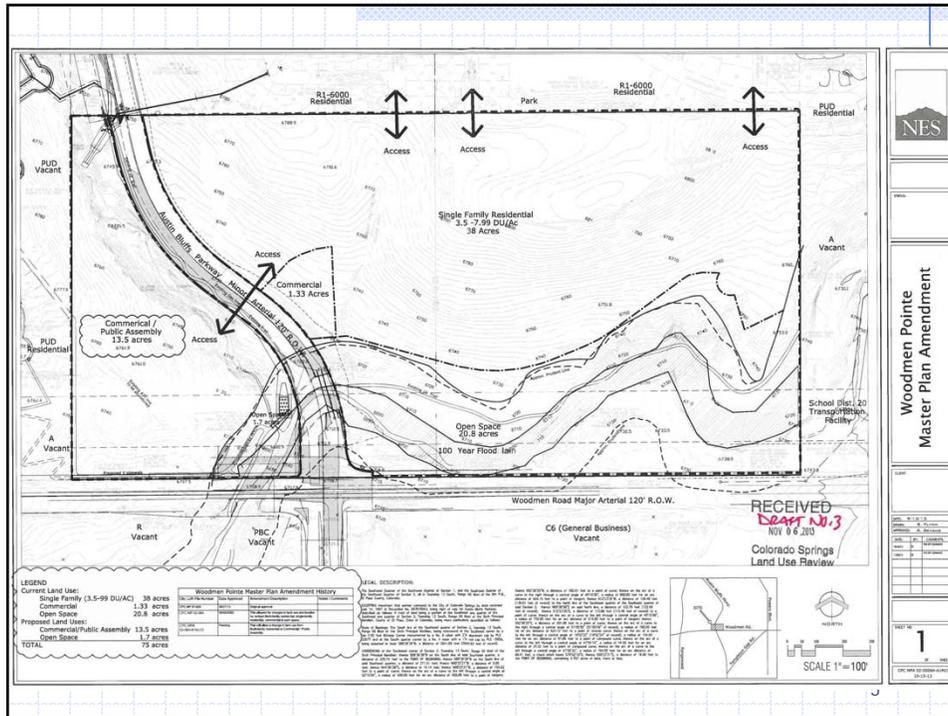


3

Amendment to the Woodmen Pointe Master Plan

- ✓ Amendment to existing, previously approved Woodmen Pointe Master Plan
- ✓ Changes from Multi-Family Residential (12 - 18 dwelling Units per acre) & Open Space
- ✓ Changes to Commercial, Public Assembly and Open Space

4



Change of Zoning District

- ✓ Change from A/AO/SS (Agricultural with Airport & Streamside Overlays) to PUD/AO/SS (Planned Unit Development with Airport & Streamside Overlays)

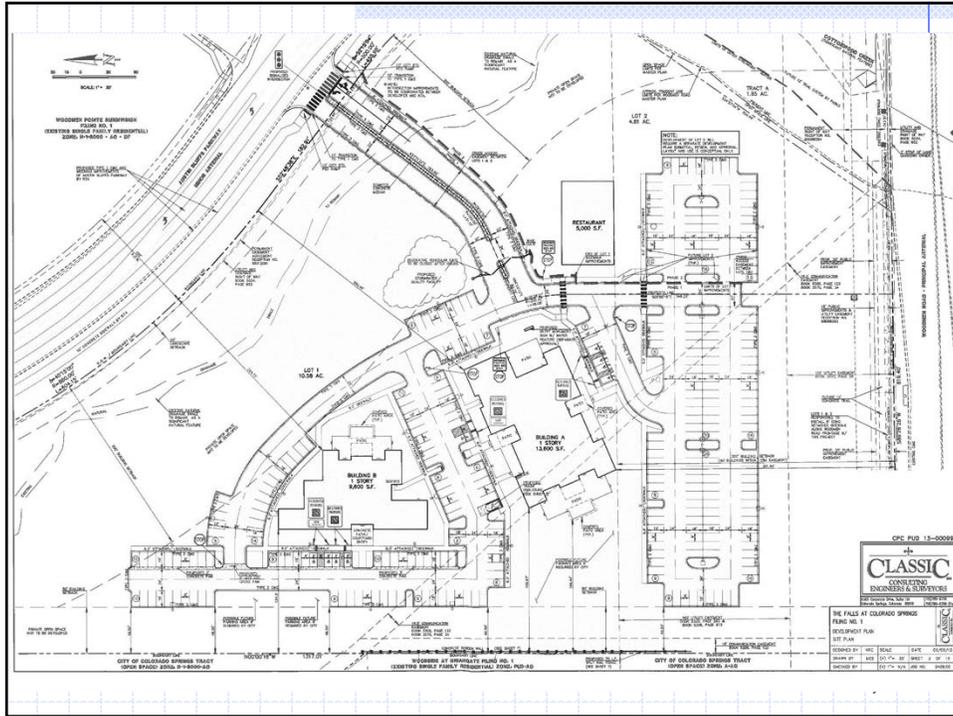
Falls at Colorado Springs Development Plan

- ✓ Establishes the Land Uses, Standards & Conditions for this project
 - ✓ Commercial, Public Assembly & Open Space
 - ✓ Site Design (locations for buildings, parking & landscaping, building height, buffers & setbacks)
 - ✓ Access
 - ✓ Issues of Concern: hours of operation, traffic signal, PPRTA coordination, security & lighting)
 - ✓ Conditions of Approval

7



8



Compliance

City Planning & Development Staff finds the applications are in compliance with:

- ✓ City Comprehensive Plan for General Residential – Public Assembly
- ✓ Woodmen Pointe Master Plan, as proposed to be amended
- ✓ Master Plan Amendment Findings of City Code Section 7.5.408
- ✓ Establishment of PUD Zone District of City Code Section &.5.603.B & 7.3.603
- ✓ PUD Development Plan Review Criteria of City Code Section 7.3.606

Project Issues

- ✓ Traffic & Traffic Signal
- ✓ PPRTA Coordination
- ✓ On-Site Security
- ✓ Building Height & View Protection
- ✓ Drainage
- ✓ Hours of Operation
- ✓ Light Levels
- ✓ Adequate Parking Spaces
- ✓ Trail Connections
- ✓ Open Space

11

Summary/Recommendations

- Approve the Woodmen Pointe Master Plan Amendment;
- Approve the Change of Zone District to PUD/AO/SS; and
- Approve the Falls at Colorado Springs PUD Development, subject to the conditions as stated in the Planning & Development staff report & as modified.

12

Questions?

13

The Falls at Colorado Springs

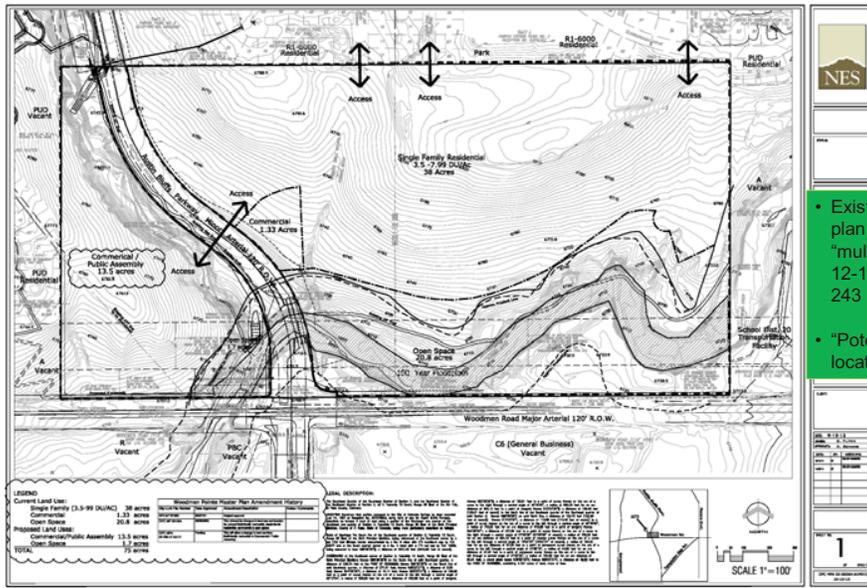
Planning Commission

November 21, 2013



Location Overview

Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21, 2013



NES

1

- Existing master plan reflects "multi-family" with 12-18 du/ac (162-243 units)
- "Potential Access" locations

Master Plan



- 15.38 Acres
- 6 +/- Acres of Development Proposed
- 2 Lots
 - Lot 1 – 2 event centers
 - Lot 2- future restaurant
- City Tract
- Parking
 - Each lots parking independently

Site Overview

Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21,2 013



- Project Statement Summary
- Parking
- Noise Mitigation for outside activities
- Drainage swale
- Wetlands
- Geohazards
- Building Heights
- Hours of Operation
- Trash/Litter Control
- Lighting
- Security
- Overhead Electric Easement
- Site Access
 - 3 Potential access locations
- Traffic Signal
- RTA Coordination
- Woodmen Pointe Annexation Agreement
 - ROW Dedication
- Trail Connections

Neighborhood Meeting Summary



- Project Statement Summary
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Site Plan Details

Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21,2 013



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Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21,2 013



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Neighborhood Meeting Summary

THE FALLS AT COLORADO SPRINGS FILING NO. 1
CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO
DEVELOPMENT PLAN

LEGAL DESCRIPTION

PROJECT TEAM

CLIENT

DESIGNER

DATE

TITLE SHEET

SEPTEMBER 2013

SITE DATA

ADJACENT PROPERTIES

EXISTING UTILITIES

PROPOSED UTILITIES

NOTES

GENERAL NOTES

1. ALL PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF COLORADO SPRINGS DEVELOPMENT PLAN...

LEGEND

PROPOSED BUILDING FOOTPRINT

PROPOSED PARKING

PROPOSED DRIVEWAY

PROPOSED SIDEWALK

PROPOSED BIKEWAY

PROPOSED TRAIL

SCALE

1" = 40'

DATE

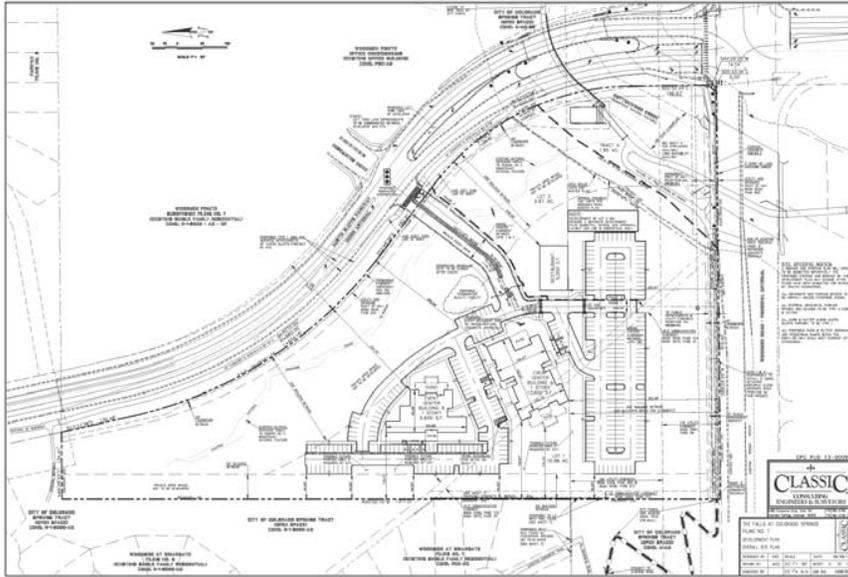
SEPTEMBER 2013

PROJECT NO.

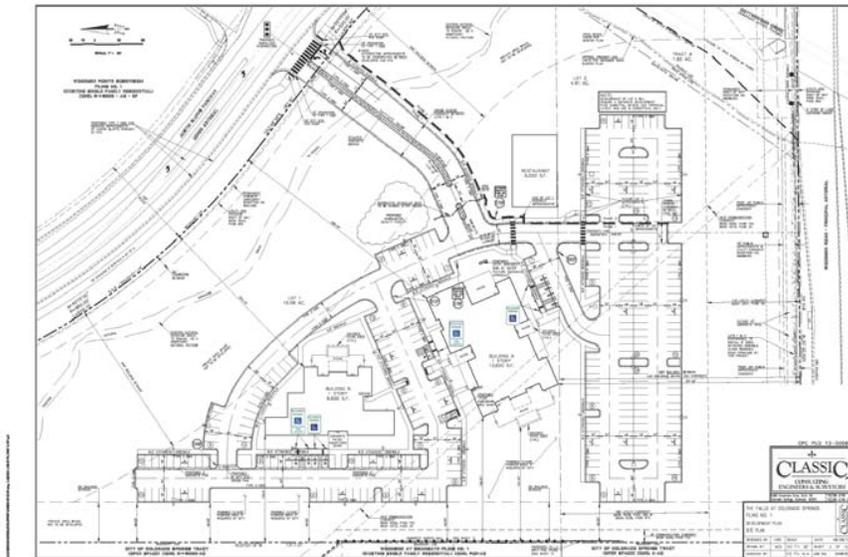
13-0004

Development Plan – Coversheet

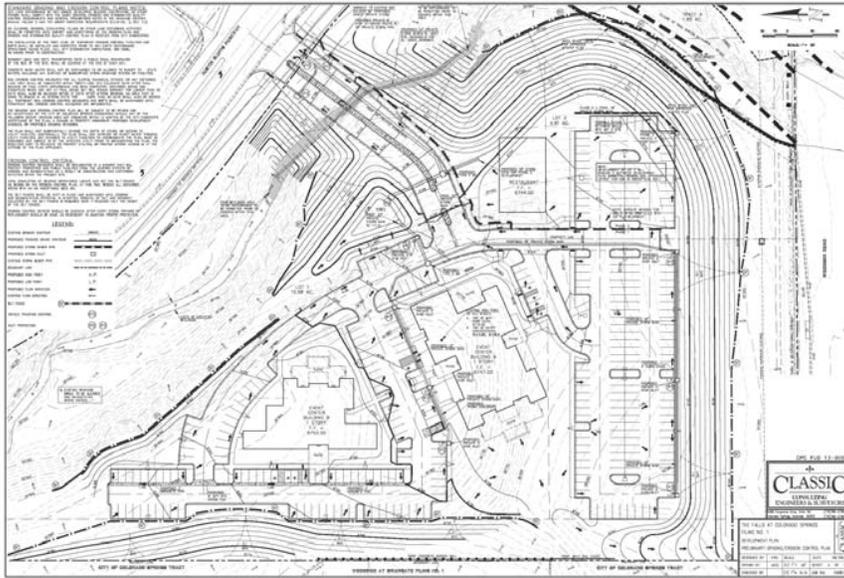
Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21, 2013



Development Plan



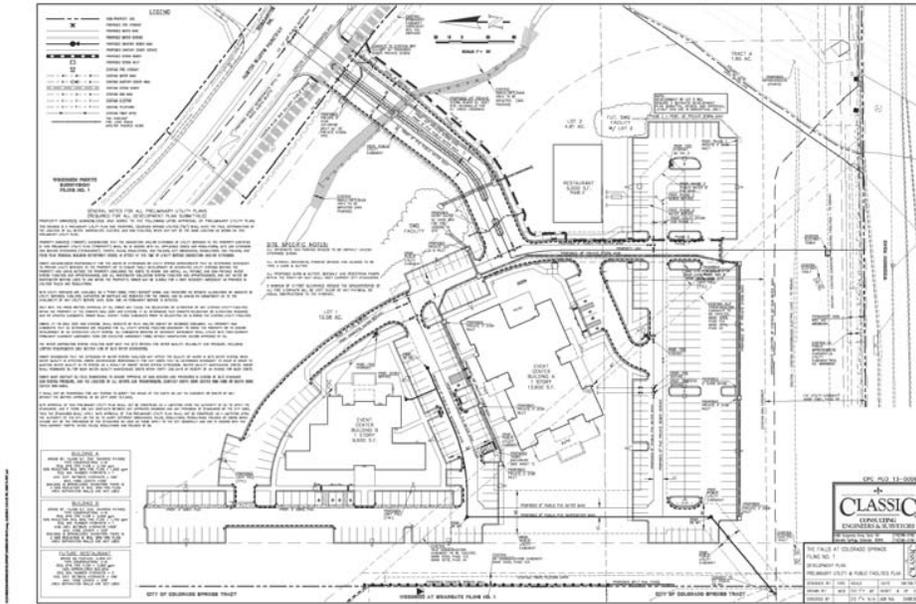
Development Plan – Larger Scale



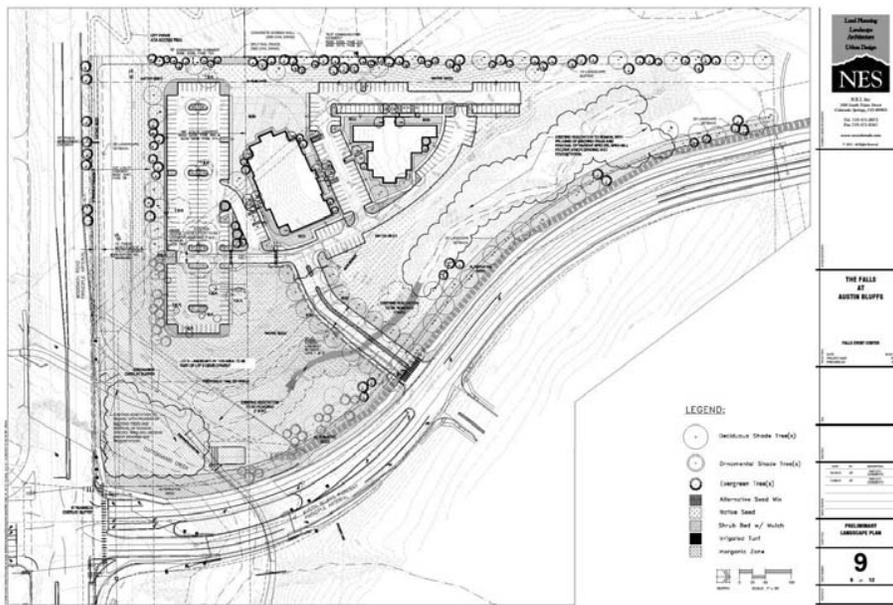
Grading Plan



Land Suitability Analysis

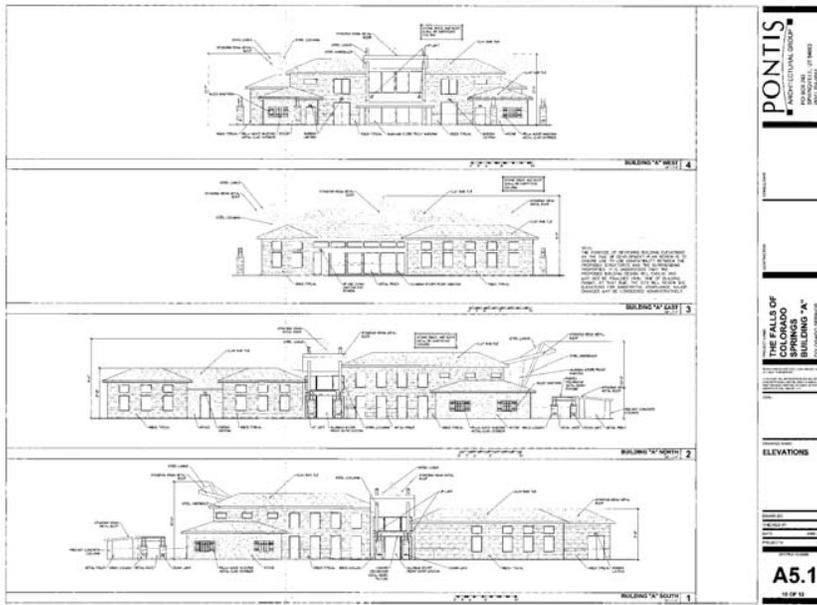


Utility Plan

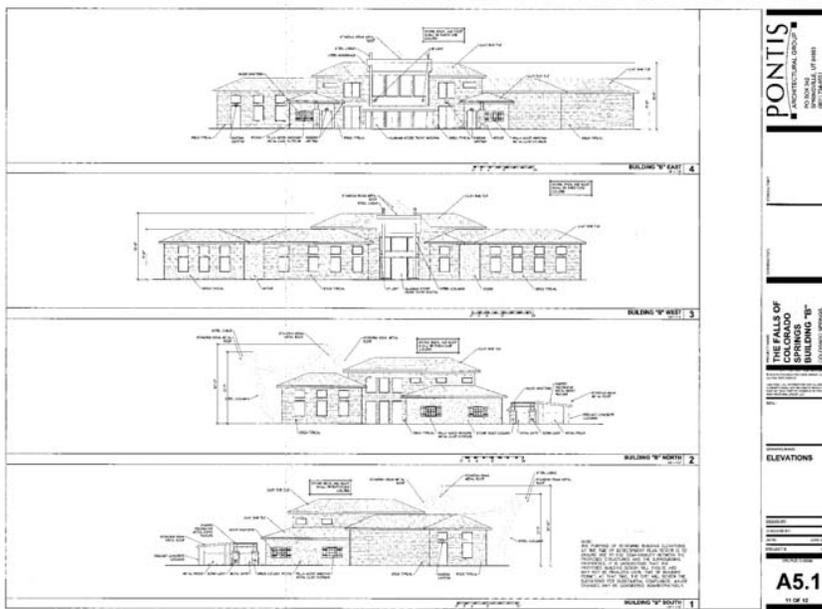


Landscape Plan

Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21, 2013

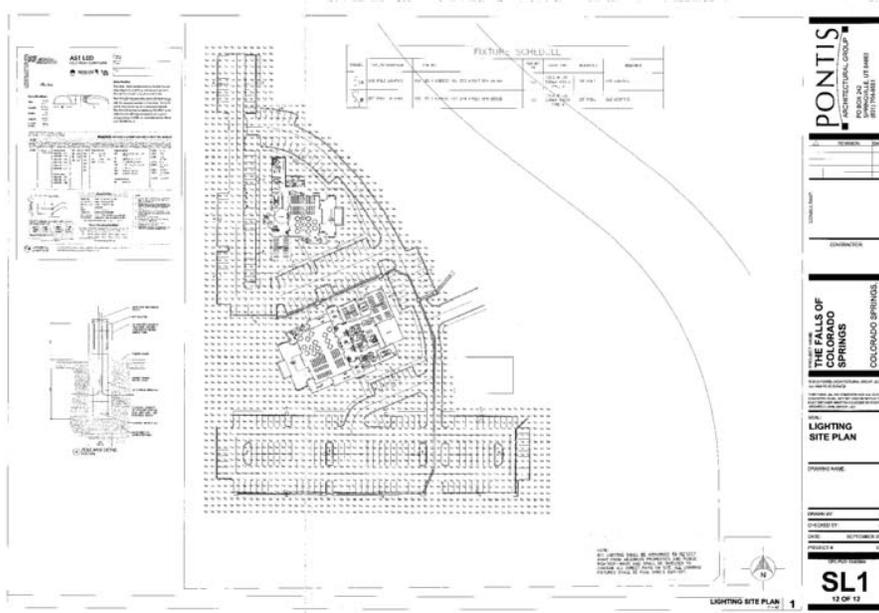


Building Elevations

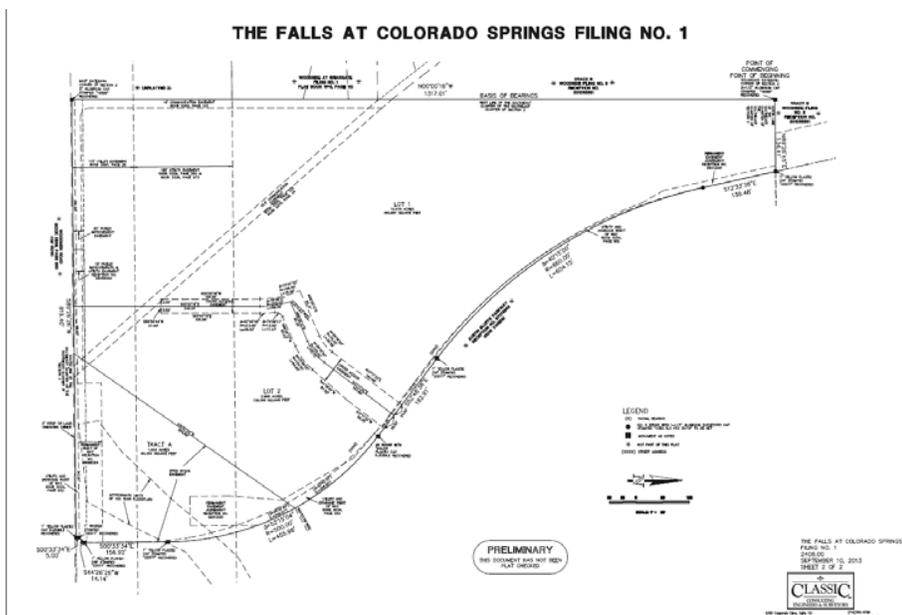


Building Elevations

Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21, 2013



Lighting Plan



Final Plat

Exhibit: B
Items: 6.A-6.C
CPC Meeting: November 21, 2013



- Project Statement Summary
- Parking
- Noise Mitigation for outside activities
- Drainage swale
- Wetlands
- Geohazards
- Building Heights
- Hours of Operation
- Trash/Litter Control
- Lighting
- Security
- Overhead Electric Easement
- Site Access
 - 3 Potential access locations
- Traffic Signal
- RTA Coordination
- Woodmen Pointe Annexation Agreement
 - ROW Dedication
- Trail Connections

Neighborhood Meeting Summary

End of Formal
Presentation

PROJECT SUMMARY:

1. Project Description: Request by Classic Consulting Engineers and Surveyors, LLC on behalf of Community Church of the Rockies of Colorado Springs (Contract purchaser is The Falls Event Center) for consideration of the following development applications: 1.) an amendment to the approved Woodmen Pointe Master Plan (**FIGURE 1**); 2.) a zone change from A/AO/SS (Agricultural with the Airport and Streamside Overlays) to a PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlays) zone district; and 3.) a development plan for the Falls at Colorado Springs Filing No.1 project (**FIGURE 2**). The property is located northwest of the Austin Bluffs and Woodmen Road intersection and it consists of 15.4 acres.

The applications would allow for the development of The Falls at Colorado Springs project. This project includes two event center buildings, both one story in height with one at 9,600 sq. ft. and the other 13,600 sq. ft.; together with associated parking, open space and landscape areas. A conceptual layout for a 5,000-sq.ft. restaurant building is shown but is not a part of this development plan. A separate development plan will be submitted and reviewed at a later time.

A subdivision plat for the project is being reviewed administratively in conjunction with the above-mentioned applications.

2. Applicant's Project Statements: (**FIGURES 3 & 4**)
3. Planning and Development Department's Recommendation: Approval of the master plan amendment, zone change and development plan subject to informational and technical modifications.

BACKGROUND:

1. Site Address: Not Applicable
2. Existing Zoning/Land Use: A/AO/SS (Agricultural with Airport and Streamside Overlays / Vacant (**FIGURE 5**))
3. Surrounding Zoning/Land Use:
North: R-1-6000 (Single-Family Residential) / Single-Family Residences & Open Space
South: PBC (Planned Business Center) / Open Space, Vacant (Future Commercial) & Commercial
East: PBC (Planned Business Center), R-1-6000 (Single-family Residential) & A (Agricultural) / Commercial, Single-Family Residences & Open Space
West: R-1-6000 (Single-Family Residential), PUD (Planned Unit Development) A (Agricultural) / Single-Family Residences & Open Space
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Woodmen Pointe Addition (1989)
6. Master Plan/Designated Master Plan Land Use: Woodmen Pointe Master Plan / Current: Multi-Family Residential & Open Space; Proposed: Public Assembly / Commercial & Open Space.
7. Subdivision: Unplatted
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site slopes towards the southeast. The site has been altered through time. Grading and the placement of fill have significantly modified the site's natural condition. There are insignificant grasses located upon the majority of the site with some trees and important riparian vegetation within or adjacent to the Cottonwood Creek corridor, which is proposed to be set aside in open space areas or

dedicated as a tract to the City for drainage, flood control, trails and open space. Portions of this tract will also be used for street improvement construction and utilities.

STAKEHOLDER PROCESS AND INVOLVEMENT: Two neighborhood meetings were conducted in regards to this project, one during the pre-application stage and the other during the internal review stage.

The standard City notification process for the two neighborhood meetings included posting the property with a notice poster and mailing postcards to approximately 140 property owners within 1,000 feet of the project area.

Approximately 30 persons attended the first meeting held on July 11, 2013. During that meeting the primary concerns expressed included increased traffic generation and traffic flow, traffic signal at Descartes, on-site security, building height and view protection, drainage, architectural design and building orientation, noise control, hours of operation, trash and litter, lighting levels, adequate parking spaces, potential direct access to Woodmen, trail connections, and impact to property values. A summary of the process and pre-application issues is attached. **(FIGURE 6)**

Approximately 25 persons attended the second neighborhood meeting held on October 2, 2013. The applicant addressed the neighbors' concerns in the revised submitted plan. However, similar concerns were again expressed. One e-mail was received regarding this project **(FIGURE 7)**.

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

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

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

1. Design and Development Issues:

Traffic: At the neighborhood meetings the area residents expressed concerns regarding the increased traffic and the travel direction that this project will generate. This project will only have one access into the site. This will occur at the existing intersection of Austin Bluffs Parkway and Descartes Drive, which is also the main access into the neighborhood to the east. City Planning & Development, City Traffic, PPRTA, and City Fire Prevention all find this acceptable. Prior to the commencement of use, a new traffic signal will be installed which will effectively manage traffic flows into and out of the project site and the neighborhood. Per the submitted traffic impact analysis most users of the event center and restaurant are unlikely to travel east into the neighborhood, only one percent (1%); they will travel either north or south to Woodmen. Additional accesses to the site either from Austin Bluffs or Woodmen will not be approved, so that they may function as intended for arterial roadways. All internal drives will be private.

Austin Bluffs Parkway Improvement Project: East and adjacent to this site is the planned Pikes Peak Rural Transportation Authority's (PPRTA) Austin Bluffs Parkway Improvement project. This project will improve this portion of Austin Bluffs by adding a new bridge over Cottonwood Creek, adding additional through and turning lanes and

other surface improvements. The applicant has been working with PPRTA to coordinate both projects. Notes have been added to the development plan regarding the PPRTA construction of those improvements with a cost recovery agreement with the applicant and owner of the project.

On-site Security: The applicant proposes a vehicle gate that will be closed after hours. Historically, this vacant property has been used for unauthorized activities that have disturbed the area residents. With the development of the site, the gate and additional monitoring concerns for these activities should be mitigated.

Building Height and View Protection: By limiting the building height of all buildings to 31 feet and significantly re-grading the site, this concern will be minimized. The site will be lowered 22' for building B and 35' for building from existing grade to finished grade. Views towards the mountains will be not be further impacted by this project than what is already experienced by the residents located east of this site.

Drainage: City Engineering Development Review and Stormwater have already approved the final drainage report for this project. In addition to flows created by the project, this site accepts surface drainage from the east and west and surface and sub-surface drainage from the north. Existing swales and a 6-foot x 11-foot box culvert along Austin Bluffs will be maintained plus other new site improvements will convey all existing and proposed drainage into Cottonwood Creek. Streamside overlay requirements have been met since this is a prudent line stream, and improvements within the overlay area (to be dedicated to the City as a separate tract) are limited to drainage, street, trail and utility improvements.

Architectural Design: Building height will be limited to 31 feet. Building materials will be stone, brick and clay tile of earth tone colors.

Noise Control and Hours of Operation: Activity levels will naturally increase during events. Efforts to minimize the impacts are encouraged but not required. A note has been added to the development plan restricting hours of operation from 6:00 A.M. to 12:00 A.M.

Trash and Litter: As previously addressed, the vacant site has been used in the past for unauthorized activities. The development of the site will restrict those activities and the presence of trash and litter will now be minimal and monitored by the owner and operator of the businesses.

Lighting Levels: The development plan includes and addresses lighting for the project. Lighting levels are typical for this type of use. Notes and provisions were added to the plan to arrange and reflect lighting away from adjoining properties and public rights-of-way. Light fixtures shall be shielded to contain all direct light rays on site and will be full cut-off fixtures.

Adequate Parking Spaces: This project is subject to the City standard applied to restaurant uses - one space for 100 square feet of floor area. Phase one of the project includes the two event center buildings (13,600 square feet and 9,600 square feet) which requires 232 (136 + 96) parking spaces. A total of 258 spaces will be provided. The development plan also provides for an additional parking area should that be needed at a later time.

Trail Connections: This site is located at the junction of three important City trails, the Briargate Trail from the north adjacent to Austin Bluffs, the Cottonwood Trail adjacent to Cottonwood Creek, and the Woodmen Trail adjacent to Woodmen. The applicant, working with City Parks and Recreation, Engineering, Traffic and PPRTA, has provided for and shown on the development plan the existing and proposed trails and connections. In addition, a new formalized trail connection will be made from the neighborhood to the east downslope to the Woodmen Trail for the benefit of the area residents.

2. Conformance with the City Comprehensive Plan:

The master plan amendment and zone change are consistent with the City Comprehensive Plan. The Plan's 2020 Land Use Map identifies this area as general residential use. Minor public assembly uses are a specifically authorized land use in general residential designated areas. The restaurant is considered incidental to the public assembly use.

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

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

Policy LU 202: Make Natural and Scenic Areas and Greenways an Integral Part of the Land Use Pattern: Treat the City's significant natural features, scenic areas, trail corridors, and greenways as critically important land uses and infrastructure that represent major public and private investments and are an integral part of the city and its land use pattern.

Policy LU 301: Promote a Mixed Land Use Pattern: Promote development that is characterized by a mix of mutually supportive and integrated residential and non-residential land uses, and a network of interconnected streets with good pedestrian and bicycle access and connections to transit.

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

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

Policy LU 401: Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects: Work with property owners in neighborhoods, the downtown, and other existing activity centers and corridors to determine appropriate uses and criteria for redevelopment and infill projects to ensure compatibility with the surrounding area

Objective LU 7: Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings: Colorado Springs has numerous commercial areas that provide the necessary goods and services for visitors and regional, community, and neighborhood residents. The location and design of these areas not only has a profound effect on the financial success of commercial businesses, but also on the quality of life for the residents. Regardless of whether a commercial development is intended to serve neighborhood, community, citywide, or regional functions, it must be located and designed to balance pedestrian, bicycle, automobile, and, in many cases, transit access. In addition, the location and design of commercial uses must be integrated into surrounding areas, rather than altering the character of surrounding land uses and neighborhoods. Incorporating a mix of uses will increase the diversity and vitality of commercial areas.

It is the finding of the City Planning and Development Staff that the Woodmen Pointe Master Plan amendment, zone change, and the Falls at Colorado Springs Filing No.1 Ridge Development Plan are consistent the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals, objectives and policies.

3. Conformance with the Area's Master Plan:

The existing Woodmen Pointe Master Plan designates this area as multi-family residential & open space. The proposed amendment would change the designated land uses to Commercial / Public Assembly and Open Space.

It is the finding of the City Planning and Development Staff that the zone change and development plan would be consistent with the proposed amended Woodmen Pointe Master Plan.

4. Review Criteria / Design & Development Issues:

Master Plan Amendment: The Woodmen Pointe Master Plan currently designates this property for Multi-Family Residential & Open Space uses. The proposed amendment would change the designation to Commercial / Public Assembly & Open Space uses.

Master plan amendments are reviewed based upon the master plan review criteria found in City Code Section 7.5.408.

It is the finding of the City Planning and Development Staff that the Woodmen Pointe Master Plan Amendment meets the master plan review criteria found in City Code Section 7.5.408.

Zone Change to Planned Unit Development (PUD): The existing zoning for this area is A/AO/SS (Agricultural with Airport and Streamside Overlays). The proposed zone is PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlays).

Zone change requests are reviewed based upon the zone change criteria found in City Code Section 7.5.603.B. Further, zone changes to Planned Unit Development are reviewed based upon the establishment and development of a PUD zone criteria found in City Code Section 7.3.603.

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

Development Plan: The Falls at Colorado Springs Filing No.1 Development Plan is submitted in conjunction with the zone change for this project. This project will be developed in two separate phases.

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

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

STAFF RECOMMENDATIONS:

Item No: 6.A CPC MPA 02-00064-A1MJ13 – Amendment to Master Plan

Approve the Woodmen Pointe Master Plan based upon the finding that the plan complies with the master plan review criteria in City Code Section 7.5.408, subject to compliance with the following technical and informational plan modifications:

- Remove the “Proposed 5-foot Sidewalk” shown along Woodmen Road, in the southwestern part of the plan and replace with “Future 12-foot Concrete Trail”.

Item No: 6.B CPC PUZ 13-00098 – Zone Change to PUD

Approve the proposed zone change to PUD/AO/SS (Planned Unit Development: Commercial / Public Assembly & Open Space, maximum building height of 30 feet, intensity per approved development plan with Airport and Streamside Overlays), based upon the finding that the change complies with the zone change criteria found in City Code Section 7.5.603.B. and the PUD establishment criteria found in City Code Section 7.3.603.

Item No: 6.C CPC PUD 13-00099 – Development Plan

Approve the Falls at Colorado Springs Filing No. 1 Development Plan based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606, subject to compliance with the following technical and informational plan modifications:

1. Provide the City Landscape Architect’s (CLA) approval of the development plan addressing all of her concerns regarding sidewalks and encroachments into the landscape setbacks.
 2. Provide the City Utilities approval of the development plan and landscape plan and that all of their concerns have been addressed to their satisfaction regarding encroachments into easements and landscape impacts.
 3. On the landscape plan show and label all proposed and existing utilities and easements.
 4. On the Title Sheet, under Site Data, under Proposed Zoning, include the PUD/AO/SS zoning City approval ordinance number, the approved land use, maximum height and intensity. (This information will be provided after City Council approval.)
 5. On the Title Sheet, under Site Data, provide a statement listing all the public improvements to be constructed and installed as part of this project.
 6. On all applicable sheets, remove the light pole fixture that is located within the wastewater easement.
 7. On Sheet 1, under required parking spaces, add all outside patio areas that will be used for outside eating, modify total required accordingly.
-

THE FALLS AT COLORADO SPRINGS FILING NO. 1

CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO

DEVELOPMENT PLAN

TITLE SHEET
SEPTEMBER 2013

LEGAL DESCRIPTION

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASE OF BEARINGS: THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO BEING DOCUMENTED AT THE NORTH END BY A 2-1/2" ALUMINUM SURVEYORS CAP STAMPED "19586" AND AT THE SOUTH END BY A 2" ALUMINUM SURVEYORS CAP STAMPED "19586", IS ASSUMED TO BEAR N00°00'18"W, A DISTANCE OF 1317.01 FEET.

COMMENCING AT THE SOUTHEAST SIXTEENTH CORNER OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE EASTERLY BOUNDARY OF TRACT B AS PLATTED IN WOODSIDE FILING NO. 3 RECORDED UNDER RECEPTION NO. 201038061, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N89°28'45"E, ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2 AND THE BOUNDARY OF SAID WOODSIDE FILING NO. 3, A DISTANCE OF 134.41 FEET TO THE WESTERLY RIGHT OF WAY LINE OF AUSTIN BLUFFS PARKWAY DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 97079953;

THENCE ON SAID WESTERLY RIGHT OF WAY LINE, THE FOLLOWING SEVEN (7) COURSES:

1. S12°33'38"E, A DISTANCE OF 136.48 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 46°15'00", A RADIUS OF 680.00 FEET AND A DISTANCE OF 604.13 FEET TO A POINT OF TANGENT;
3. S52°48'30"E, A DISTANCE OF 182.91 FEET TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 52°19'04", A RADIUS OF 500.00 FEET AND A DISTANCE OF 455.98 FEET TO A POINT OF TANGENT;
5. S00°33'34"W, A DISTANCE OF 156.92 FEET;
6. S44°28'26"W, A DISTANCE OF 14.14 FEET;
7. S00°33'34"E, A DISTANCE OF 5.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2;

THENCE S89°28'26"W, ON SAID SOUTH LINE, A DISTANCE OF 819.40 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTION 2;

THENCE N00°00'18"W, ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2, ON THE EASTERLY BOUNDARY OF WOODSIDE AT BRIMGATE FILING NO. 1 AS RECORDED IN BOOK W-3 AT PAGE 110 AND THE EASTERLY BOUNDARY OF SAID WOODSIDE FILING NO. 3, A DISTANCE OF 1317.01 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15.387 ACRES.

GENERAL NOTES:

ALL PROPOSED CURB & GUTTER, SIDEWALK AND PEDESTRIAN RAMPS WITHIN THE RIGHT-OF-WAY SHALL MEET CURRENT CITY STANDARDS.

NO DIRECT VEHICULAR ACCESS FROM ANY LOT OR TRACT SHALL BE PERMITTED TO WOODMEN ROAD.

PUBLIC STREET IMPROVEMENTS ALONG AUSTIN BLUFFS PARKWAY TO BE INSTALLED BY PRMTA WITH COST RECOVERY AGREEMENT WITH DEVELOPER. IMPROVEMENTS INCLUDE C&G, ASPHALT AND SIDEWALK.

A CROSS ACCESS AND PARKING AGREEMENT BETWEEN LOTS 1 AND 2 IS PROPOSED. SEE PLANS FOR CROSS ACCESS AGREEMENT LOCATION.

6" PUBLIC SIDEWALK TO BE INSTALLED BY DEVELOPER ALONG WOODMEN ROAD.

THIS PROPERTY IS SUBJECT TO THE FINDINGS SUMMARY AND CONCLUSIONS OF A GEOLOGIC HAZARD REPORT PREPARED BY CEI/EL ENGINEERS DATED SEPTEMBER 12, 2013. A COPY OF SAID REPORT HAS BEEN PLACED WITHIN FILE CPC PUD 13-00099 OF THE CITY OF COLORADO SPRINGS DEVELOPMENT SERVICES DIVISION, 30 SOUTH NEVADA AVENUE, SUITE 103, COLORADO SPRINGS, CO. IF YOU WOULD LIKE TO REVIEW SAID REPORT.

HOURS OF OPERATION FOR ALL USES IN LOTS 1 AND 2 FROM 6:00 AM TO 12:00 AM.

DEVELOPER TO CONTRIBUTE \$100,000 TO THE PROPOSED TRAFFIC SIGNAL AT DESCARTES DRIVE, AND AUSTIN BLUFFS PARKWAY TRAFFIC SIGNAL TO BE INSTALLED WITH THIS PROJECT.

TRAFFIC ENGINEERING WILL REQUIRE THE DEVELOPER TO ESCROW \$5,000 FOR FUTURE TRAFFIC CALMING PRIOR TO BUILDING PERMIT APPROVAL.

ALL LIGHTING SHALL BE ARRANGED TO REFLECT AWAY FROM ADJOINING PROPERTIES AND PUBLIC RIGHT-OF-WAYS AND SHALL BE SHIELDED TO CONTAIN ALL DIRECT RAYS ON SITE. ALL LIGHTING FIXTURES SHALL BE FULL SHIELDED OUT-OF.

THIS DEVELOPMENT IS SUBJECT TO AN AVIATION EASEMENT AS RECORDED UNDER RECEPTION NO. 97079953 IN THE OFFICE OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO.

IF THE USE OF TEMPORARY CONSTRUCTION EQUIPMENT WILL EXCEED 200 FEET ABOVE GROUND LEVEL IN HEIGHT AT THIS SITE, THE APPLICANT IS TO FILE AN AIRSPACE EVALUATION WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) AND PROVIDE THE RESULTS TO THE AIRPORT BEFORE THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.

THE PURPOSE OF REVIEWING BUILDING ELEVATIONS AT THE TIME OF DEVELOPMENT PLAN REVIEW IS TO ENSURE USE TO USE COMPATIBILITY BETWEEN THE PROPOSED STRUCTURES AND THE SURROUNDING PROPERTIES. IT IS UNDERSTOOD THAT THE PROPOSED BUILDING DESIGN WILL EVOLVE AND MAY NOT BE FINALIZED UNTIL TIME OF BUILDING PERMIT. AT THAT TIME, THE CITY WILL REVIEW THE ELEVATIONS FOR SUBSTANTIAL COMPLIANCE. MAJOR CHANGES MAY BE CONSIDERED ADMINISTRATIVELY.

PROJECT TEAM:

CIVIL ENGINEER

CLASSIC CONSULTING ENGINEERS & SURVEYORS, LLC
8385 CORPORATE DRIVE, SUITE 101
COLORADO SPRINGS, CO 80918
MR. KYLE CAMPBELL, P.E. (719) 785-0790

LANDSCAPE ARCHITECT

H.E.S. INC.
508 SOUTH TEJON STREET
COLORADO SPRINGS, CO 80903
MR. RON BEVANS, (719) 471-3073

ARCHITECT

POINTES ARCHITECTURAL GROUP
903 S. 1100 E.
SPRINGVILLE, UT 84643
ALAN SHURTLEFF, AIA (801) 704-9551

GEOTECHNICAL ENGINEER

EDTECH ENGINEERING INC.
508 ELKTON DRIVE
COLORADO SPRINGS, CO 80907
MR. JOE GOODE, P.E. (719) 531-5599

TRANSPORTATION CONSULTANT

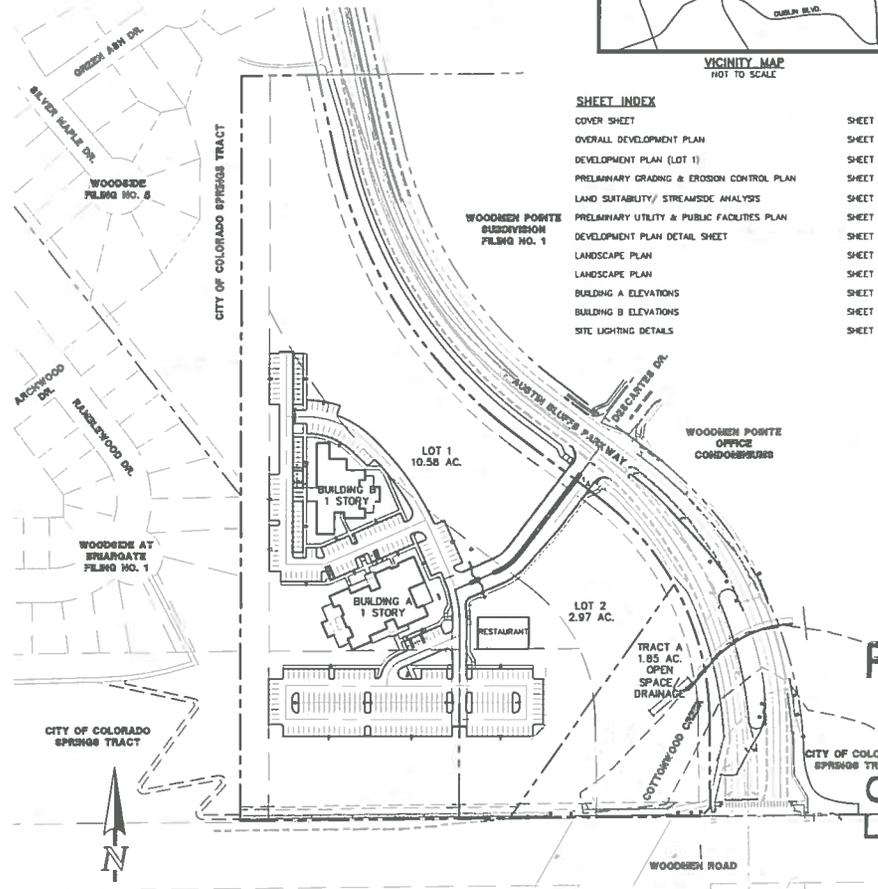
LSC TRANSPORTATION CONSULTANTS, INC.
518 N. TEJON STREET
COLORADO SPRINGS, CO 80903
MR. JEFF HOODSON, (719) 633-2868



VICINITY MAP
NOT TO SCALE

SHEET INDEX

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OVERALL DEVELOPMENT PLAN	SHEET 2 OF 12
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BUILDING ELEVATIONS	SHEET 10 OF 12
BUILDING ELEVATIONS	SHEET 11 OF 12
SITE LIGHTING DETAILS	SHEET 12 OF 12



SITE DATA:

APPLICANT: CLASSIC CONSULTING ENGINEERS & SURVEYORS
8385 CORPORATE DRIVE, SUITE 101
COLORADO SPRINGS, COLORADO 80918
MR. KYLE CAMPBELL, P.E. (719) 785-0790

DEVELOPER: THE FALLS EVENT CENTER
9087 S. 1300 W. SUITE 301
WEST JORDAN, UT 84088
MR. JOHN NEUBAUER

OWNER: COMMUNITY CHURCH OF ROCKIES OF COLORADO SPRINGS
4777 N. ACADEMY BOULEVARD
COLORADO SPRINGS, CO 80918
MR. CARLOS SORESON (801) 712-4529

TAX SCHEDULE NO.: 83024-00-009

ADDRESS: AUSTIN BLUFFS PARKWAY

AREA: 15.38 ACRES

EXISTING ZONING: A-AO-SS

PROPOSED ZONING: PUD-AO-SS (PER CITY ORD. NO. _____)

MASTER PLAN: WOODMEN POINTE

EXISTING USE: UNDEVELOPED

PROPOSED USE: TWO PRIVATE EVENT CENTERS WITH SET DOWN CASUAL RESTAURANT PAD

DEVELOPMENT SCHEDULE: 2014 FULL BUILDOUT OF TWO EVENT CENTERS

MAXIMUM BUILDING HEIGHT: 31'

TYPICAL DRIVE AISLE: 24' UNLESS OTHERWISE NOTED

PROPOSED LOT COVERAGE BY BUILDINGS: 5.0%

PROPOSED LOT COVERAGE BY ASPHALT/CONCRETE: 28.9%

LANDSCAPE SETBACKS:

ALONG WOODMEN ROAD: 25' MINIMUM

ALONG AUSTIN BLUFFS PARKWAY: 20' MINIMUM

PARKING REQUIREMENTS (1/100 S.F.):

LOT 1: 258 SPACES

BUILDING A = 13,800 S.F. (GROSS) = 136 SPACES

BUILDING B = 9,800 S.F. (GROSS) = 98 SPACES

232 SPACES REQUIRED

HC SPACES PROVIDED: 7 SPACES

PARKING PROVIDED: 258 SPACES

TOTAL PARKING SPACES PROVIDED: 1/100 S.F. (GROSS) = 258 SPACES

LOT 1: 258 SPACES PROVIDED

HC SPACES PROVIDED (LOT 1): 9 SPACES (W/ 2 VAN)

TYPICAL PARKING SPACE: 9' x 18'

TYPICAL HANDICAPPED PARKING SPACE: 8' x 18'

TYPICAL HANDICAPPED ZONE: 8' x 18' (8' WIDE FOR VAN)

FLOODPLAIN STATEMENT:

A PORTION OF THE PROPOSED SITE IS WITHIN A 100-YEAR FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 05041C 0328P EFFECTIVE DATE, MARCH 17, 1997.

REQUIRED PUBLIC IMPROVEMENTS:

PUBLIC STREET IMPROVEMENTS ALONG AUSTIN BLUFFS PARKWAY TO BE INSTALLED BY PRMTA WITH COST RECOVERY AGREEMENT WITH DEVELOPER. IMPROVEMENTS INCLUDE C&G, ASPHALT AND SIDEWALK.

6" PUBLIC SIDEWALK TO BE INSTALLED BY DEVELOPER ALONG WOODMEN ROAD.

DEVELOPER TO CONTRIBUTE \$100,000 TO THE PROPOSED TRAFFIC SIGNAL AT DESCARTES DRIVE, AND AUSTIN BLUFFS PARKWAY TRAFFIC SIGNAL TO BE INSTALLED WITH THIS PROJECT.

RECEIVED
DRAFT NO. 3
NOV 06 2013

Colorado Springs
Land Use

CPC PUD 13-00099

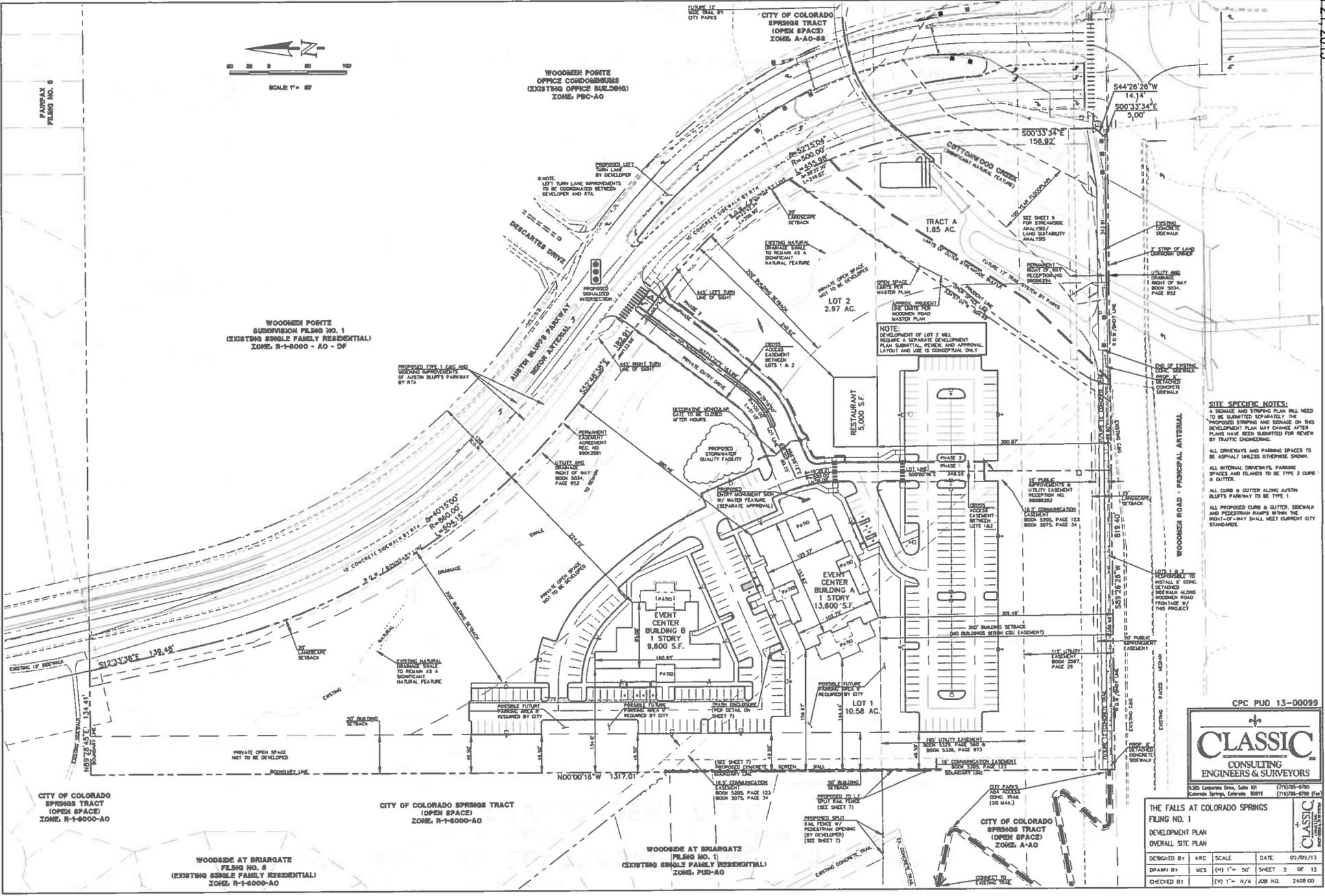
CLASSIC CONSULTING ENGINEERS & SURVEYORS

THE FALLS AT COLORADO SPRINGS
FILING NO. 1
DEVELOPMENT PLAN
TITLE SHEET

DESIGNED BY: KRC	SCALE:	DATE:	09/09/13
DRAWN BY: MES	(H) 1" = VARS	SHEET:	1 OF 12
CHECKED BY:	(V) 1" = N/A	JOB NO.:	2408 00

8385 Corporate Drive, Suite 101
Colorado Springs, Colorado 80918
(719) 785-0790
(719) 785-0790

FIGURE 2



CPC PUD 13-00099

CLASSIC
CONSULTING
ENGINEERS & SURVEYORS

3300 Corporate Drive, Suite 101 (719) 593-8790
Colorado Springs, Colorado 80909 (719) 593-8798 (fax)

THE FALLS AT COLORADO SPRINGS
FILING NO. 1
DEVELOPMENT PLAN
OVERALL SITE PLAN

DESIGNED BY	KRC	SCALE	DATE	07/09/13
DRAWN BY	MCS	(1) 1" = 50'	SHEET	2 OF 12
CHECKED BY	IVJ	1" = H/A	JOB NO.	2408 00

SITE SPECIFIC NOTES:
A SCIENCE AND STRIPING PLAN WILL NEED TO BE SUBMITTED SEPARATELY. THE PROPOSED STRIPING AND SIGNAGE ON THIS DEVELOPMENT PLAN MAY CHANGE AFTER PLANS HAVE BEEN SUBMITTED FOR REVIEW BY TRAFFIC ENGINEERING.
ALL DRIVEWAYS AND PARKING SPACES TO BE ASPHALT UNLESS OTHERWISE SHOWN.
ALL INTERNAL DRIVEWAYS, PARKING SPACES AND ISLANDS TO BE TYPE 3 CURBS & GUTTER.
ALL CURBS & GUTTER ALONG JUSTIN BLUFFS PARKWAY TO BE TYPE 1 CURBS & GUTTER.
ALL PROPOSED CURBS & GUTTER, SIDEWALK AND PEDESTRIAN RAMPS WITHIN THE RIGHT-OF-WAY SHALL MEET CURRENT CITY STANDARDS.

NOTE:
DEVELOPMENT OF LOT 2 WILL REQUIRE A SEPARATE DEVELOPMENT PLAN SUBMITTAL, REVIEW, AND APPROVAL. LAYOUT AND USE IS CONCEPTUAL ONLY.

WOODMEN PORTS SUBDIVISION FILING NO. 1
EXISTING SINGLE FAMILY RESIDENTIAL
ZONE: R-1-6000 - AD - DF

WOODMEN PORTS
OFFICE CONDORSEUMS
EXISTING OFFICE BUILDING
ZONE: PBC-AO

CITY OF COLORADO
SPRINGS TRACT
(OPEN SPACE)
ZONE: A-AO-88

CITY OF COLORADO SPRINGS TRACT
(OPEN SPACE)
ZONE: R-1-6000-AO

WOODSIDE AT BRIARGATE
FILING NO. 1
EXISTING SINGLE FAMILY RESIDENTIAL
ZONE: PUD-AO

WOODSIDE AT BRIARGATE
FILING NO. 6
EXISTING SINGLE FAMILY RESIDENTIAL
ZONE: R-1-6000-AO

FALLS AT COLORADO SPRINGS
FILING NO. 6

FIGURE 2

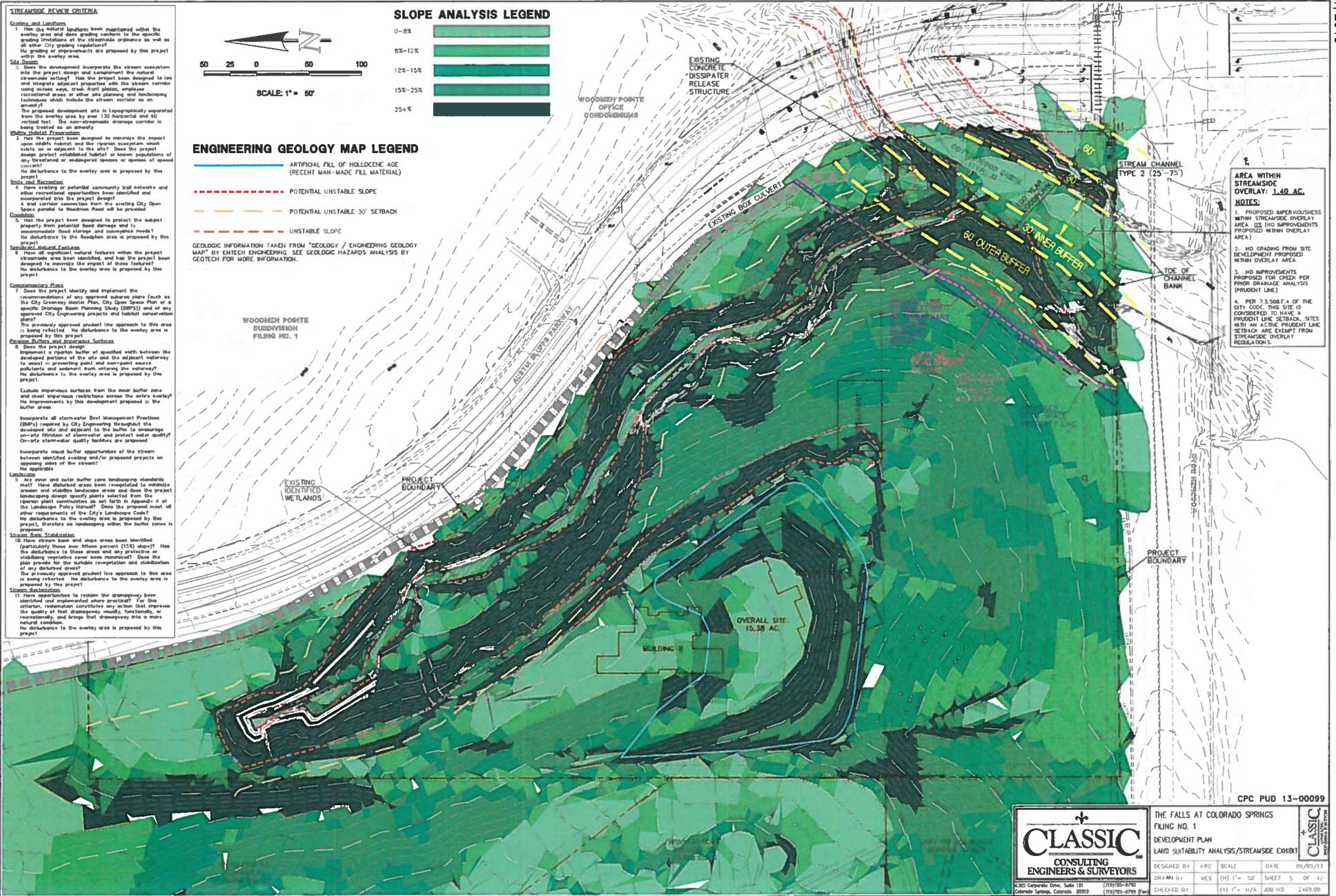


FIGURE 2

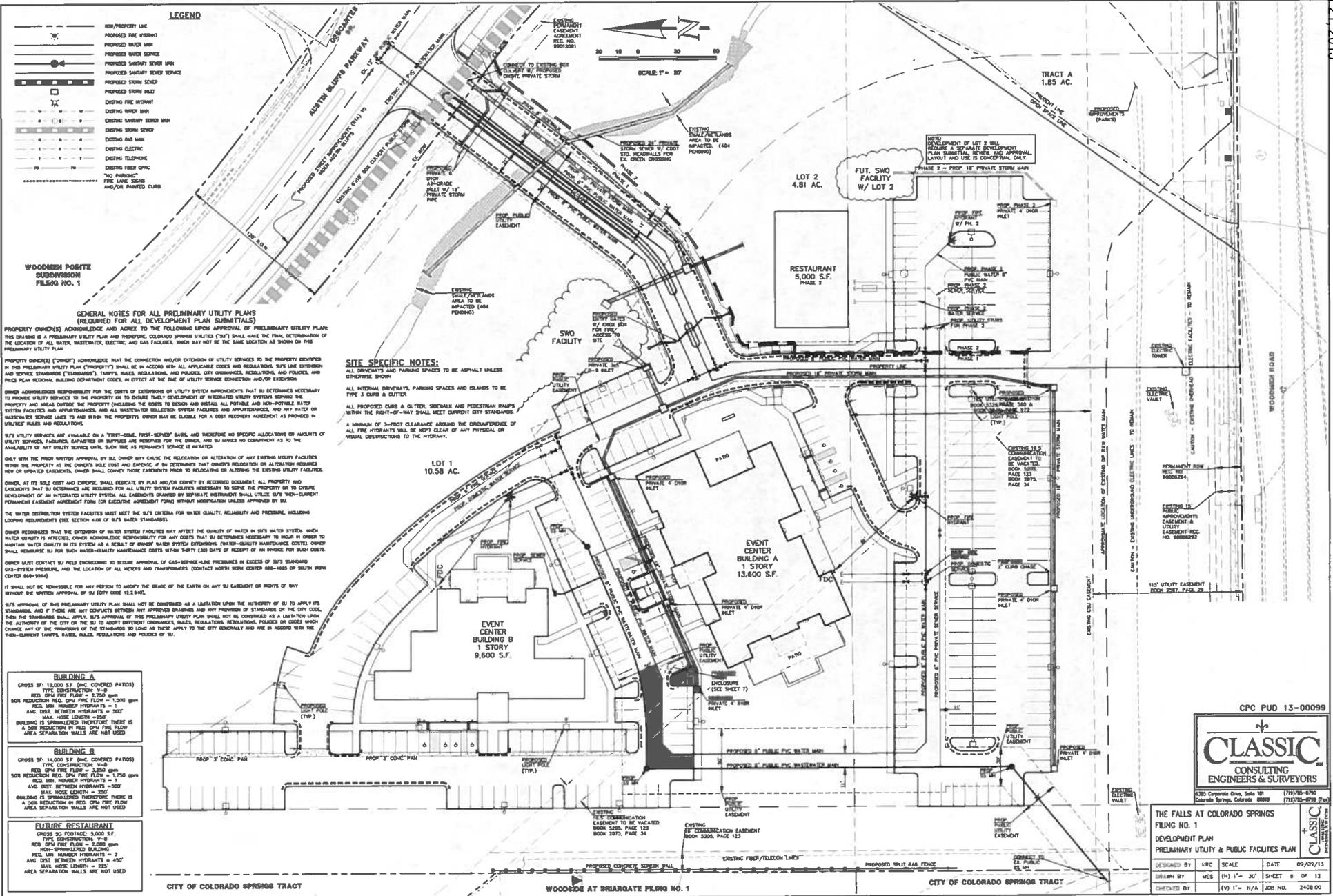
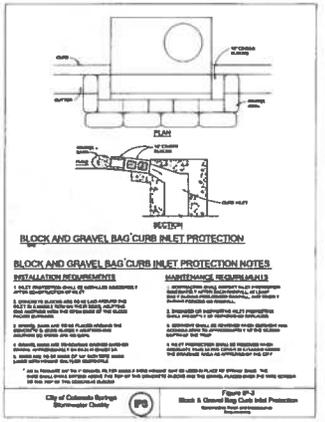
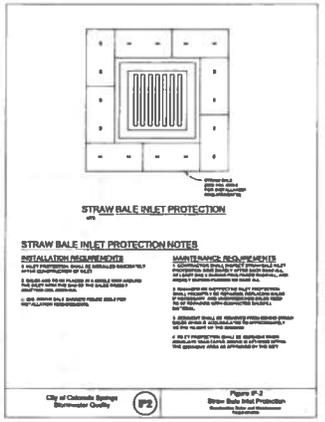
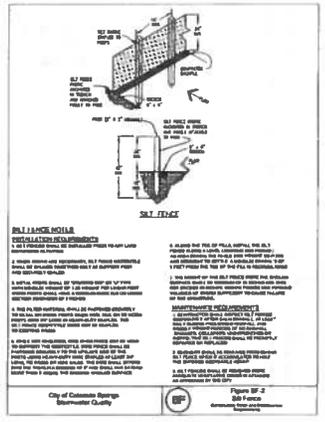
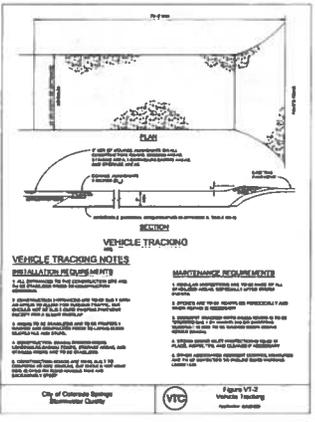
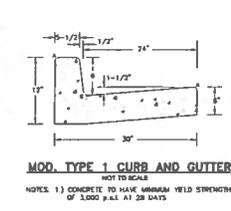
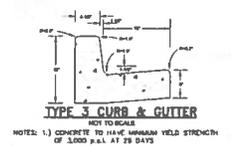
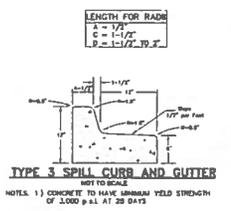
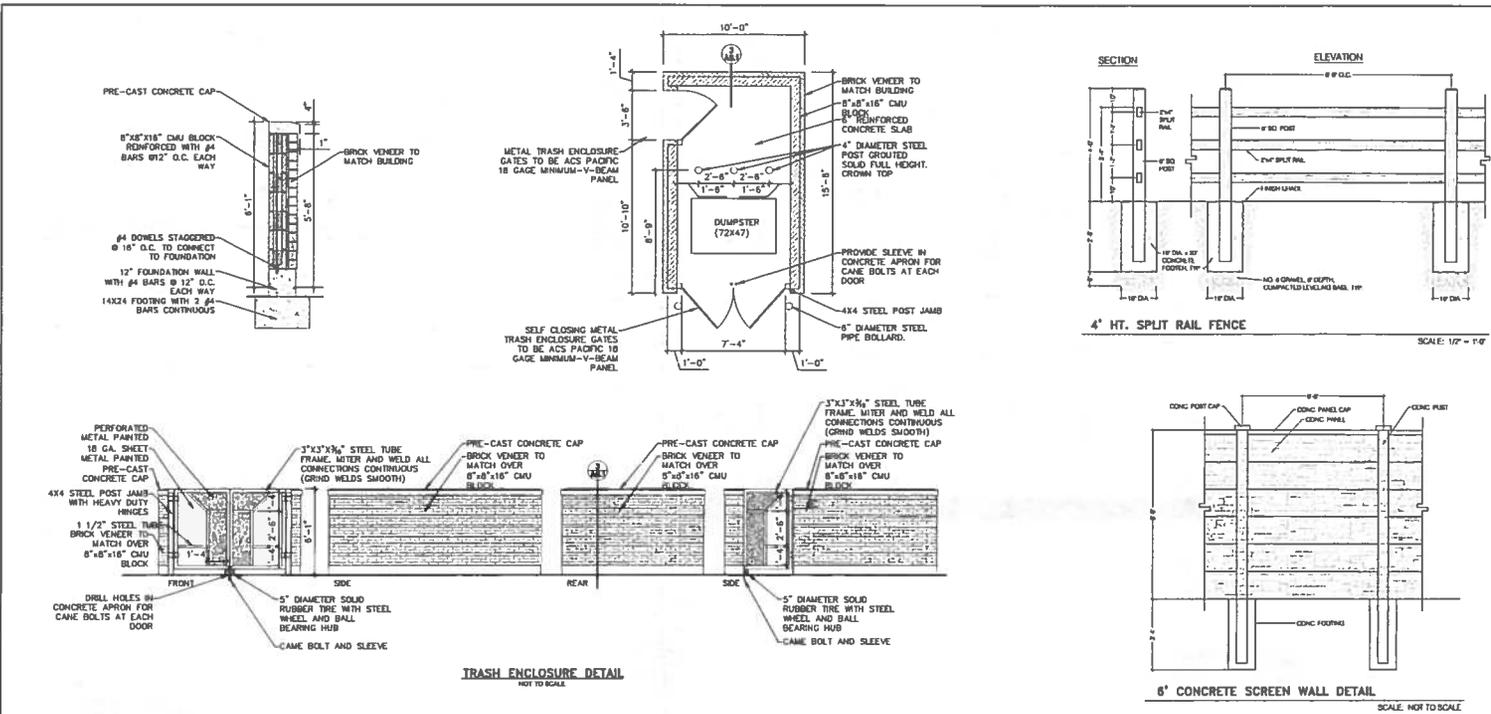


FIGURE 2



CPC PUD 13-00099

CLASSIC
CONSULTING
ENGINEERS & SURVEYORS

1300 Casper's Drive, Suite 301
Colorado Springs, Colorado 80904

(719) 595-8788
(719) 595-8788 (fax)

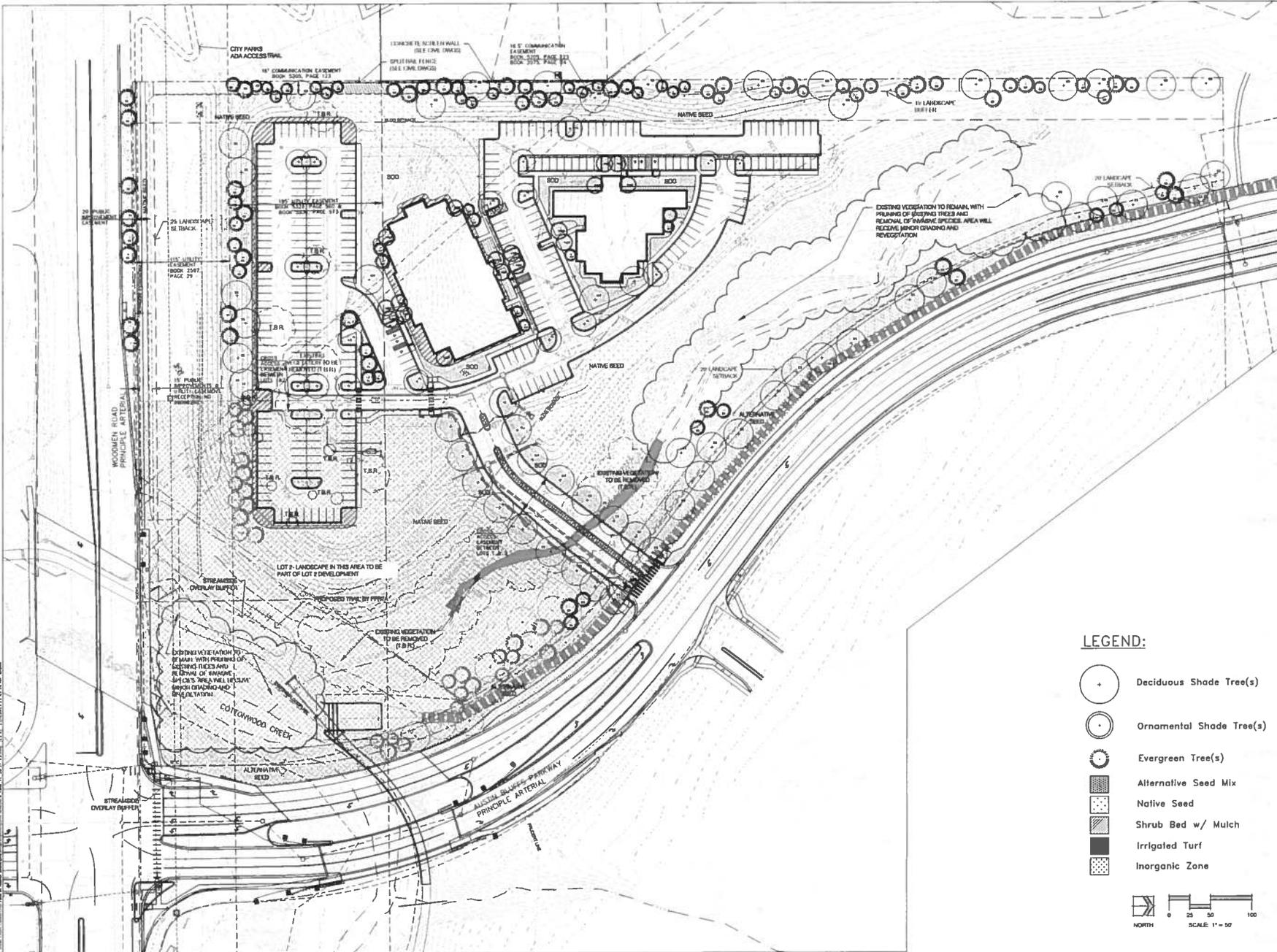
THE FALLS AT COLORADO SPRINGS
FILING NO. 1
DEVELOPMENT PLAN
DETAIL SHEET

DESIGNED BY	ARC	SCALE	DATE
DRAWN BY	WCS	(N) 1" = 30'	09/09/13
CHECKED BY	(V) 1" = 4"	N/A	SHEET 7 OF 12
			JOB NO. 2-08-00

FIGURE 2



N.E.S., Inc.
 500 South Tejon Street
 Colorado Springs, CO 80903
 Tel. 719.471.0071
 Fax 719.471.0267
 www.nescolorado.com
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LEGEND:

- Deciduous Shade Tree(s)
- Ornamental Shade Tree(s)
- Evergreen Tree(s)
- Alternative Seed Mix
- Native Seed
- Shrub Bed w/ Mulch
- Irrigated Turf
- Inorganic Zone

NORTH SCALE: 1" = 50'

**THE FALLS
 AT
 AUSTIN BLUFFS**

FALLS EVENT CENTER

DATE	PROJECT NAME	SHEET

**PRELIMINARY
 LANDSCAPE PLAN**

FIGURE 2

PONTIS
 ARCHITECTURAL GROUP

PO BOX 312
 SPRINGVILLE, UT 84603
 (801) 704-8551

CONSULTANT

CONTRACTOR

PROJECT NAME
THE FALLS OF COLORADO SPRINGS BUILDING "A"
 COLORADO SPRINGS, COLORADO

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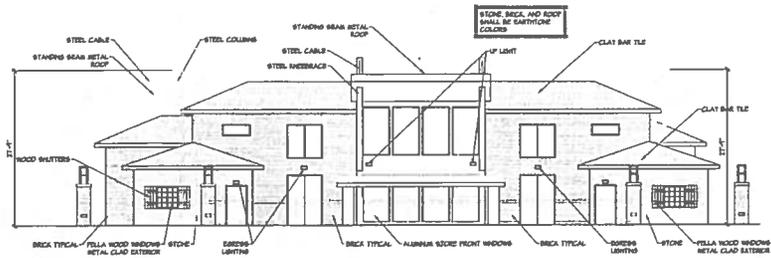
SEAL

DRAWING NAME
ELEVATIONS

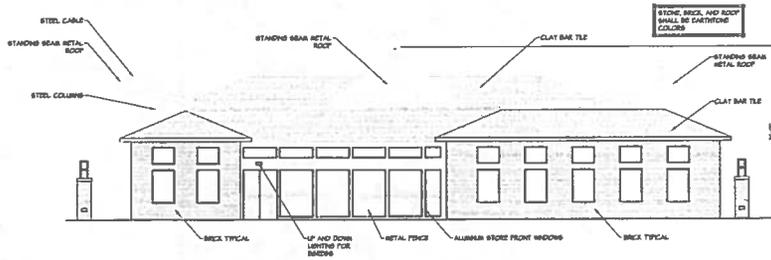
DRAWN BY: RR
 CHECKED BY: AS
 DATE: JUNE 2013
 PROJECT #: 1316

A5.1

10 OF 12

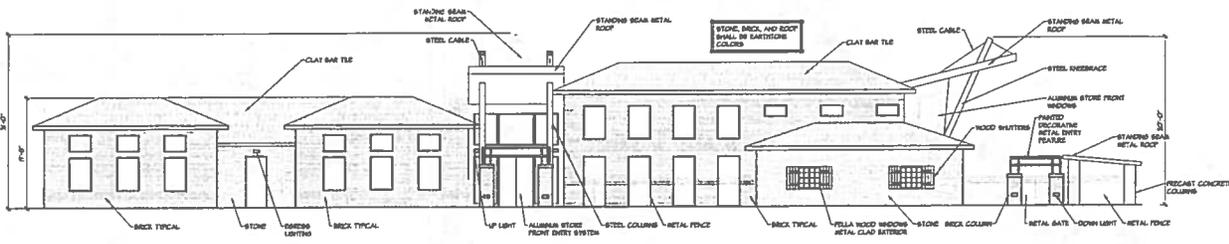


BUILDING "A" WEST
 1/4" = 1'-0"

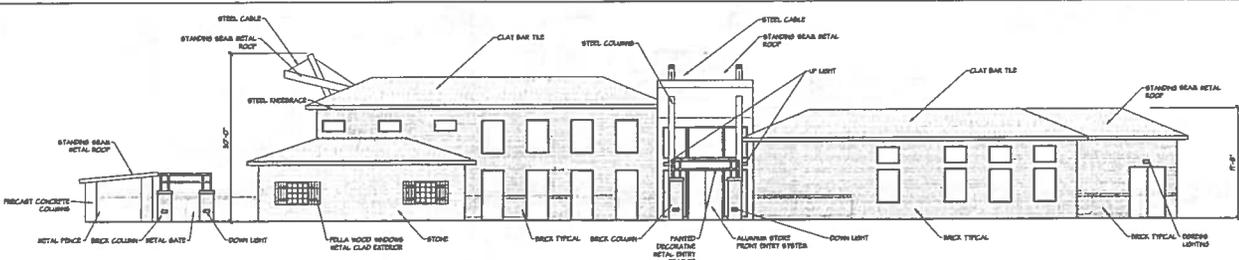


BUILDING "A" EAST
 1/4" = 1'-0"

NOTE:
 THE PURPOSE OF REVIEWING BUILDING ELEVATIONS AT THE TIME OF DEVELOPMENT PLAN REVIEW IS TO ENSURE USE, TO USE COMPATIBILITY BETWEEN THE PROPOSED STRUCTURES AND THE SURROUNDING PROPERTIES. IT IS UNDERSTOOD THAT THE PROPOSED BUILDING DESIGN WILL EVOLVE AND MAY NOT BE FINALIZED UNTIL TIME OF BUILDING PERMIT. AT THAT TIME, THE CITY WILL REVIEW THE ELEVATIONS FOR SUBSTANTIAL COMPLIANCE. MAJOR CHANGES MAY BE CONSIDERED ADMINISTRATIVELY.



BUILDING "A" NORTH
 1/4" = 1'-0"



BUILDING "A" SOUTH
 1/4" = 1'-0"

FIGURE 2

PONTIS
 ARCHITECTURAL GROUP
 PO BOX 242
 SPRINGVILLE, UT 84663
 (801) 704-9551

CONSULTANT

CONTRACTOR

PROJECT NAME:
**THE FALLS OF
 COLORADO
 SPRINGS
 BUILDING "B"**
 COLORADO SPRINGS,
 COLORADO

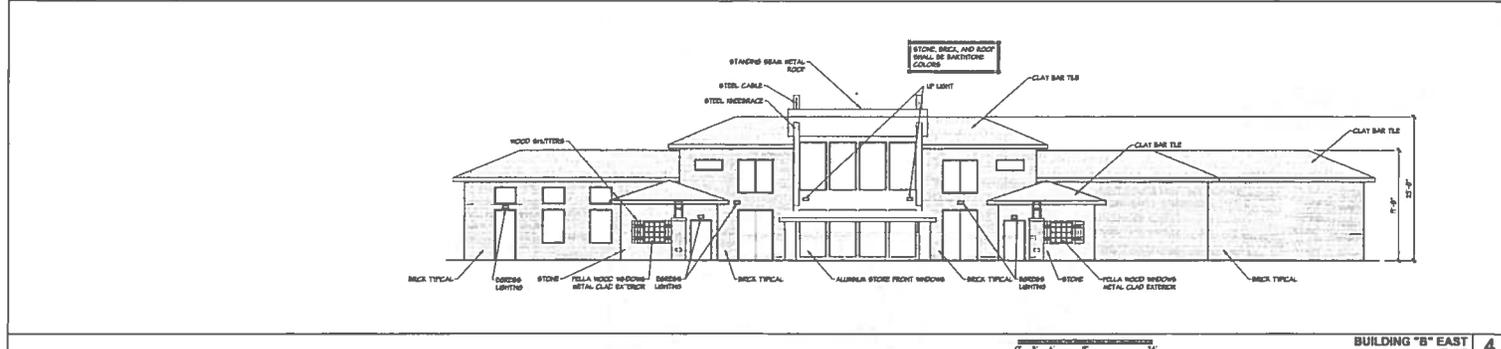
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 ARCHITECTURAL GROUP, LLC.
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 DATE: JUNE 2013
 PROJECT #: 1318

DRAWING NAME:
ELEVATIONS

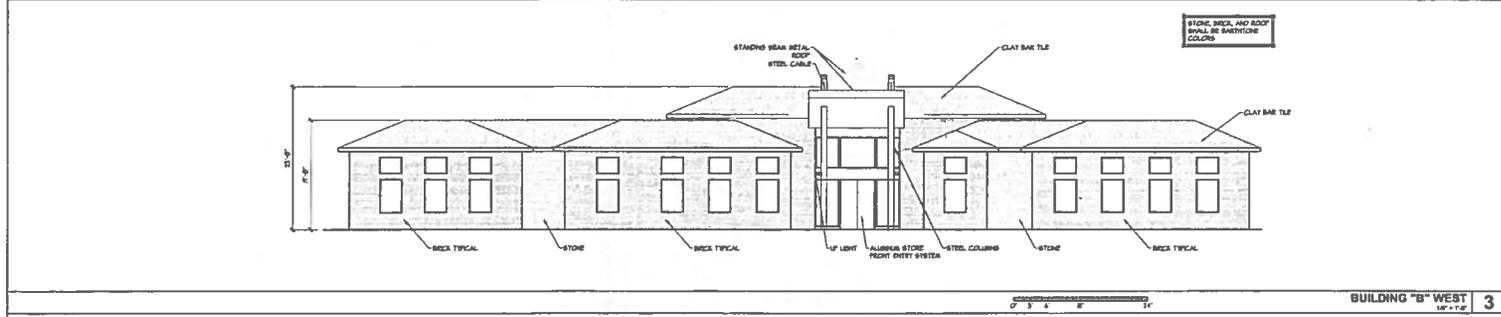
DRAWN BY: RR
 CHECKED BY: AS
 DATE: JUNE 2013
 PROJECT #: 1318

CPC PUD 15-0028

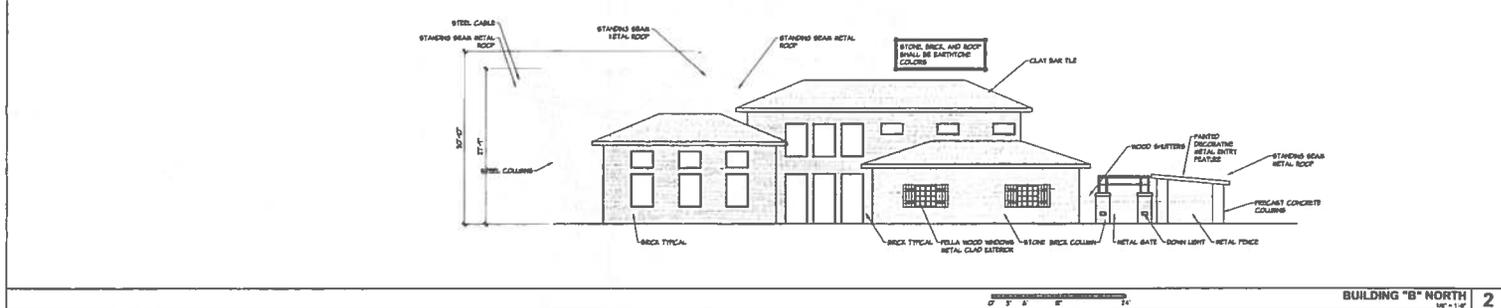
A5.1
 11 OF 12



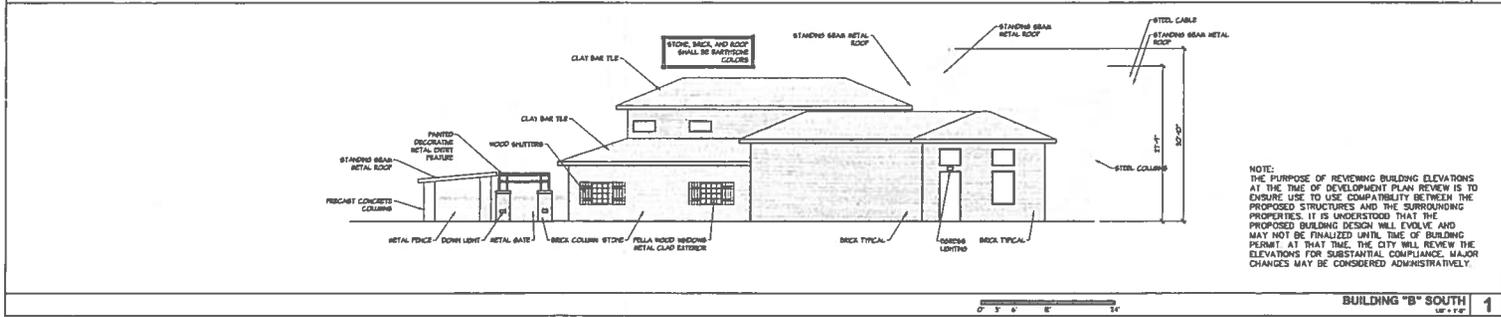
BUILDING "B" EAST
 1/4" = 1'-0"



BUILDING "B" WEST
 1/4" = 1'-0"



BUILDING "B" NORTH
 1/4" = 1'-0"



BUILDING "B" SOUTH
 1/4" = 1'-0"

NOTE:
 THE PURPOSE OF REVIEWING BUILDING ELEVATIONS
 AT THE TIME OF DEVELOPMENT PLAN REVIEW IS TO
 ENSURE USE TO USE COMPATIBILITY BETWEEN THE
 PROPOSED STRUCTURES AND THE SURROUNDING
 PROPERTIES. IT IS UNDERSTOOD THAT THE
 PROPOSED BUILDING DESIGN WILL EVOLVE AND
 MAY NOT BE FINALIZED UNTIL TIME OF BUILDING
 PERMIT AT THAT TIME, THE CITY WILL REVIEW THE
 ELEVATIONS FOR SUBSTANTIAL COMPLIANCE. MAJOR
 CHANGES MAY BE CONSIDERED ADMINISTRATIVELY.

FIGURE 2

PONTIS
 ARCHITECTURAL GROUP
 PO BOX 242
 SPRINGVILLE, UT 84663
 (801) 704-9551

REVISION	DATE

CONSULTANT:
 CONTRACTOR:

PROJECT NAME:
**THE FALLS OF
 COLORADO
 SPRINGS**
 COLORADO SPRINGS,
 COLORADO

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SEAL:
**LIGHTING
 SITE PLAN**

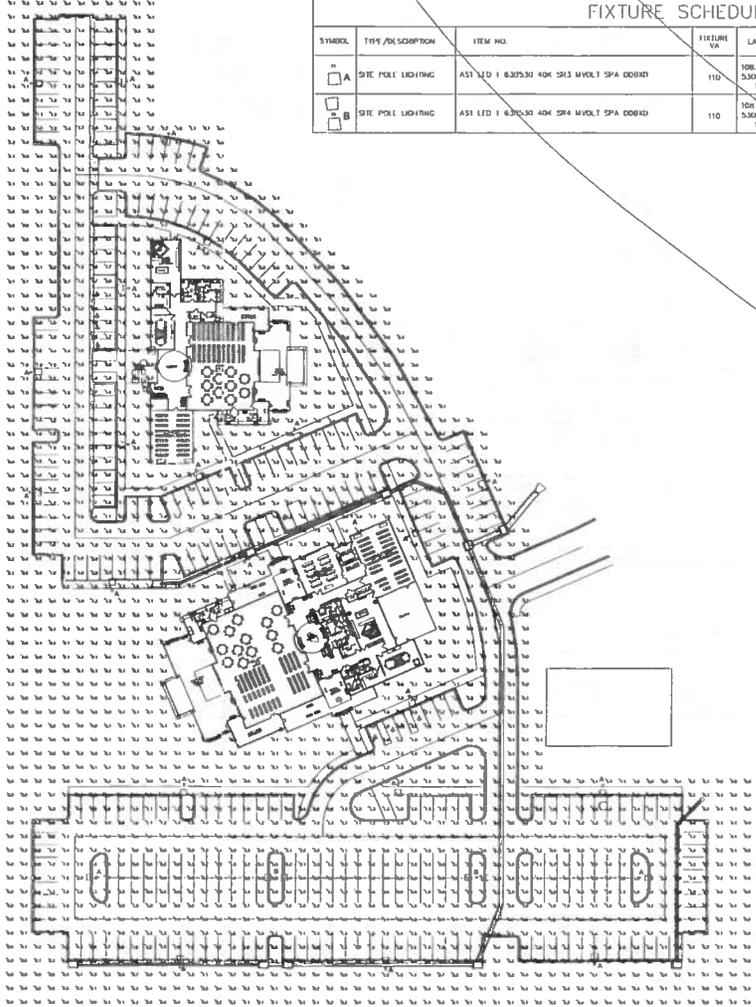
DRAWING NAME:

DRAWN BY: AS
 CHECKED BY: AS
 DATE: SEPTEMBER 2013
 PROJECT #: 1316

CPC PLD 13-00009
SL1
 12 OF 12

FIXTURE SCHEDULE

SYMBOL	TYPE / DESCRIPTION	ITEM NO.	FIXTURE VA	LAMP TYPE	MOUNTING	REMARKS
A	SITE POLE LIGHTING	AS1 LED 1 6302530 40K S24 M3VOLT SPA ODBRD	110	106.2 W LED 3,300MA 4000K TYPE 3	25' POLE	LED LIGHTING
B	SITE POLE LIGHTING	AS1 LED 1 6302530 40K S24 M3VOLT SPA ODBRD	110	106.2 W LED 3,300MA 4000K TYPE 4	25' POLE	LED LIGHTING



NOTE:
 ALL LIGHTING SHALL BE ARRANGED TO REFLECT
 AWAY FROM ADJOINING PROPERTIES AND PUBLIC
 RIGHT-OF-WAYS AND SHALL BE SHIELDED TO
 CONTAIN ALL DIRECT RAYS ON SITE. ALL LIGHTING
 FIXTURES SHALL BE FULL SHIELD CUT-OFF.



LIGHTING SITE PLAN 1

**AS1 LED
 LED Area Luminaire**

Specifications
 Size: 22" H x 14" W
 Mounting: 25' Pole
 Height: 25' Pole
 Weight: 25 lbs

AS1 LED Luminaire
 The AS1 LED luminaire is a high performance luminaire that can be used throughout the site. The AS1 LED luminaire has a high performance luminaire that can be used throughout the site. The AS1 LED luminaire has a high performance luminaire that can be used throughout the site.

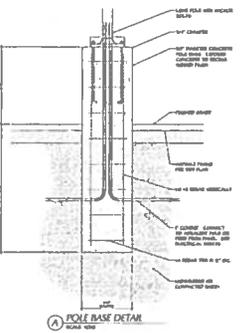


FIGURE 2



THE FALLS AT COLORADO SPRINGS FILING NO. 1

Master Plan Amendment PUD Zone Change Development Plan Final Plat

September 13, 2013

PROJECT STATEMENT

Description:

The Falls at Colorado Springs Filing No. 1 is a proposed development comprised of two (2) event centers and a restaurant located at the northwest corner of the intersection of Woodmen Road and Austin Bluffs Parkway. The site is reflected on the approved Woodmen Pointe Master Plan with a multi-family designation with an allowed 12-18 dwelling units per acre (162 to 243 apartment units). The site is currently zoned A – AO - SS (Agriculture with Avigation Overlay and Streamside Overlay), with the agricultural designation being an industry standard “holding” zone. The proposed project includes two (2) event center facilities (9,600 SF and 13,600 SF) and a 5,000 SF casual sit down restaurant at the southeast corner of the site and all ancillary parking and facilities related to the building uses.

The site is bounded by:

- Existing Austin Bluffs Parkway to the east. Widening of Austin Bluffs Parkway adjacent to this site (associated with the westerly bridge crossing construction over Cottonwood Creek) will be performed by the PPRTA with cost recovery paid for by this site for directly adjacent improvements.
- Existing Woodmen Road to the south
- Existing single-family residential homes and City of Colorado Springs open space to the west and north
- An existing drainage swale located west of Austin Bluffs Parkway. This area previously was proposed to be filled in as its utilization as a drainage facility is very limited. The Falls Event Center organization saw this corridor as a significant aesthetic benefit to the project and the proposed plan reflects retaining this corridor. The swales existing conditions are very rough due to the trash dumping and erosion over the years, and The Falls will invest to enhance this area as noted on the landscape plan.

The approved Woodmen Pointe Master Plan reflects three access points into the site (two onto Austin Bluffs and a right-in/right-out onto Woodmen Road. Due to there being over 70 vertical feet of fall from the existing high point of the site to Woodmen Road (and 35 vertical after the site is lowered), the resultant roadway grade to connect would be 20%+. This steep of a driveway or road (public or private) would not be a safe condition therefore the allowed Woodmen Road access will not be utilized. A northerly connection to Austin Bluffs Parkway was also contemplated on the Master Plan but due to the limited use of the site (and review and concurrence by CSFD) the Descartes Drive signalized intersection will be the point of ingress/egress.

A summary of the proposed land use review actions are:

1. **Master Plan Amendment** to reflect changing the approved multi-family designation (12-18 du/ac – 162 to 243 apartment units) to a commercial designation.
2. **Zone Change** to change the zoning from the “A” Agricultural holding zone to PUD (Planned Unit Development) to support the event center and restaurant use.
3. **Development Plan (Lot 1only)** to provide the development details associated with the two event center lot. Lot 2 (sit down restaurant) will require a future Development Plan review and approval.
4. **Final Plat** to create the two lots reflected on the Development Plan.

Justification:

Current regional demand for quality event center use, the views to the front range, as well as this site being adjacent to a principal arterial (Woodmen Road) and a large population base make this site attractive to the proposed use. The lack of facilities to hold business meetings, family reunions, memorial services, and weddings has resulted in this community and location being selected by The Falls for one of their facilities.

As this site was previously approved for a 13.5 acres of multi-family housing, the proposed utilization of only approximately 5 acres of the overall site for the event centers and restaurant is a significant reduction in density of use. When completed with the single-story event center buildings being proposed, and lowering the elevation of the site by over 35’ at the high point, we feel this use is a beneficial change to the previously approved land uses.

City of Colorado Springs Development Plan Review Criteria

1. Will the project design be harmonious with the surround land uses and neighborhood?
The single-story event centers contain hipped roof lines, patios and brick and stone exteriors in order to provide an aesthetically pleasing appearance that when combined with the horizontal and vertical separation from adjacent uses these facilities will lend themselves to a much needed enhancement of the area.
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?
As this site is an in-fill proposal, utilization of existing utilities, drainage and transportation infrastructure will be proposed as previously anticipated when the site was planned for multi-family apartments.
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
With the horizontal separation of the building far exceeding City requirements (134’ to 156’ from property line), as well as an intentional vertical separation of 21 to 27 feet, we feel this item has been addressed in a positive manner.
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting, or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development?
The proposed Grading Plan will lower the building pad areas significantly from existing conditions. The site, while it “balanced” (no export), was still intentionally lowered another 5’ per the neighbor’s request. A concrete screen wall is also proposed along the directly adjacent single-family homes.

5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely in such a manner that minimizes traffic friction, noise, and pollution and promotes free traffic flow without excessive interruption?
As reflected in the accompanying Traffic Study, the proposed Descartes Drive signalized intersection will effectively and efficiently handle site ingress and egress.
6. Will all the streets and drives provide logical, safe, and convenient vehicular access to the facilities within the project?
Well thought out site circulation is proposed with restricted after hours access.
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?
A main entry of this site will not promote cut through traffic as a previously proposed connection to Woodmen Road will not be utilized due to topographic constraints.
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
The parking lot configuration proposed reflects a distribution of spaces to accommodate both building uses.
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?
On-site ADA Compliance in design and circulation is proposed on this project.
10. Will the design of streets, drives, and parking areas within the project result in a minimum of area devoted to asphalt?
With only approximately 5 acres of the 15 acre site being utilized, minimization of site asphalt (as compared to approved multi-family use) has been realized.
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?
Pedestrian connectivity from Austin Bluffs Parkway and through the site will be provided as well as the dedication of an easement to complete the Woodmen Road Trail corridor.
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?
Retention of the drainage swale on the east side of the property provides an expanded buffer from Austin Bluffs Parkway. Enhancements of the corridor to remove trash, etc. will also be beneficial to both the site and adjacent residents.

Issues List:

A neighborhood meeting was conducted on July 11, 2013; well before the submittal. The neighbors present relayed their concerns about the proposed use in lieu of the approved multi-family use. Surprisingly, concerns were also raised about existing illicit activities currently taking place on the property including trespassing, alcohol and drug use, dumping of trash and other criminal activities. The issues list that follows will address both the neighbor's and developer's concerns related to the items identified.

Per the Pre-application meeting and LDTC meeting, neighborhood meeting and Mr. Larsen's July 25th 2013 summary letter, the following issues (and how they are proposed to be addressed) are summarized below:

1. Private streets and design
All on-site drive aisles are proposed to be private and owned and maintained by the proposed lot owners.
2. Compliance with the Woodmen Pointe Annexation Agreement provisions;
Dedication of additional right-of-way will be provided for the Cottonwood Creek area once its exact configuration is coordinated with the City. The Development Plan reflects an open space easement that is effectively a place holder for this impending dedication.
3. Availability and adequacy of City Utilities;
Adjacent existing CSU utilities will be utilized for this site. Extensions into the site will be required.
4. Access per the Woodmen Pointe Master Plan;
The approved Woodmen Pointe Master Plan reflects three access points into the site (two onto Austin Bluffs and a right-in/right-out onto Woodmen Road. Due to there being over 70 vertical feet of fall from the existing high point of the site to Woodmen Road (and 35 vertical after the site is lowered), the resultant roadway grade to connect would be 20%+. This steep of a driveway or road (public or private) would not be a safe condition therefore the allowed Woodmen Road access will not be utilized. A northerly connection to Austin Bluffs Parkway was also contemplated on the Master Plan but due to the limited use of the site (and review and concurrence by CSFD) the Descartes Drive signalized intersection will be the point of ingress/ egress. The Developer will participate in the signal installation at Descartes Drive as well as cost recovery payment for the PPRTA Austin Bluffs widening.
5. Internal street and parking provisions;
Parking is being provided at a ratio of 1 space per 100 SF of gross building area (no discounts for office, service areas, etc.). This will provide ample on-site parking. Parking in adjacent neighborhoods would require knowledge of access to westerly neighborhood (not easy) and the resulting walk would be excessive. The Falls will monitor and enforce on-site parking if any issues arise.
6. Noise mitigation methods for outdoor activity area;
The east side is separated by an arterial roadway (Austin Bluffs Parkway) and over 400' of separation including the drainage swale. No issues should present themselves on that side of the site. Proposed buildings will include sound proofed construction and 21'+ vertical separation between the proposed buildings and westerly homes and over 200 feet of horizontal separation. A concrete screen wall is proposed for the directly adjacent single-family lots (3 lots). Amplified music will be restricted to interior of the buildings only.
7. Streamside enhancements and channel stabilization along the creek;
While the intentions in the drainage swale next to Austin Bluffs Parkway were previously anticipated to be removed and mitigated (prior to The Falls), the current Developer wishes to remediate this area up and create an aesthetic benefit for the site and community. Wetlands permitting for the proposed entry drive aisle will be

obtained prior to the grading in that area taking place. The drainage swale adjacent to Austin Bluffs Parkway is currently used as an illegal dumping site. This development will clean up and augment landscaping in the drainage swale to enhance appearance and make it a focal point for the area. No work is proposed by this development along the small stretch of Cottonwood Creek.

8. Wetland protection;
Identified wetlands areas outside of the proposed entry drive also will be protected and not disturbed.
9. Geo-hazard mitigation including slope stabilization;
The Land Suitability Analysis provided in the Development Plan includes the areas identified in Entech Engineering's geological hazard report as "potentially unstable" and "unstable". Also included is a 30' building setback from these areas. The proposed event center building locations are outside of the setback area.
10. Trail extensions and connections;
The Developer will provide an easement for the easterly continuation of the Woodmen Road concrete trail currently located in City of Colorado Springs Open Space between Woodmen Road and the existing single-family residential homes. This provided corridor will tie into the sidewalk being built as a part of the RTA improvements to Austin Bluffs Parkway.
11. Coordination with adjacent street and drainage improvements with pending City projects;
As noted on the Development Plan, coordination with the directly adjacent RTA project will occur. At this time, both projects are anticipated to be under construction simultaneously in 2014.
12. Austin Bluffs improvements including possible accel/decel lanes and bus pull-offs;
Ultimate RTA improvements to Austin Bluffs Parkway are shown on the Development Plan including a northbound Austin Bluffs Parkway left turn lane into the site by the Developer.
13. Address fire safety issues and standards;
Fire access has been coordinated with CSFD and the Descartes Drive access is acceptable. Proposed on-site circulation and fire hydrant placement also meets CSFD criteria (to be confirmed with DP review).
14. Protection of the overhead utility easement along the southern portion of the property;
A meeting was conducted with CSU to discuss the proposed grading within the existing utility easements. Additional coordination will take place prior to construction.
15. Identification and utilization of existing easements
Existing identified easements are referenced on the DP. An existing telecom easement that traverses the site will be vacated.

Additional Comments per Mr. Larsen's letter:

1. On-site security issues and concerns;
The development of this project will help discourage the existing illegal activities currently taking place on this site. The proposed site will include a vehicular gate at the entry off of Austin Bluffs Parkway. After the event centers and restaurant close and employees leave, the gates will be closed to eliminate use of the property parking lot. Video surveillance will also be installed and monitored by a contracted security service firm to observe and report any activity on the site. The surprising illegal activity currently taking place on the site as reported by the neighbors are a concern of the neighbors and the developer. The Falls is committed to providing a safe, clean environment for events and the community.

2. Building height and view protection;
As presented at the neighborhood meeting, the large hill on the site will be cut down approximately 30'. A maximum building height of 31' is proposed (architectural entry features). At the neighbor's request, the Developer examined if lowering the site an additional 5' could be accomplished. Both buildings have been lowered, an additional 5' to accommodate the neighbor's request. With the lower elevations (and as observed by one neighbor), the top of the proposed Building A will be at a lower height than the existing hill proposed to be removed.
3. Protection existing drainage infrastructure and patterns;
Details of the proposed drainage patterns are described in the provided final drainage report. All flows conform to the previously approved Master Development Drainage Plan (MDDP) for this area. An on-site stormwater quality is being provided.
4. Property value impacts;
Proposal is for an attractive, well-run, clean establishment. The development of this site will only improve the situation from the current illegal dumping and illicit activity currently taking place.
5. Traffic generation and impacts;
A traffic analysis has been provided that addresses the traffic generation and signalized intersection at Descartes.
6. Traffic signal installation;
Some confusion existed on whether a traffic signal would be allowed at Descartes Drive. The RTA will not be installing the Descartes signal as a part of the Austin Bluffs Parkway project (as they have indicated in prior public meetings). The signal is a developer expense and The Falls will install the signal if City criteria is met for the timing of the installation. The proposed signalized intersection at Descartes will allow for orderly timed access from Descartes and The Falls onto Austin Bluffs Parkway.
7. Architectural design and building orientation;
Previously addressed above. Building elevations also provided in the DP.
8. Activity area and noise control;
Outdoor patios and landscape areas are situated well away from the adjacent residential homes (horizontally and vertically). A screen wall is also proposed as reflected on the DP.
9. Hours of operation;
*No 24 hour operations proposed for the restaurant.
No drive thru allowed at the restaurant.
All uses on this site to be closed by midnight (12:00 a.m.) as similar to the Pinery downtown also situated next to a residential area.*
10. Trash/litter control;
The Falls will monitor daily and collect as needed with on-site personnel.
11. Underground drainage and springs;
Addressed above.
12. Lighting levels, impacts and control;
A photometric analysis was provided with the DP that reflects downcast full cut off fixtures and no off-site light intrusion.

13. Number of and location of parking spaces and areas;

Addressed above.

14. Additional access to/from Woodmen;

Addressed above.

15. Trail connections; and

Addressed above.

16. Street light installation

At this time, the only street lighting proposed will be on-site. The installation of the Descartes traffic signal will include lighting of the intersection.

A great deal of thought has been spent on this site to create a aesthetically pleasing, clean, safe even center experience.

We respectfully request your favorable consideration of all items listed above.

THE FALLS EVENT CENTER

Summary of July 11, 2013 Neighborhood Pre-Application Meeting Comments

Meeting notes by Classic Consulting

The items below are for discussion purposes only and do not reflect definitive solutions.

DISCUSSION ITEM	BACKGROUND/COMMENT	RESPONSIBLE PARTY
Litter/Trash Collection (existing site)	Neighbors currently have trash blowing into yards from items dumped on site or existing sites nearby	City of Colorado Springs Code Enforcement?? Current Owner?? The Falls will monitor daily and collect as needed.
Litter/Trash Collection (proposed site)	Expressed concerns about trash from events	The Falls on-site staff will monitor and collect any trash as needed or pick up trash blown into site from other areas
Proposed Restaurant Hours	Concern about users of event center leaving buildings when they close any simply going to a possible bar at the future proposed restaurant	The Falls agreed to limit the hour of operation of the future restaurant as a condition of the land sale to a third party No drive thru to be allowed No 24 hour operations proposed at future sit down casual restaurant
Traffic signal at Descartes	Neighbors were told by City that a traffic signal would never be allowed at existing intersection. The Falls was told by the City to plan on installing a traffic signal	Request made to City to resolve
Traffic Study for Site	Concern about existing unsignalized intersection operation Neighbors suggested moving the Descartes access to another location even though it is clearly shown on the approved Master Plan	Developer requested to provide Traffic Study for proposed site with Development Plan as a part of earlier LDTC meeting As dictated by the city and the approved Master Plan, Descartes is the main access for this site.

Site currently reflected on approved Master Plan for Multi-family 12-18 du/ac (162-243 apartment units)	Neighbors divided on desire to have apartments (some say apartments are fine, others would rather have event center).	Continued dialogue with neighbors
Activity in proposed parking lots after event center closes	Concerns about illegal activities taking place on-site	Possible gating of parking lot areas?? On-site security by The Falls? On-site video surveillance by The Falls??
Existing drug and alcohol use on the site	Illegal activities currently taking place	Development will help reduce/eliminate illicit activity. Enhance police presence now??
Elevation of proposed buildings	As presented, the large hill on the site will be cut down approximately 30'. Proposed maximum building height of 31' are proposed. Many neighbors are happy that the site is being lowered	The Developer will examine if additional lowering can be accomplished.
Notification of Neighbors	Concerns about lack of notification to neighbors	127 mailings went out to adjacent neighbors with 25+ in attendance (notification scope by City). City to expand notification to 1000' radius for next meeting.
Treatment of drainage channel	Discussion on what would drainage area would look like. Residents on east generally pleased with retaining this area instead of filling it in like in prior proposals (300'+ buffer) Currently existing forts, mattresses and debris are located in this area	Development to augment landscaping in drainage channel to enhance appearance and make focal point of the site.
Subsurface spring at north end of drainage channel	Concerns about affecting subsurface spring discharge and effects on adjacent homes	Full Geohazard required to address the site conditions. Springs are something normally dealt with
On-site Parking	Concerns about on-site parking to be provided and parking in adjacent neighborhoods	Proposed on-site parking far exceeds City's requirements. Parking in adjacent

FIGURE 4

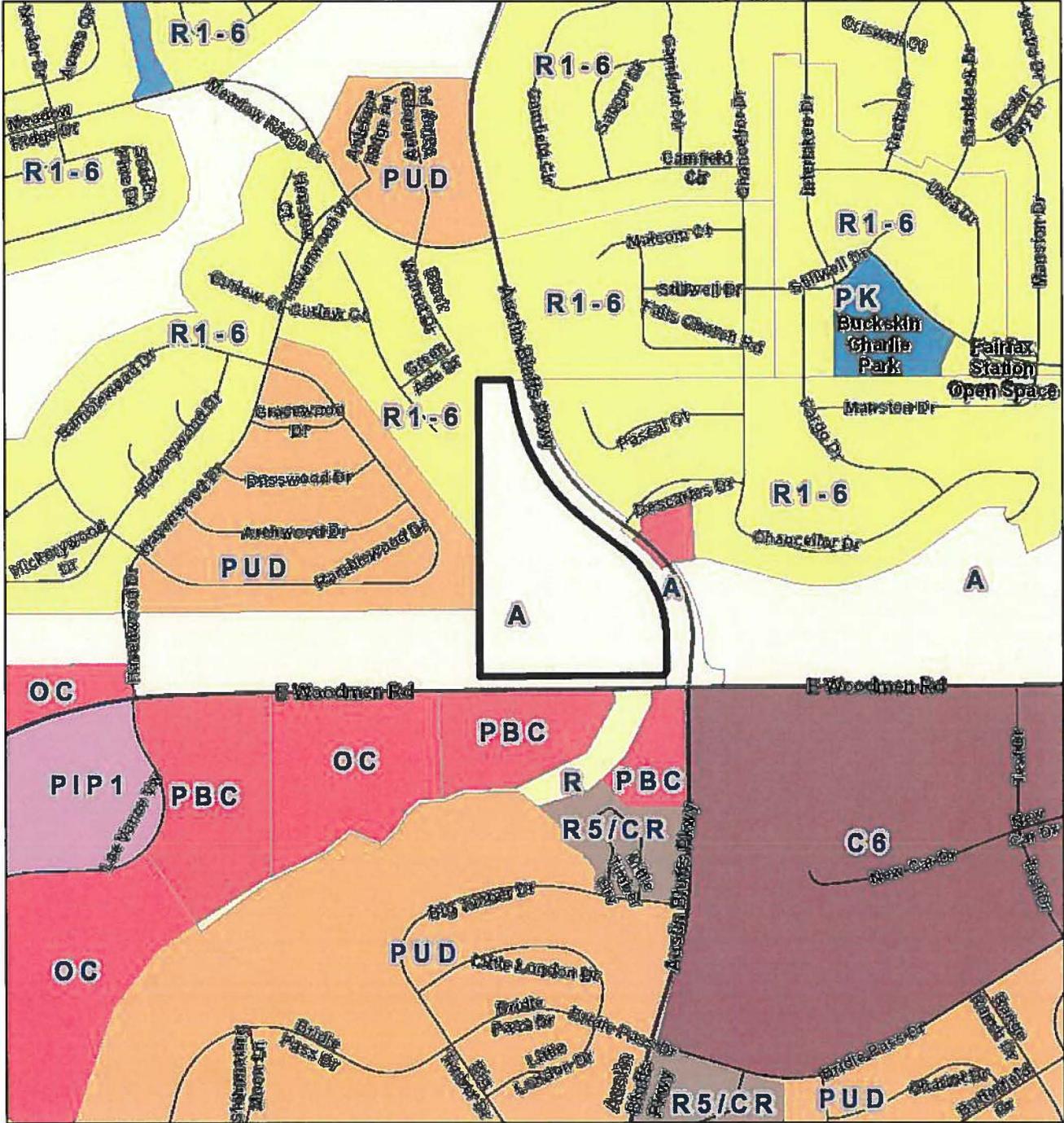
	Per neighbors, easterly doctors office is grossly under parked and they were lied to about the intensity of the use.	neighborhoods would require knowledge of access to westerly neighborhood (not easy) and resulting walk would be excessive. The Falls will monitor and enforce on-site parking if any issues arise.
Smoking on patios	Concerns about guests smoking on patios or outside, nearest home is 195' from proposed patio	Possible Non-Smoking Facility?? Limit smoking to patios?? Distance seems to indicate limited exposure?? Apartments would have same activity, but probably closer
Noise Concerns	Music and activity noise	With the east side being separated by an arterial roadway and over 400' of separation, no issues should present themselves on that side. Possible wall or fence installation on west side along three directly adjacent lots??? Proposal has well sound proofed construction and 20' vertical separation between buildings and westerly homes
Views being blocked	Concerns about loss of views of Austin Bluffs and Pikes Peak Can the developer just change the elevations in the field during construction?	City does not regulate nor guarantee views. We are cutting 30' and proposed a 31' building Propose cross section to reflect grading on DP The DP process establishes the elevations of the proposed buildings. Construction drawings are required to adhere to the same elevations. Any changes to the elevations would require a DP Amendment and neighborhood notification.

FIGURE 4

<p>Site Lighting</p>	<p>Concerns about the parking lot lighting. East neighbors felt lied to by office development on east side of road as lighting and parking were not what they had been told.</p>	<p>Photometric study to be provided with DP. Full downcast cutoff fixtures to be proposed</p>
<p>Property Values</p>	<p>Concerns about detrimental impact to property values</p> <p>What if project isn't completed</p>	<p>Up to 243 apartments or two event center buildings with a casual sit-down restaurant. Impossible to address this concern. Proposal is for an attractive, well-run, clean establishment with limited hours. No guarantees exist regarding overall completion of the project. City does collect erosion and landscaping assurances to ensure that if any site is left unfinished, it can be stabilized and not become a grading or drainage nuisance. City Code Enforcement could also act if public health is threatened. The current site is an existing dirt pile with illicit activity taking place</p>
<p>Easterly Street Lights</p>	<p>No street lights on Descartes has created a perceived safety issue for residents to the east. City told them they would not install street lights. Also worried about event center users making u-turns on Descartes.</p>	<p>This is an off-site lighting issue and not affected by the proposed site.</p> <p>Traffic study to address traffic circulation</p>

FIGURE 4

City of Colorado Springs



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Map Scale
 1 inch = 664 feet

11/6/2013



FIGURE 5



**PLANNING & DEVELOPMENT DEPARTMENT
Land Use Review Division**

July 25, 2013

John C. Neubauer
The Falls Event Center
9067 South 1300 West: Suite 301
West Jordan Utah 84088
(via e-mail)

and

Kyle Campbell
Classic Consulting and Engineering
6385 Corporate Drive; Suite 101
Colorado Springs, CO 8091903
(via e-mail)

RE: Pre-App NE 13-036: The Falls Event Center Project: Pre-Application Stage Completion and Issues.

Dear Kyle:

This purpose of this letter is officially notify you that the pre-application stage for the above project is now complete, to provide you with authorization to proceed to the internal review stage and submit applications and plans for your project. Further, to summarize the neighborhood, Land Development Technical Committee (LDTC), and City Land Use Review Division development issues to be addressed in and as a part of your formal applications.

Your project will require the submittal the following application forms and information:

1. Project Statement that includes a project description, justification and addresses the identified issues included in this letter;
2. An application form for a Master Plan Major Amendment and a Woodmen Pointe Master Plan Amendment;
3. An application from for a change of zoning from "A/SS" Agricultural with Streamside Overlay to "PUD/SS" Planned Unit Development with Streamside Overlay;
4. An application form for a PUD concept plan and a PUD concept plan;
5. An application form for a PUD development plan and a PUD development plan package, including:
 - Development (Site) Plan
 - Preliminary Grading Plan
 - Public Utilities / Facilities Plan
 - Streamside Overlay Compliance Plan with Land Suitability Analysis
 - Preliminary or Final Landscape Plan
6. An application form for a subdivision plat and final subdivision plat;
7. A final geologic hazard study;
8. A wastewater facilities report;
9. A HGL request;
10. A drainage plan or report;
11. Development phasing plan; and
12. Traffic impact study.

In addition, address the following City Land Use Review and other agency initial development issues with your formal applications:

1. Private streets and design;
2. Compliance with the Woodmen Pointe Annexation Agreement provisions;
3. Availability and adequacy of City Utilities;
4. Access per the Woodmen Pointe Master Plan;
5. Internal street and parking provisions;

6. Noise mitigation methods for outdoor activity area;;
7. Streamside enhancements and channel stabilization along the creek;
8. Wetland protection;
9. Geo-hazard mitigation including slope stabilization;
10. Trail extensions and connections;
11. Coordination with adjacent street and drainage improvements with pending City projects;
12. Austin Bluffs improvements including possible accel / decel lanes and bus pull-offs;
13. Address fire safety issues and standards;
14. Protection of the overhead utility easement along the southern portion of the property; and
15. Identification and utilization of existing easements.

Further, please address and respond in writing to the following neighborhood issues:

1. On-site security issues and concerns;
2. Building height and view protection;
3. Protecting existing drainage infrastructure and patterns;
4. Property value impacts;
5. Traffic generation and impacts;
6. Traffic signal installation;
7. Architectural design and building orientation;
8. Activity area and noise control;
9. Hours of operation;
10. Trash / litter control;
11. Underground drainage and springs;
12. Lighting levels, impacts and control;
13. Number of and location of parking spaces and areas;
14. Additional access to/from Woodmen;
15. Trail connections; and
16. Street light installation

Once your project's applications are complete and you have compiled all of the required submittal information, please call me to schedule at submittal conference.

If you have any questions please feel free to contact me at your convenience, my telephone number is (719) 385-5090 or you may send e-mail to me at llarsen@spingsgov.com. Thank you.

Sincerely,

Larry Larsen, AICP
Senior Land Use Review Planner

CC: Pre-App File Number: NE 13-036
David Klauber, Neighborhood Representative (via e-mail)
Pam Abbs, Neighborhood Representative

Larsen, Larry

From: Klauber, David <DavidKlauber@Centura.Org>
Sent: Wednesday, September 25, 2013 8:15 AM
To: Larsen, Larry
Subject: Events Center Woodmen and Austin Bluffs comments

Got the papers you sent and wanted to thank you for sending them. Unfortunately, as the liaison for Woodmen Pointe, I cannot support the proposal as it is. I have also had several residents voice concern over the lack of the Woodmen "right in right out" , which is also my major concern. With up to 500 guests AND a restaurant full of staff and customers, the Descartes entrance will be overwhelmed! For myself and most Woodmen Pointe residents to support (and not fight) the proposal, there must be a entrance/exit off Woodmen road. I have seen the office condominiums west of Lexington with the Woodmen entrance/exit, and it is obvious that there could be one for the events center. It may require some grading work, but a Woodmen entrance/exit would greatly reduce our neighborhood traffic concerns. The events center could even save the cost of the stoplight at Descartes and only have a right in/out off Woodmen Road.

The bottom line is for myself and most Woodmen Pointe residents to support the events center, there must be an entrance/exit off Woodmen Road.

My other concern is with the lighting for the restaurant. We do not want any bright neon lights/signs (like the obnoxious Village Inn or Sonic neon lights), and want restaurant sign lights out by 10:00or 11:00 when the restaurant closes.

Thanks David Klauber
Dklauber@aol.com
Davidklauber@centura.org

This communication is for the use of the intended recipient only. It may contain information that is privileged and confidential. If you are not the intended recipient of this communication, any disclosure, copying, further distribution or use thereof is prohibited. If you have received this communication in error, please advise me by return e-mail or by telephone and delete/destroy it.

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 15.4 ACRES LOCATED NORTHWEST OF THE WOODMEN ROAD AND AUSTIN BLUFFS PARKWAY INTERSECTION

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 15.4 acres from A/AO/SS (Agricultural with Airport and Streamside Overlays) to PUD/AO/SS (Planned Unit Development with Airport and Streamside Overlays) located northwest of the Woodmen Road and Austin Bluffs Parkway intersection for the property described in Exhibit A, attached hereto and made a part hereof by reference, pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

Introduced, read, passed on first reading and ordered published this 14th day of January 2014.

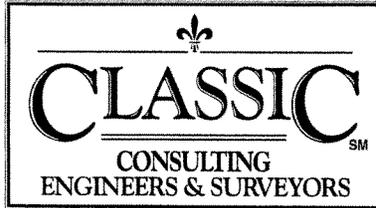
Finally passed _____

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

EXHIBIT A



6385 Corporate Drive, Suite 101 (719) 785-0790
 Colorado Springs, Colorado 80919 (719) 785-0799 (Fax)

JOB NO. 2408.00 - 01
 SEPTEMBER 13, 2013
 PAGE 1 OF 2

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO, BEING DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN EL PASO COUNTY, COLORADO BEING MONUMENTED AT THE NORTH END BY A 2-1/2" ALUMINUM SURVEYORS CAP STAMPED "19586" AND AT THE SOUTH END BY A 2" ALUMINUM SURVEYORS CAP STAMPED "19586", IS ASSUMED TO BEAR N00°00'16"W, A DISTANCE OF 1317.01 FEET.

COMMENCING AT THE SOUTHEAST SIXTEENTH CORNER OF SECTION 2, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, SAID POINT BEING ON THE EASTERLY BOUNDARY OF TRACT B AS PLATTED IN WOODSIDE FILING NO. 5 RECORDED UNDER RECEPTION NO. 201038861, RECORDS OF EL PASO COUNTY, COLORADO, SAID POINT BEING THE POINT OF BEGINNING;

THENCE N89°28'45"E, ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2 AND THE BOUNDARY OF SAID WOODSIDE FILING NO. 5, A DISTANCE OF 134.41 FEET TO THE WESTERLY RIGHT OF WAY LINE OF AUSTIN BLUFFS PARKWAY DESCRIBED IN A DOCUMENT RECORDED UNDER RECEPTION NO. 97079953;

THENCE ON SAID WESTERLY RIGHT OF WAY LINE, THE FOLLOWING SEVEN (7) COURSES:

1. S12°33'38"E, A DISTANCE OF 139.48 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT HAVING A DELTA OF 40°15'00", A RADIUS OF 860.00 FEET AND A DISTANCE OF 604.15 FEET TO A POINT OF TANGENT;
3. S52°48'38"E, A DISTANCE OF 182.91 FEET TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE RIGHT HAVING A DELTA OF 52°15'04", A RADIUS OF 500.00 FEET AND A DISTANCE OF 455.98 FEET TO A POINT OF TANGENT;
5. S00°33'34"W, A DISTANCE OF 156.92 FEET;
6. S44°26'26"W, A DISTANCE OF 14.14 FEET;
7. S00°33'34"E, A DISTANCE OF 5.00 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2;

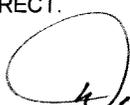
THENCE S89°26'26"W, ON SAID SOUTH LINE, A DISTANCE OF 819.40 FEET TO THE EAST SIXTEENTH CORNER OF SAID SECTION 2;

THENCE N00°00'16"W, ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 2, ON THE EASTERLY BOUNDARY OF WOODSIDE AT BRIARGATE FILING NO. 1 AS RECORDED IN BOOK W-3 AT PAGE 110 AND THE EASTERLY BOUNDARY OF SAID WOODSIDE FILING NO. 5, A DISTANCE OF 1317.01 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 15.387 ACRES.

LEGAL DESCRIPTION STATEMENT:

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


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



SEPT 13, 2013
 DATE

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 03-204 PERTAINING TO THE UTILITIES POLICY ADVISORY COMMITTEE

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

Section 1. Authority. The Utilities Policy Advisory Committee ("UPAC" or "the Committee"), ~~identified in Utilities Board Res. No. 97-1~~ **established by Ordinance No. 03-204**, is hereby recognized and authorized to advise the City Council and the City Council acting as Utilities Board ("**Utilities Board**") on matters pertaining to overall strategic operating and financial policies for Colorado Springs Utilities ("Utilities), and other related matters as assigned by ~~City Council and the City Council acting as the~~ Utilities Board. UPAC shall have no review or approval authority over activities carried out in furtherance of established policies. The Chief Executive Officer of Utilities is solely responsible for the definition and implementation of activities and subsidiary policies as needed to carry out policy direction adopted by ~~City Council and the City Council acting as the~~ Utilities Board. UPAC shall serve without compensation and shall be subject to and comply with the provisions of City Charter § 3-60(d) and 9-10, all applicable provisions of the City Code, the UPAC by-laws and Utilities policies.

Section 2. Membership.

A. UPAC shall be composed of seven (7) regular members to be appointed by ~~City Council and the City Council acting as the~~ Utilities Board. Two (2) members may reside outside the corporate limits of the City of Colorado Springs, but must reside within the service areas of Utilities. The selection of UPAC members shall provide for a diversity of thought and opinion. Members should represent varying professions, industries and customer groups. To the extent possible, ~~City Council and the City Council acting as the~~ Utilities Board may appoint three (3) members with skill and experience in finance/business professions; one (1) member with skill and experience in an engineering discipline; one (1) member representing large industrial customers; and two (2) members representing the community at large.

B. Members shall be appointed so as to achieve staggered three (3) year terms. UPAC members may, at the discretion of ~~City Council and the City Council acting as the~~ Utilities Board, serve up to ~~two~~**three (23)** consecutive three (3) year terms.

C. In its discretion, ~~City Council and the City Council acting as~~ the Utilities Board may also appoint alternate members. Alternate members may participate in discussion of UPAC matters, but shall not vote upon any matter before UPAC, shall not take the place of an absent regular member and shall not be counted toward a quorum or the number of regular members. Alternate members shall not attend closed legal sessions.

D. In its discretion, ~~City Council and the City Council acting as~~ the Utilities Board may remove any regular or alternate member at any time.

* * *

E. ~~City Council and the City Council acting as~~The Utilities Board shall have the authority to create, modify or amend the UPAC by-laws and rules of procedure for the conduct of its meetings and other business that shall be consistent with the **by-laws and policies of the Utilities Board**. ~~Rules and Procedures of City Council. The UPAC by laws, as exist on the date of this ordinance, are hereby adopted by City Council and the City Council acting as Utilities Board.~~

* * *

Section 3. This ordinance shall be in full force and effect from and after its passage 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 _____, 2013.

Finally passed: _____

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk



Regular Agenda Item

Council Meeting Date: January 14, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

From: Councilmembers Don Knight and Andy Pico

Subject Title: Ordinances & Resolution Relating to Council's Confirmation Process for Mayoral Appointees

Summary: The attached ordinances and resolution enact changes to the process relating to confirmation of Mayoral appointments, which were discussed in the work session on November 20, 2013, December 9, 2013, and January 13, 2014.

Attachments:

- An Ordinance Amending Section 201 (Appointees) of Part 2 (Appointive Officers, General Provisions) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, As Amended, Pertaining to Confirmation Process for Mayoral Appointees
- An Ordinance Amending Section 303 (Appoint to Acting or Interim Capacity) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of the City) of Chapter 1 (Administration, Personnel and Finance) of the Code of the City of Colorado Springs 2001, As Amended, Pertaining to the Confirmation Process for Mayoral Appointees
- A Resolution Adopting an Amendment to the "City of Colorado Springs Rules and Procedures of City Council" Relating to General Procedures for Confirmation of Mayoral Appointees
- Exhibit A: Amendments to City Council Rule 7.3 – General Procedures for Confirmation of Mayoral Appointees

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING SECTION 201 (APPOINTEES) OF PART 2 (APPOINTIVE OFFICERS, GENERAL PROVISIONS) OF ARTICLE 2 (OFFICERS OF THE CITY) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL, AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE CONFIRMATION PROCESS FOR MAYORAL APPOINTEES

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

Section 1. Section 201 (Appointees) of Part 2 (Appointive Officers, General Provisions) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended by the addition of a new subsection C to read as follows:

1.2.201: APPOINTEES:

* * *

C. As provided by City Charter §§ 3-50 and 4-40(f), City Council shall promulgate rules of procedure for the confirmation of Mayoral appointees for inclusion in the City of Colorado Springs Rules and Procedures of City Council.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by charter.

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

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2014.

Finally passed: _____

Keith King, Council President

Mayor's Action:

- Approved: _____
- Disapproved: _____, based on the following objections:

Steve Bach, Mayor

Council Action:

- Finally adopted on a vote of _____, on _____.
- Amended and resubmitted _____.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING SECTION 303 (APPOINT TO ACTING CAPACITY) OF PART 3 (POWERS AND DUTIES OF THE MAYOR) OF ARTICLE 2 (OFFICERS OF THE CITY) OF CHAPTER 1 (ADMINISTRATION, PERSONNEL, AND FINANCE) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO THE CONFIRMATION PROCESS FOR MAYORAL APPOINTEES

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

Section 1. Section 303 (Appoint to Acting Capacity) of Part 3 (Powers and Duties of the Mayor) of Article 2 (Officers of The City) of Chapter 1 (Administration, Personnel, and Finance) of the Code of the City of Colorado Springs 2001, as amended, is amended as follows:

1.2.303: APPOINT TO ACTING OR INTERIM CAPACITY:

A. The Mayor shall have the power to designate any ~~person~~ **City employee** to perform the duties of any position under the Mayor's control which is vacant or which-lacks administration owing to the **temporary or short-term** absence or disability of the incumbent. That person shall be designated to a deputy or acting position and shall serve with the same powers and functions as the vacant position. (Ord. 11-18)

B. For those appointed positions set forth in City Charter § 4-40(f) and City Code § 1.2.201, when the appointee is unable, from any cause, to perform the duties of the office for more than a temporary or short-term absence, or no longer serves in the appointed position at the pleasure of the Mayor, the Mayor may appoint any person to perform the duties of the vacant appointed position for an interim period until a permanent appointee can be chosen and confirmed by the City Council. If the interim appointee serves in the vacant appointed position for more than ~~twelve (12)~~ six (6) months, the City Council may request that the Mayor provide a plan to fill the vacancy. If the Mayor fails to provide a plan to fill the vacancy, City Council may, pursuant to the City Council Rules of Procedure, commence the confirmation process to confirm the interim appointee as the permanent appointee unless, for good cause shown, the

Council agrees to recognize the interim appointee's continued service in the vacant appointed position.

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by charter.

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

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2014.

Finally passed: _____
Keith King, Council President

Mayor's Action:

- Approved: _____
- Disapproved: _____, based on the following objections:

Steve Bach, Mayor

Council Action:

- Finally adopted on a vote of _____, on _____.
- Amended and resubmitted _____.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

RESOLUTION NO. _____ - 14

A RESOLUTION ADOPTING AN AMENDMENT TO THE "CITY OF COLORADO SPRINGS RULES AND PROCEDURES OF CITY COUNCIL" RELATING TO GENERAL PROCEDURES FOR CONFIRMATION OF MAYORAL APPOINTEES

WHEREAS, City Council is authorized to make and publish its own rules and procedures and amend its own rules pursuant to the Charter of the City of Colorado Springs, §3-50; and

WHEREAS, City Council adopted its current "City of Colorado Springs Rules and Procedures of City Council" by Resolution No 42-13 dated April 9, 2013; and

WHEREAS, City Council finds that the "City of Colorado Springs Rules and Procedures of City Council" should be revised to improve the conduct of its business.

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

Section 1. The City Council of Colorado Springs hereby adopts Rule 7.3. General Procedures for Confirmation of Mayoral Appointees, attached hereto as Exhibit A, effective January 29, 2014.

DATED at Colorado Springs, Colorado, this _____ day of _____ 2014.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

PART 7 - PUBLIC HEARINGS

* * *

7-3. GENERAL PROCEDURES FOR CONFIRMATION OF MAYORAL APPOINTEES

A. The City Council is required by City Charter § 4-40(f) to confirm the Mayor's appointment of individuals to serve in the following positions: City Clerk, City Attorney, Municipal Judges, Chief Financial Officer, Police Chief, Fire Chief, Public Works Director, Parks Director, Community development Director, Airport Director, and any other director of a City Department division, office, agency or enterprise if the Mayor's appointment authority is set forth by ordinance (collectively, "appointee").

B. At the Mayor's request, the Council President shall select and appoint one or two Councilmembers to serve on the Mayor's appointee candidate selection committee. The Councilmember(s) serving on the selection committee shall keep confidential the details of candidate applications, resumes, curriculum vitae, references, and background information for those candidates who are not selected as the Mayor's appointee. The details of the Mayor's appointee's application resume, curriculum vitae, references, and background information may be released to the entire Council upon commencement of the confirmation process.

C. Upon the Mayor's notification to Council that an appointee has been selected, or that an appointment has been made or will be made following confirmation, the Council shall commence the following confirmation procedure:

1. The Mayor may notify Council by contacting the Council President in person or by telephone, or by delivering a written or emailed request for confirmation of the Mayor's appointee to the Council President. 2. Within two (2) business days of the Mayor's notice to Council, the Mayor or the Mayor's representative shall forward to Council the advertised position description for the office the appointee will hold, the appointee's application, resume, curriculum vitae, references, background information, and the proposed salary ("confirmation packet"). The information contained in the confirmation packet shall be clearly marked so that Councilmembers can easily determine which documents will be part of the confirmed appointee's personnel file as that term is defined by the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.* ("CORA"). Confirmation must commence within thirty (30) days after receipt of the confirmation packet

3. If one or more Councilmembers served on the Mayor's selection committee for the appointee, the Councilmember(s) shall be available to discuss one-on-one with other Councilmembers the process the selection committee followed that resulted in the selection of the appointee.

4. Within five (5) business days of receipt of the confirmation packet, any Councilmember may request additional information about the selection process, the appointee's qualifications or stakeholder recommendations by forwarding the request to the Council President. The Council President shall forward the request to the Mayor. The Mayor may provide the requested additional information.

5. Within five (5) business days of the Council's receipt of the confirmation packet, the Council President shall propose a confirmation schedule to the Mayor that may include, but is not limited to, the following events prior to formal consideration of the confirmation request at a Regular meeting: individual or group interviews of the appointee, a public input process, or a Work Session discussion. The proposed confirmation schedule shall ensure the confirmation process concludes no more than ninety (90) days following the date of receipt of the confirmation packet.

6. The Mayor may request changes to the President's proposed confirmation schedule to meet administrative or operational needs of the City. To the extent possible, the President should accommodate the Mayor's request and modify the proposed confirmation schedule accordingly. When final, the Council Administrator shall distribute the confirmation schedule to the Council and coordinate the confirmation events set forth in the confirmation schedule.

D. Council Action.

1. Events of Confirmation Prior to Formal Consideration.

a. Councilmembers shall review and be familiar with the information contained in the confirmation packet.

b. If the confirmation schedule includes individual or group interviews of the appointee, Councilmembers shall make every effort to meet with the appointee in person. If a Councilmember is unable to meet with the appointee in person, the Councilmember shall make arrangements to speak with the appointee individually by phone. Travel costs for out-of-town appointees shall be paid by the Administration.

c. Councilmembers may solicit stakeholder or public input on the appointee's qualifications for the position.

2. Formal Consideration of the Confirmation Request.

a. Confirmation shall be considered as New Business at a Regular or Special meeting of the Council.

b. The Mayor or the Mayor's representative may make a presentation and request confirmation of the appointee. The appointee, if present, may address the Council. The Council may inquire into the appointee's education, training, experience, and any other matters relevant to the appointee's qualifications or ability to fulfill the duties of the

position. The public shall be given an opportunity to speak about the appointee's education, training, experience, and any other matters relevant to the appointee's qualifications or ability to fulfill the duties of the position. The President shall preserve decorum and cause to be removed any citizen whose comments are not related to the appointee's qualifications or ability to fulfill the duties of the position.

c. Councilmembers, the Mayor, the Mayor's representative, or the appointee may request postponement of the confirmation so long as ninety (90) days have not elapsed since the Mayor's notice was delivered pursuant to Rule 7-3(C), above. The President shall state the purpose of the postponement and the date on which the confirmation will be taken up again. The motion to postpone shall be in accordance with Rule 3-17(E), above.

d. All appointees, except the City Attorney, shall be confirmed by the passage of a resolution receiving a concurring vote of a majority of the members of the full City Council. The appointee's confirmation resolution shall set forth the name of the appointee, the position to be held by the appointee and any other terms of the appointee's service the Mayor wishes to include.

e. The City Attorney shall be confirmed by the passage of an ordinance receiving a concurring vote of a majority of the members of the full City Council. The City Attorney's confirmation ordinance shall set forth the name of the City Attorney, the salary of the City Attorney, and any other terms of the appointee's service the Mayor wishes to include.

f. Failure to commence the confirmation process within thirty (30) days of the Mayor's notice, or to complete the confirmation process within ninety (90) days of the Mayor's notice, shall be deemed a *de facto* confirmation pursuant to the terms of City Charter § 4-40(f).

E. Suspension of this Rule.

1. For good cause shown, the President may suspend any procedural elements of this Rule at a Councilmember's or the Mayor's request. Good cause may include, but shall not be limited to, issues related to an appointee's current employment situation. The President shall notify each Councilmember of a decision to suspend any element of this Rule, and shall identify the element suspended and the reason for suspension. Any Councilmember may object to the President's decision to suspend any element of this Rule by sending written notice to the whole of Council, listing the Councilmember's objection to the element of this Rule that was suspended and grounds for the Councilmember's objection. The President may reverse his or her decision to suspend an element of this Rule based upon the objection, or may bring the objection to City Council for its consideration at the next available Work Session meeting.

2. Under no circumstances may the President suspend the deadlines within which the Council must act to confirm as set out in Rule 7-3(A), above, or the application of any provision of the Colorado Open Meetings Law as adopted in City Charter § 3-60(d) (“OML”).

F. In accord with CORA and the OML, the following procedures shall be followed:

1. Councilmembers shall keep confidential any information in the confirmation packet that is not subject to public disclosure pursuant to CORA.

2. If the confirmation schedule calls for interviews of the appointee, all interviews involving more than two (2) Councilmembers shall be noticed in compliance with the OML.

3. If the confirmation schedule calls for a public input meeting outside a scheduled Work Session or Regular Session meeting, notice of the public input meeting shall be noticed in compliance with the OML.

4. “Confirmation” shall be included in the agenda information included in any OML notice for appointee interviews involving more than two (2) Councilmembers, a public input meeting, a City Council Work Session meeting, or a City Council Regular Session meeting.

G. If the Mayor has made an interim appointment to a vacant appointed position pursuant to City Code § 1.2.303(B) and the interim appointee has served in the vacant appointed position for more than six (6) months, the City Council may request that the Mayor provide a plan to fill the vacancy. If the Mayor fails to provide a plan to fill the vacancy, City Council may notify the Mayor that it intends to commence, on a date certain, the confirmation process to confirm the interim appointee as the permanent appointee unless, for good cause shown, the Council agrees to recognize the interim appointee’s continued service in the vacant appointed position.



FORMAL AGENDA ITEM

COUNCIL MEETING DATE: January 14, 2014

TO: President and Members of City Council
CC: Mayor Steve Bach
VIA: Laura Neumann, Chief of Staff/Chief Administrative Officer
FROM: Peter Wysocki, Planning and Development Director
Lonna Thelen, Planner II

Subject Title: Barnes Center

SUMMARY:

This project includes concurrent applications for a zone change and a concept plan for a 15.9-acre site located north of Barnes Road and west of Powers Boulevard, and a master plan amendment to the High Chaparral Master Plan.

The applicant is requesting a zone change from A/AO (Agriculture with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay). In addition, the applicant is proposing a concept plan for the property and an amendment to the traffic circulation component for the existing master plan.

BACKGROUND:

The attached Planning Commission Record-of-Decision and the agenda from the December 19, 2013 meeting provide the detailed background information including maps and plans.

ADDITIONAL ANALYSIS:

The applicant is proposing to rezone the property from Agriculture to Planned Business Center. The rezone requires that the applicant provide a concept plan showing the layout of the 15.9-acre commercial property. The submitted concept plan shows retail, restaurant, and a commercial center as uses for the property. The applicant is required to submit a development plan and final plat prior to developing on the lots. The final application is for a master plan amendment. The amendment will realign the road system within the High Chaparral Master plan area to make Chaparral Road the main road to Barnes. There will be a connector road that will connect Chaparral Road to Integrity Center Point. In addition, a signal will be added at Integrity Center Point and Barnes Road. The applicant is also requesting that the acreage for the multi-family portion of the Cypress Partners ownership be changed from 18 acres to 14 acres. There was a miscalculation of acreage; previously the applicant calculated the acreage at 34 acres when the actual acreage is only 30 acres. The commercial acreage will not change.

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission approved the master plan amendment with a 6-3 vote and the concept plan and zone change applications with a 9-0 vote at the December 19, 2013 meeting. Commissioner

Walkowski made a motion to allow City staff and developer to decide whether Integrity Point should be deeded as a private or public street. Commissioners Henninger, Ham and Donley opposed this amendment to the master plan, resulting in the final 6-3 vote. Most of the Planning Commission felt the proposal fit in well with the area's master plan and the Comprehensive Plan, but Commissioner Henninger was not supportive of the connector street. He felt removal of the connector street would have minimal impact upon traffic along Chaparral Road. Commissioner Ham was concerned with the overall traffic plan, and was especially concerned that if Integrity Point is deeded a private street it may not be wide enough to accommodate all the proposed retail and multi-family residential traffic. Commissioner Donley stated this was a difficult site due to multiple owners individually deeding right-of-way, the steep alignment of Barnes Road, and the uncertainty of how Barnes Road and the surrounding road system will be finally aligned.

STAKEHOLDER PROCESS:

The public process involved with the review of these applications included a pre-application neighborhood meeting on September 3, 2013; 31 people attended the meeting. When the application was submitted there were two postings on the site and postcards were sent to 129 property owners on two occasions within a customized buffer area of between 500 and 1,000 feet. Comments from four neighbors were received and are included in the City Planning Commission packet.

ALTERNATIVES:

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

RECOMMENDATION:

Based on the findings made in the City Planning Commission agenda staff report, staff recommends approval of the applications.

PROPOSED MOTIONS:

CPC MP 10-00089-A2MJ13 – MASTER PLAN AMENDMENT

Approve the master plan amendment for the Barnes Center Plan based upon the finding that the master plan amendment complies with the review criteria in City Code Section 7.5.408 and is subject to the technical modifications listed in the CPC Record of Decision.

CPC ZC 13-00107 – ZONE CHANGE TO PBC

Approve the zone change for the Barnes Center Plan, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B.

CPC CP 13-00108 – CONCEPT PLAN

Approve the concept plan for the Barnes Center Plan, based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.501.E.

Attachments:

- An ordinance amending the Zoning Map of the City of Colorado Springs relating to 15.9 acres located northwest of Barnes Road and Powers Boulevard
- Development Application Review Criteria
- CPC Record of Decision
- CPC Agenda Report

DEVELOPMENT APPLICATION REVIEW CRITERIA

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.

DEVELOPMENT APPLICATION REVIEW CRITERIA

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)

DEVELOPMENT APPLICATION REVIEW CRITERIA

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)

DEVELOPMENT APPLICATION REVIEW CRITERIA

7.5.501 (E): CONCEPT PLAN REVIEW CRITERIA:

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

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

UNFINISHED BUSINESS CALENDAR

DATE: December 19, 2013

ITEMS: 4.A-4.C

STAFF: Lonna Thelen

FILE NOS.: CPC MP 10-00089-A2MJ13, CPC ZC 13-00107, CPC CP 13-00108

PROJECT: Barnes Center

Commissioner Anna Sparks disclosed that she worked on the property to the west a few years ago, but has no financial interest in this site or surrounding areas.

STAFF PRESENTATION

Ms. Lonna Thelen, Planner II, presented PowerPoint slides (Exhibit A). Ms. Thelen stated that the reason for postponement during the November meeting was the finalizing of a development agreement, but it was determined that the agreement was not needed for this project. City staff is requiring each applicant to be responsible for roadway improvements with each development plan application submitted.

Ms. Kathleen Krager, City Transportation Manager, stated that Colorado Department of Transportation (CDOT) has typically rejected additional intersections off Barnes Road. CDOT's intent is to protect the 600 feet within the Powers Boulevard corridor. Other intersections were found to be closer to the Powers corridor than what is requested; CDOT readjusted the requirements for this intersection. The proposed right-in/right-out access will relieve traffic from funneling into just one intersection. She is pleased that Integrity Center Point will be a full signalized intersection that will be completely paid for by developer funds. All three property owners near this proposed intersection do not plan to develop their sites at the same time; thus, the City's default requirement for roadway dedication is negotiated at the time of development plan submittal for each land owner. Chaparral Road will be deeded to and maintained by the City.

Commissioner Henninger was concerned with placement of a traffic signal at the bottom of a steep hill on Barnes Road and wondered if traffic signals along Barnes could be synchronized. Ms. Krager stated all three (3) traffic signals will be synchronized. Ms. Krager addressed the steep hill and explained that the sight distance is better at the Chaparral intersection compared with Jeffrey Road; thus, the signal will be located at Chaparral. Barnes Road will now be on the City's priority list of streets to sand during inclement weather.

CITY OF COLORADO SPRINGS PLANNING COMMISSION RECORD-OF-DECISION

Commissioner Henninger inquired if Barnes Road will be improved. Ms. Krager stated the improvement is listed on the PPRTA II list.

Commissioner Henninger inquired of the purpose of the connector street in this development. Ms. Krager stated there is a need for some sort of connector between Chaparral and Integrity Point without forcing drivers onto Barnes Road to access the site from the neighborhood.

Commissioner Markewich inquired of any arrangement between El Paso County and the City for street maintenance. Ms. Krager stated currently there is no agreement for Chaparral Road. An option could be for the City to annex the County portion of the right-of-way.

Commissioner Walkowski inquired of the trigger to install the traffic signal and the cost structure. Ms. Krager stated signals are based on traffic volume warrants. The City requires an escrow account from developers, and the City installs the signals when needed.

Commissioner Shonkwiler inquired if a center median will be installed along Barnes Road from Jeffrey Road to Powers Blvd. Ms. Krager stated Barnes Road is not up to improvement standards yet as required by the PPRTA. Medians are required on extremely high-speed roads or to control side street access. Whether a median will be planned will be decided once the improvement plans are submitted to the PPRTA.

Commissioner Sparks inquired how does the Manual on Uniform Traffic Control Devices (MUTCD) address traffic signals at the bottom of steep grades. Ms. Krager stated the MUTCD doesn't address the grade other than signage, but City standards restrict signalized intersections at a maximum of a 2-4% grade. Exceptions have been made in the past since this community has many hills. The steepest signalized intersection is at a 9% grade (Fillmore).

Commissioner Donley inquired of grade separated intersections along Powers Boulevard. Ms. Krager stated that currently the only improvement funded is an interchange completion at Old Ranch Road and Powers. She may receive funding soon to widen Powers between Fountain and Platte (from four to six lanes). The only potential funding source for future grade-separated intersections along Powers Boulevard is a new state-wide sales tax on the November 2014 ballot, which should fund intersections at North Carefree, South Carefree and Constitution. There is no funding possibility within the next 30 years for the Barnes and Powers intersection.

Commissioner Markewich inquired if Integrity Point is the only access to the multi-family residential site should that could be developed. Ms. Thelen replied yes.

Commissioner Markewich inquired of the proposed drainage swale along the west side of Integrity Point Drive. Mr. Steve Kuehster, City Engineering, stated there is an existing stormwater drainage system in Barnes Road that terminates at Integrity Point. The developer plans to extend that system north along Integrity Point (66-inch collector pipe) so that only historical flows route toward the County residential properties.

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

Commissioner Sparks inquired of buffer requirements to transition from the County Agricultural zone toward the City's commercial/retail sites. Ms. Thelen stated the County zoned parcels are considered residential due to their use and a 15-foot buffer or landscaping is required between the two uses.

APPLICANT PRESENTATION

Mr. John Olive was in agreement with the City staff's recommendations.

Commissioner Gonzalez inquired if he preferred Integrity Point Drive deeded as a public or private street. Mr. Olive preferred private.

CITIZENS IN FAVOR

Mr. John Maynard, NES Inc. provided a historical perspective of the master plan. Back in 1980's the High Chaparral area was under one ownership, and that property owner failed to fulfill his contractual obligations. Acquisition of properties has created a somewhat incompatible list of owners and has made it difficult to plan roadways and systems.

CITIZENS IN OPPOSITION

1. Ms. Sandra Bankes, resident of Old Farm neighborhood, stated the City has been very cooperative and responsive to ensure a sense of community in retaining development below the ridgeline. She was concerned with the proposed traffic patterns and felt that a traffic signal at Barnes and Integrity Center Point would be a dangerous situation forcing drivers to stop during inclement weather that could cause them to slide. She was also concerned with the proposed Integrity Point and Chaparral four-way stop. She requested a stop sign on the Integrity Point side versus the Chaparral side.
2. Ms. Sheryl Glasgow, adjacent property owner displayed PowerPoint slides (Exhibit B). She was concerned with the inadequately improved streets, and approximately 1,500 cars travel along Chaparral Road each day. Ms. Glasgow requested a tall, tiered block wall at the west side of the site with a privacy fence on top to buffer the proposed residential and commercial uses. She requested no outdoor seating or service at the proposed site due to compound the existing loud noise from the bar in the existing development. She requested the maximum height reduced from 45 feet to 25 feet.

Commissioner Ham stated the traffic report, drainage report and detailed transition information will be submitted and reviewed during the development plan stage. Commissioner Ham encouraged communication between both parties during that review. Ms. Glasgow wants her concerns noted as a matter or record for future communication with the developer.

3. Mr. John Cline, adjacent property owner, was not in favor of any development east of his property other than agriculturally zoned uses. His water well is 50 feet deep and stated his well is measured every year for farmers in Kansas. He was concerned that there may be blasting on the proposed site that may disturb his property and well.

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

4. Mr. Dawson Hubert, nearby resident, felt the 11 acres remain for parking and other uses which will add to the existing drainage issues. He was also concerned with the connector access road.
5. Ms. Lynn Fries, adjacent property owner north of the site, opposed the connector access road too. She was concerned drivers heading eastbound and stopping traffic to turn left onto Jeffrey Road.

Commissioner Ham requested Ms. Krager confirm that the road issues with Barnes Road will be addressed by the PPRTA. Ms. Krager stated that the need for a turn lane was one of the reasons Barnes Road was placed on the PPRTA list. The PPRTA II funding starts in 2015, but she doesn't expect funding for Barnes until 2019.

APPLICANT REBUTTAL

Mr. John Olive stated the flood picture displayed by Ms. Glasgow was very telling of drainage issues. Once development begins and pipes are installed those drainage issues will be addressed. He felt the new intersection routing and signalization will positively affect the neighborhood.

Ms. Krager felt removing the proposed connector street would negatively affect the neighborhood. The neighbors may want to drive on that connector street to access the retail sites rather than traveling onto Barnes Road before driving onto Integrity Point.

Mr. Olive stated Ms. Glasgow's property sits 30 feet above the proposed development which creates a natural buffer. He had not heard Ms. Glasgow's request to face the backside of the retail toward her property, and he would be happy to comply with her request.

Commissioner Markewich inquired of Entech Engineering's report and the need for possible blasting. Mr. Olive stated the report found some areas may be rock and may need to deal with that in the appropriate manner.

Commissioner Phillips requested he address blasting on the site. Mr. Olive stated that there is significant bedrock, and there may be a need to blast the earth according to the City requirements. He's not sure of the location and whether it would impact the road or retail construction.

Commissioner Walkowski inquired of the neighbor's request for no outdoor seating or bar. Mr. Olive is aware of the neighbor's request and will continue to work with the neighbors during the development plan review stage.

Commissioner Ham was concerned that if Integrity Center Point is private that it may not be wide enough to accommodate all retail and potential multi-family residential traffic. Mr. Olive stated yes, it will be designed to accommodate all uses.

CITY OF COLORADO SPRINGS PLANNING COMMISSION

RECORD-OF-DECISION

Commissioner Ham inquired of reducing the ridge to a lower height. Mr. Olive stated there will be a series of pads climbing north as Integrity Center Point is developed northward.

DECISION OF THE PLANNING COMMISSION

Commissioner Henninger felt this proposal fits in with the area's master plan and was supportive of the project. He was not supportive of the connector street. He felt removal of the connector street would have minimal impact upon Chaparral and traffic would flow easily in and out of Integrity Point Drive.

Commissioner Donley stated this is a difficult site with multiple owners and a steep alignment of Barnes Road. Mr. Donley requested Ms. Krager clarify the Barnes Road grade.

Ms. Krager stated Barnes Road is at 5% grade between Chaparral and Integrity, and then the grade increases between 8-9% west of Chaparral.

Commissioner Donley felt that the road system is not yet configured, which makes this a very difficult development plan to support.

Commissioner Shonkwiler felt the connector street between Chaparral and Integrity is critical, especially as the sites south of Barnes (along Rio Vista) develop. Otherwise, this property may fail similar to the southern Academy Blvd. shopping centers. Despite it being a difficult site, he supported the applications.

Commissioner Walkowski appreciated the neighbors' comments and felt many of their concerns will be addressed during the development plan review stage. He agreed with Commissioner Shonkwiler's comments regarding the long-term future development of the retail along Rio Vista. He supported the applications.

Commissioner Sparks stated that the buffering would be reviewed at the development plan stage. Yet, she was concerned with the transition between the County parcels and the retail development.

Commissioner Markewich sympathized with the rural County parcels being closed in by City development. He agreed with Commissioner Shonkwiler that the connector street is needed.

Commissioner Ham stated he supported the conceptual infill. He was concerned with the Integrity Center Point road system. Most of the neighbors' concerns will be addressed during the development plan review stage. He supported the applications.

Commissioner Gonzalez agreed that Barnes Road is in great need of improvement. At first look, he opposed two traffic signals, but changed his mind once he realized this proposal is an improvement versus what is currently approved with the roundabout. He trusts City staff to decide if Integrity Center Point should be deeded as a public or private road. He supported the applications because they conform with the area's master plan and the City's Comprehensive Plan that encourages infill development.

CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION

Moved by Commissioner Henninger, seconded by Commissioner Ham, to approve **Item 4.A-File No. CPC MP 10-00089-A2MJ13** the master plan amendment for the Barnes Center Plan, based upon the finding that the master plan amendment complies with the review criteria in City Code Section 7.5.408, subject to the following technical and informational modifications:

Technical Modifications to the Master Plan:

1. Change the ownership information in the table from Barnes Center to Cypress Partners.
2. Change the Cypress Partners ownership information in the table to Barnes Commercial Center.
3. **City staff shall coordinate with the developer to decide whether Integrity Point should be deeded as a public or private road. (see amendment below)**

Moved by Commissioner Walkowski, seconded by Commissioner Shonkwiler, to amend the motion to add a technical modification that would allow City staff and developer to choose whether Integrity Point should be deeded as either a public or private road. Amendment to the motion carried 7-2 (Commissioners Ham and Henninger opposed).

Motion on Item 4.A carried 6-3 (Commissioners Henninger, Ham and Donley opposed).

Moved by Commissioner Henninger, seconded by Commissioner Ham, to approve **Item 4.B-File No. CPC ZC 13-00107**, the zone change to PBC/AO for the Barnes Center Plan, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B. Motion carried 9-0.

Moved by Commissioner Henninger, seconded by Commissioner Ham, to approve **Item 4.C-File No. CPC CP 13-00108**, the concept plan for the Barnes Center Plan, based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.501.E. Motion carried 9-0.

December 19, 2013

Date of Decision

Edward Gonzalez, Planning Commission Chair

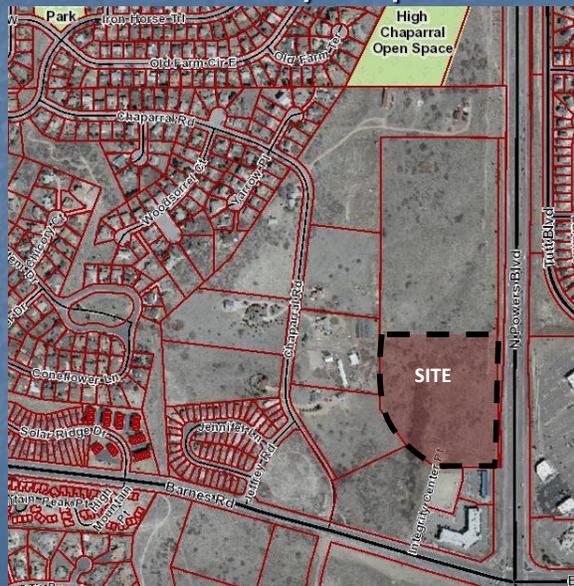
CPC ZC 13-00107
CPC CP 13-00108
CPC MP 10-00089-A2MJ13

Barnes Center

December 19, 2013
Lonna Thelen, AICP LEED AP

1

Barnes Center Vicinity Map

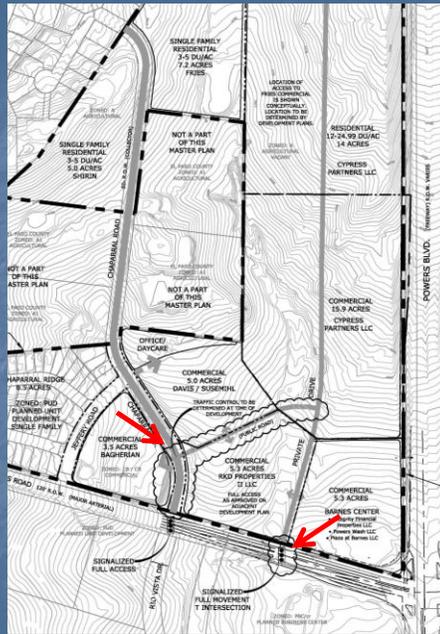


2

Exhibit: A
Items: 4.A-4.C
CPC Meeting: December 19, 2013

Master Plan

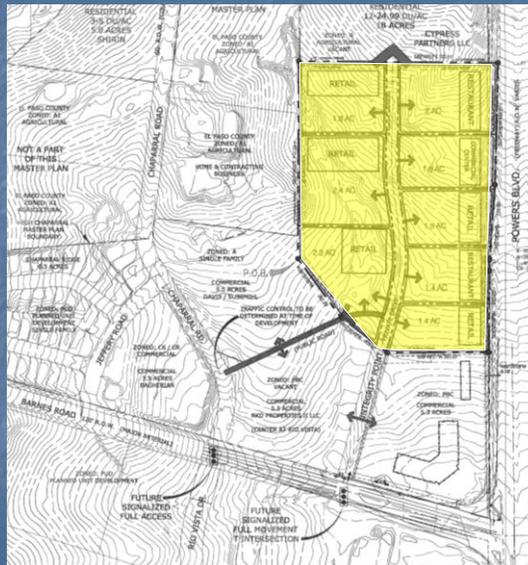
- Changes to the master plan:
 - Addition of T-intersection signal at Integrity Center Pt and Barnes
 - Chaparral Road connects all the way to Barnes Road.
 - The public connection road is not an extension of Rio Vista.
 - The multi-family portion of the Cypress Partners property is reduced to 14 acres.



5

Zone change and Concept Plan

- 15.9 acre site with concept plan uses for retail, restaurant, and community center.
- Zone change from A (Agricultural) to PBC (Planned Business Center)

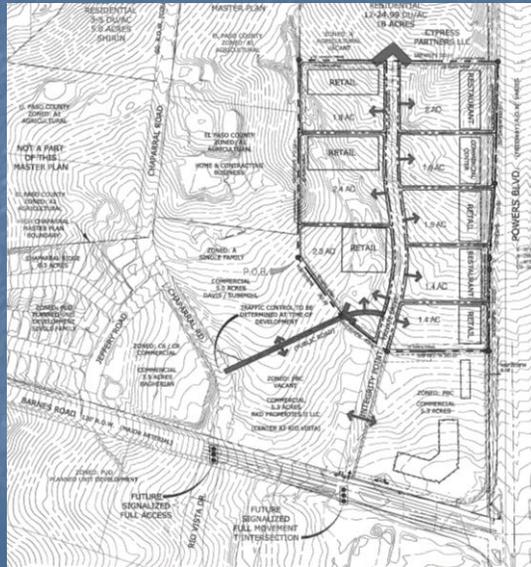


6

Traffic

- T-intersection at Barnes and Integrity Center Pt
- Signal at Barnes and Chaparral.
- Connection Road between Chaparral and Integrity Center Pt.

- No Development Agreement
- Note #4 requires development to comply with Annexation agreements and City Code.



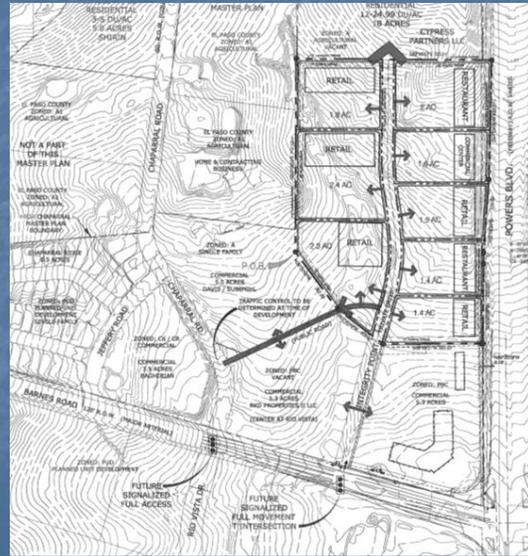
7

Barnes Center Recommendation

- Staff Recommends that City Planning Commission approve the Master Plan Amendment, Concept Plan, and Zone Change.

8

High Chaparral Questions?



High Chaparral Master Plan

Barnes Center Inc.

Zone Change

Concept Plan

Master Plan amendment for Traffic pattern

1

Zoning change from Agricultural to PBC

- **CITY ZONING REQUIRES COMPATIBILITY FOR DIFFERENT LAND USES TO BE IN HARMONY & WITHOUT CONFLICT.**
- **Compatibility is defined by City Code as:** "The characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict.
- To determine compatibility, the following characteristics of the uses and structures shall be reviewed relative to other affected uses and structures: **location, orientation, operation, scale and visual and sound privacy.**"



Exhibit: B
Items: 4.A-4.C
CPC Meeting: December 19, 2013

Zoning change from Agricultural to PBC

Location: Surrounding Neighborhood, development will be adjacent to two County A-5 Agricultural zoned 5 acre parcels, not compatible with suggested property zoning with no transition zoning between.

Orientation: There are no commercial properties along Powers that do not have a street between the residential and commercial areas. Retail stores on the west side should face east for resident privacy with tall, tiered block wall at west side of property with privacy fence on top. The zoning code has provisions for transitions from Agriculture/residential to commercial.

Operation: Restaurants or bars should not be allowed to offer outdoor service, Rhino's Bar at the corner is extremely loud until 2 am, we need sound privacy from uses in the proposed development.

Scale: Hard surface of entire 15.9 acres with landscaping requirements. Maximum building height allowed should be 25 feet for neighborhood privacy instead of the allotted 45 foot height.

Visual and Sound Privacy: Screening with tiered block walls to level the property even with the natural ridge along Powers. The natural ridge along Powers is a sound barrier to the extreme vehicle traffic noise. No transition buffer zone has been provided by the developer of Barnes Center Inc. from City Zoned PBC to County Zoned A-5 Agriculture. Only a tall tiered wall with a privacy fence on top will offer the desired privacy for the existing homes.

3

CONCEPT PLAN REVIEW CRITERIA

1. Will proposed development have a detrimental effect upon the general health, welfare & safety or convenience of persons residing or working in the neighborhood of the proposed development?

Yes, we have a quiet, country like atmosphere with extreme privacy. Increasing density and developing use for public access is an incompatible transition from residential and agricultural zoning.



4

Exhibit: B
Items: 4.A-4.C
CPC Meeting: December 19, 2013

CONCEPT PLAN REVIEW CRITERIA

4. Are the proposed ingress/egress points, traffic circulation, parking areas, loading & service areas and pedestrian areas designed to promote safety, convenience & ease of traffic flow & pedestrian movement both on and off the site?

Integrity Center Point should be a city street without traffic routed to the residential street, Chaparral Road.

Question: What agreement allowed the small section of Integrity Center Point to be private?

Integrity Center Point is proposed to provide access to the multi-family and commercial properties to the north. A prior traffic report (2005) cited traffic counts as high as 9,000 vehicles per day.



Chaparral Road



Integrity Center Pt.

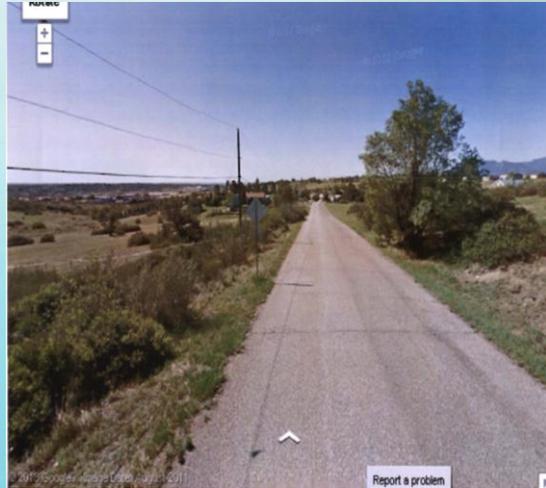
TRAFFIC REPORT FOR BARNES CENTER INC.

NOT PROVIDED BY DEVELOPER

NOT PROVIDED BY COLORADO
SPRINGS TRAFFIC & ENGINEERING

CHAPARRAL ROAD – A DESIRABLE NEIGHBORHOOD

QUIET, PEACEFUL, COUNTRY LIKE SETTING IN THE MIDDLE OF COLORADO SPRINGS

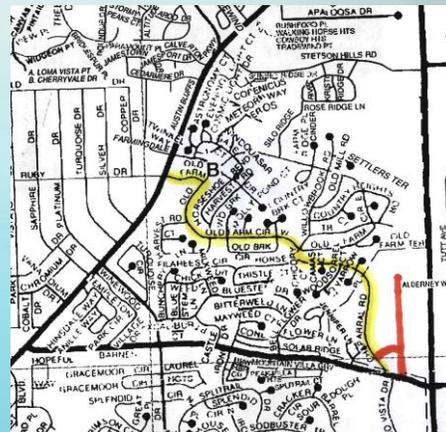


7

CONCEPT PLAN REVIEW CRITERIA

5. Will the proposed development overburden the capacities of existing streets, etc.?

YES, currently Chaparral Road is traveled by approximately 1,500 vehicles a day entering a residential neighborhood from Barnes Rd, according to LSC Transportation Consultants Inc. Old Farm residents use both Chaparral Road to exit south onto Barnes Road and they use Old Farm Rd to exit north onto Austin Bluffs Pkwy. Adding a Connector street between Chaparral Road and Integrity Center Point (a proposed private road) will greatly increase traffic through this residential neighborhood.



8

Exhibit: B
Items: 4.A-4.C
CPC Meeting: December 19, 2013

Proposed Traffic Signal at Barnes Rd & Chaparral Rd



Steep Hill west of intersection at Barnes & Chaparral is a hazard during icy winter driving conditions

9

CONCEPT PLAN REVIEW CRITERIA

6. Does the proposed development promote the stabilization & preservation of the existing properties in adjacent areas & surrounding residential neighborhoods?

NO, this development borders two A-5 Agriculture zoned properties to the west and does not provide for the stabilization & preservation of the existing properties adjacent to the proposed development. Current residents do not intend to sell anytime in the near future.

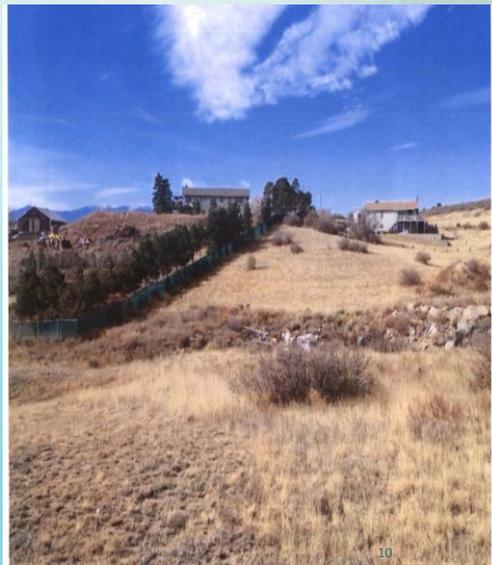


Exhibit: B
Items: 4.A-4.C
CPC Meeting: December 19, 2013

CONCEPT PLAN REVIEW CRITERIA

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?

City Planner's Answer, "The property to the west was recently approved for a non-residential use."

NOTE: Only a small portion has a variance of use approval and that portion is not contiguous to the proposed commercial development – see photo

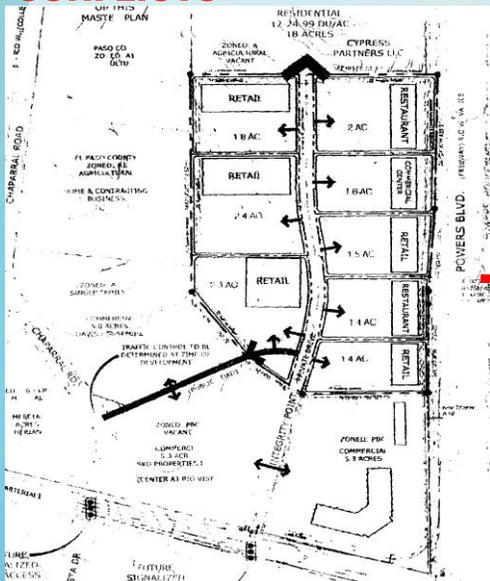
The use to use adverse relationships have not been shown to or discussed with adjacent property owners.



Chaparral Road

Integrity Center Pt.

REQUESTED CHANGES TO MITIGATE USE-TO-USE CONFLICTS



TO THIS

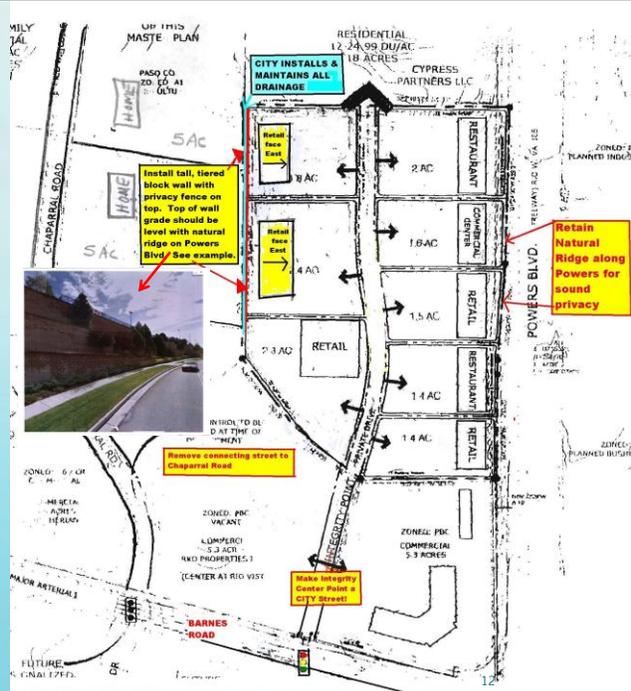
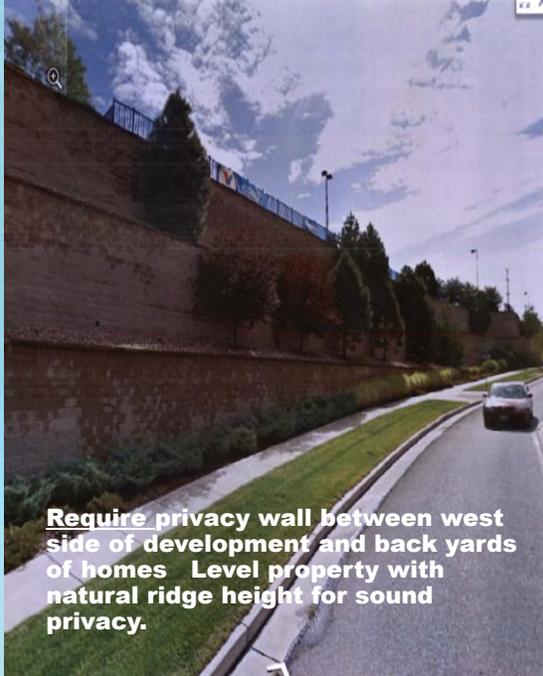
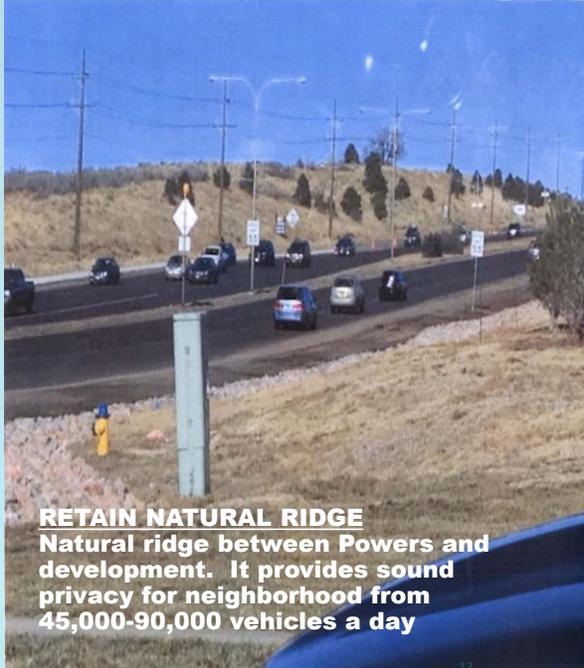


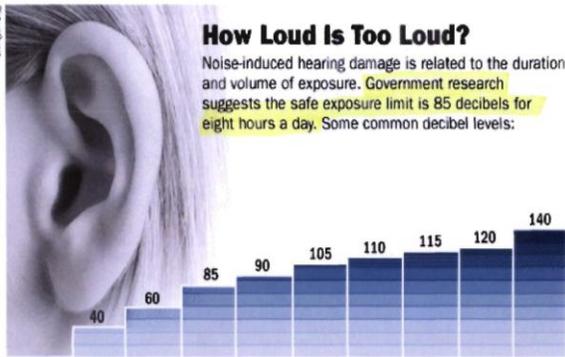
Exhibit: B
Items: 4.A-4.C
CPC Meeting: December 19, 2013



Require privacy wall between west side of development and back yards of homes Level property with natural ridge height for sound privacy.



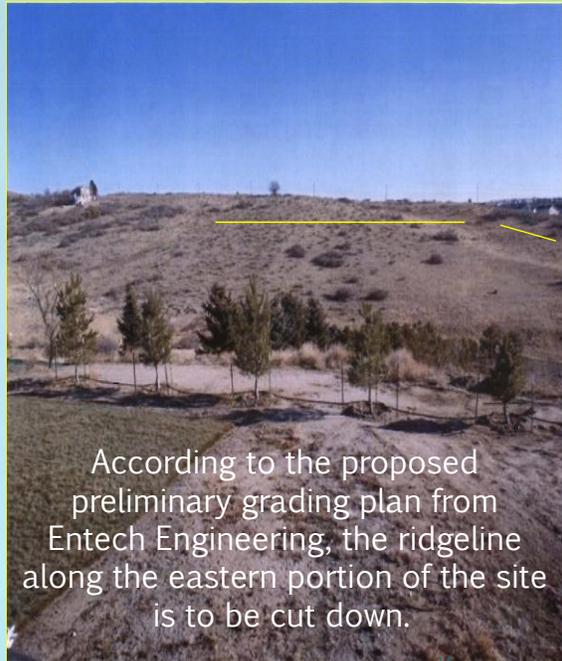
RETAIN NATURAL RIDGE Natural ridge between Powers and development. It provides sound privacy for neighborhood from 45,000-90,000 vehicles a day



How Loud is Too Loud?
 Noise-induced hearing damage is related to the duration and volume of exposure. Government research suggests the safe exposure limit is 85 decibels for eight hours a day. Some common decibel levels:

Sources: dangerousdecibels.org; WSU research

Government research suggest the safe exposure limit is 85 decibels for 8 hours a day from busy city traffic. Either the ridge remains or a **sound barrier fence** is installed along Powers Blvd.



According to the proposed preliminary grading plan from Entech Engineering, the ridgeline along the eastern portion of the site is to be cut down.

Exhibit: B
 Items: 4.A-4.C
 CPC Meeting: December 19, 2013

Conditions on the Site

As reported by Entech Engineering, Inc. on March 4, 2005 in Preliminary Subsurface Soil Investigation: (See Attached)

- According to the proposed preliminary grading plan, the ridgeline along the eastern portion of the site is to be cut down along Powers Blvd with extensive fill provided.
- Clayey soils and claystone on-site are highly to very highly expansive to **collapsible**.
- Bedrock was encountered at depths ranging from 2 to 12 feet in Test Boring Nos. 2 through 8. **Blasting may be necessary** in areas of shallow bedrock in order to obtain proposed cuts. **DEVELOPER SHOULD BE REQUIRED TO PROVIDE A BOND TO INSURE ADJACENT PROPERTIES FROM DAMAGE CAUSED BY BLASTING.**
- **Drainage systems will be required where the existing drainage flows onto the site to prevent these waters from following the drainage area beneath the fill.**
- **Retaining walls should be designed for the site** conditions if steeper than 3:1 slope.
- Geologic conditions on-site can be mitigated through proper engineering designs and construction practices, including soil replacement with non-expansive structural fill compacted at 90%. **A Subsurface Soil investigation should be provided.** If slopes are not properly constructed proposed grading and concept plans could create unstable conditions.

15

Initial Review Comments by City Planner

Master Plan

- “Show the connection road through the residential multi-family site straight up, do not angle to the left side.”

Response by NES Inc., John Maynard: *“Location has been changed as requested however please note that slopes will not permit any practical access in this location.”* (Referring to proposed future Multi-family site directly north of Barnes Center.)

City Engineering

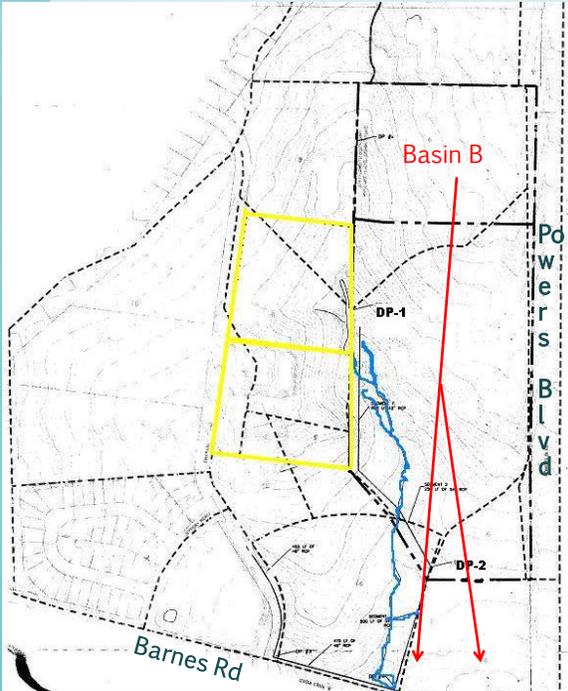
change: “At the proposed intersection of Chaparral Road & future Public Road add “Traffic control to be determined at time of development.” instead of 4 way stop intersection. **Note added** Elimination of proposed connector public road will eliminate traffic control at this location.

- Wastewater Master Facility Report: under 2.8 Industrial Wastes: New industrial sites are proposed within this development. What are these & where are they planned for? Neighbor’s need explanation of what this is.

16

Exhibit: B
Items: 4.A-4.C
CPC Meeting: December 19, 2013

Preliminary Drainage Plan & Report



Critical drainage area lies within proposed development between and adjacent to A-5 Agriculture properties to the west.

Developer and CITY should share the cost of all drainage improvements and maintenance.

The following slide demonstrates **drainage hazard** in August, 2013

Basin B flows to the existing 36" Pipe at Powers Blvd & Barnes Road.



Southbound Powers, making right turn west on Barnes, just east of Integrity Center Point. Runoff is from property under proposed development.

DRAINAGE ISSUES

Corner of Barnes & Powers - flooding

Summer Storm August 12, 2013

"An existing 36" reinforced concrete pipe is located at the northwest corner of Powers Blvd & Barnes Rd... Although it is difficult to determine, it is assumed the 36" pipe was designed & constructed to take the historic flows from the contributing 110 acres, since there is no other outfall for this area."

Source: High Chaparral & Surrounding Parcels Preliminary Drainage Plan & Report, dated August, 2013

SUMMARY

1. No private roads are acceptable, Integrity Center Point should be dedicated to the city and maintained by the city as a public city street; no connector road, as proposed, is necessary between Chaparral and Integrity Center Pt.
2. City to accept dedication, improvements, and maintenance of the entire existing Chaparral Road from Barnes Road to Ironhorse, in the Old Farm Subdivision.
3. Provide a CURRENT and FINAL COMPLETED Traffic Engineer's Report and Engineer's Drainage Report for all properties and intersections contiguous to Barnes Center, including Integrity Center Point at Barnes Rd intersection and Chaparral Rd & Barnes Rd intersection for satisfactory improvements to provide for health, safety and welfare of residents and resident's private property, due to proposed increased use density & increased traffic. Developer and City will construct and maintain all drainage improvement required due to this proposed project including upstream mitigation for future development.
4. PBC Zoning does not provide for outside entertainment, existing restaurant/bar at the corner of Powers and Barnes currently serves patrons outside and is a neighborhood noise nuisance, raising concerns for privacy.
5. A Plan acceptable to adjacent property owners providing for a Use-to-Use transition for incompatible zoning, as proposed (A-5 to PBC) should be developed and determined by city planning, developer and existing residential contiguous property owners prior to approval of zone change and development concept review; this plan should include the proposed wall design to mitigate grade changes and slope/drainage/privacy issues.
6. Developer to provide a mitigation plan for abatement of noise and dust during construction – neighbors have health concerns which need to be addressed particularly since Entech Engineering indicated possible blasting during site-work.

UNFINISHED BUSINESS CALENDAR

ITEM NOS: 4.A - 4.C

STAFF: LONNA THELEN

FILE NO(S):

4.A - CPC MP 10-00089-A2MJ13 – LEGISLATIVE

4.B - CPC ZC 13-00107 – QUASI-JUDICIAL

4.C - CPC CP 13-00108 – QUASI-JUDICIAL

PROJECT: BARNES CENTER

APPLICANT: N.E.S. INC.

OWNER: CYPRESS PARTNERS, LLC



PROJECT SUMMARY:

1. Project Description: This item was scheduled for the November 20, 2013 City Planning Commission meeting. It was postponed to allow the property owners to discuss cost sharing for roadway and traffic signals.

This project includes concurrent applications for a zone change and a concept plan for a 15.9-acre site located north of Barnes Road and west of Powers Boulevard, and a master plan amendment to the High Chaparral Master Plan.

The applicant is requesting a zone change from A/AO (Agriculture with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay). In addition, the applicant is proposing a concept plan for the property and an amendment to the traffic circulation component for the existing master plan. **(FIGURES 1 & 2)**

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

BACKGROUND:

1. Site Address: No address assigned. TSN – 6324401082 and 6324401086
2. Existing Zoning/Land Use: A/AO
3. Surrounding Zoning/Land Use:

North:	A / vacant
South:	PBC / commercial
East:	PBC / commercial
West:	PBC and A / vacant/single family/commercial
4. Comprehensive Plan/Designated 2020 Land Use: New Developing Corridor
5. Annexation: High Chaparral, 1985
6. Master Plan/Designated Master Plan Land Use: High Chaparral Master Plan / Commercial
7. Subdivision: Not platted.
8. Zoning Enforcement Action: No enforcement cases
9. Physical Characteristics: The site contains grade that slopes from east to west and increases in elevation from south to north. There is a ridge on the east side of the property adjacent to Powers.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of these applications included a pre-application neighborhood meeting on September 3, 2013; 31 people attended the meeting. When the application was submitted there were two postings on the site and postcards were sent to 129 property owners on two occasions within a customized buffer area of between 500 and 1,000 feet. Comments from four neighbors were received. **(FIGURE 4)** The concern the neighbors noted is traffic on Chaparral Road, Barnes Road and Integrity Center Point. They also note that they are concerned that the multi-family approval by City Council was not reflected correctly on the master plan. Staff has followed the decision of City Council to uphold the approval of the City Planning Commission. At their January 10, 2012 meeting, City Council approved the master plan that depicted multi-family for the northern 18 acres of the property owned by Cypress Partners LLC.

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

1. Review Criteria / Design & Development Issues:

The applicant is proposing to rezone the property from Agriculture to Planned Business Center. The rezone requires that the applicant provide a concept plan showing the layout of the 15.9-acre commercial property. The submitted concept plan shows retail, restaurant, and a commercial center as uses for the property. The applicant is required to submit a development plan and final plat prior to developing on the lots. The final application is for a master plan amendment. The amendment will realign the road system within the High Chaparral Master plan area to make Chaparral Road the main road to Barnes. The public road that connects Chaparral Road to Integrity Center Point will intersect with Chaparral Road (**FIGURE 5**). In addition, a signal will be added at Integrity Center Point and Barnes Road. The applicant is also requesting that the acreage for the multi-family portion of the Cypress Partners ownership be changed from 18 acres to 14 acres. There was a miscalculation of acreage; previously the applicant calculated the acreage at 34 acres when the actual acreage is only 30 acres. The commercial acreage will not change.

The High Chaparral Master plan has been approved for multiple changes to the traffic circulation on the site. Originally, Rio Vista Drive was approved to continue as a secondary road parallel to Powers from Constitution Avenue up to Stetson Hills Boulevard. Because the High Chaparral Open Space was dedicated a road connection through the open space was removed. With each amendment, the neighborhood has stressed that they believe Chaparral Road should be a main road connection from Old Farm neighborhood to Barnes Road. Traffic Engineering staff has determined that with the addition of the traffic signal at Integrity Center Point and Barnes, the Chaparral Road access can continue as it currently exists and will be the main point of access into the Old Farm neighborhood.

The first 800 feet of Chaparral Road from Barnes north has multiple ownerships both private and City owned. The City originally owned the land for the road, but it was vacated back to the property owners prior to an establishment of a plat (new right-of-way dedication) for City ownership of the roadway. The City was able to attain a small stretch of ownership, but has not retained ownership of the entire roadway. City Traffic Engineering staff is working with the property owners to attain the right-of-way for Chaparral Road.

The costs of the Integrity Center Point and Chaparral Road traffic signals and the required roadway dedication, along with construction obligations for the master plan property owners most adjacent to Barnes Road has been discussed with each property owner and will be determined at time of development plan. This allocation was previously planned to be part of a development agreement. The development agreement was not able to be agreed upon by all parties prior to the November City Planning Commission. Staff worked with the property owners and determined that the allocation was better handled in the form of notes on the master plan and concept plan. All affected property owners have agreed to the notes on the plan.

The proposed concept plan and zone change for the property are in conformance with the Master Plan. All review criteria have been met for the concept plan and zone change.

2. Conformance with the City Comprehensive Plan:

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

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

Objective LU 4: Encourage Infill and Redevelopment

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

The City Comprehensive Plan supports mixed residential and commercial uses as well as encouraging infill development. This site has never been developed while the properties in all directions have been developed. Commercial development of the area according to the concept plan will provide a location for shopping and possibly employment for the surrounding residential neighborhood.

3. Conformance with the Area's Master Plan:

The High Chaparral Master Plan shows this area master planned for commercial. The applicant is proposing retail, restaurant, and a commercial center through the concept plan. The uses proposed comply with the commercial master plan designation.

STAFF RECOMMENDATIONS:

Item No: 4.A CPC MP 10-00089-A2MJ13 – MASTER PLAN AMENDMENT

Approve the master plan amendment for the Barnes Center Plan, based upon the finding that the master plan amendment complies with the review criteria in City Code Section 7.5.408, subject to compliance with the following technical and informational comments:

Technical Modifications to the Master Plan:

1. Change the ownership information in the table from Barnes Center to Cypress Partners.
2. Change the Cypress Partners ownership information in the table to Barnes Commercial Center.

Item No: 4.B CPC ZC 13-00107 – ZONE CHANGE

Approve the zone change to PBC/AO for the Barnes Center Plan, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B.

Item No: 4.C CPC CP 13-00108 – CONCEPT PLAN

Approve the concept plan for the Barnes Center Plan, based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.501.E.



N.E.S. Inc.
508 South Tejon Street
Colorado Springs, CO 80903
Tel. 719-471-0073
Fax 719-471-0367
www.nesconline.com
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Site Data:
Owner: Cypress Partners
4531 E. Beryl Ln.
Phoenix, AZ 85028
Applicant: NES Inc.
508 S. Tejon
Colorado Springs, CO 80903
Existing Zoning: A AO
Zoning: PBC/AG Ordinance #
Acres: 15.9 AC
Use: Retail/Commercial Center/Restaurant
Total Building: 125,000 - 135,000 SF
Max. Building Height: 45'

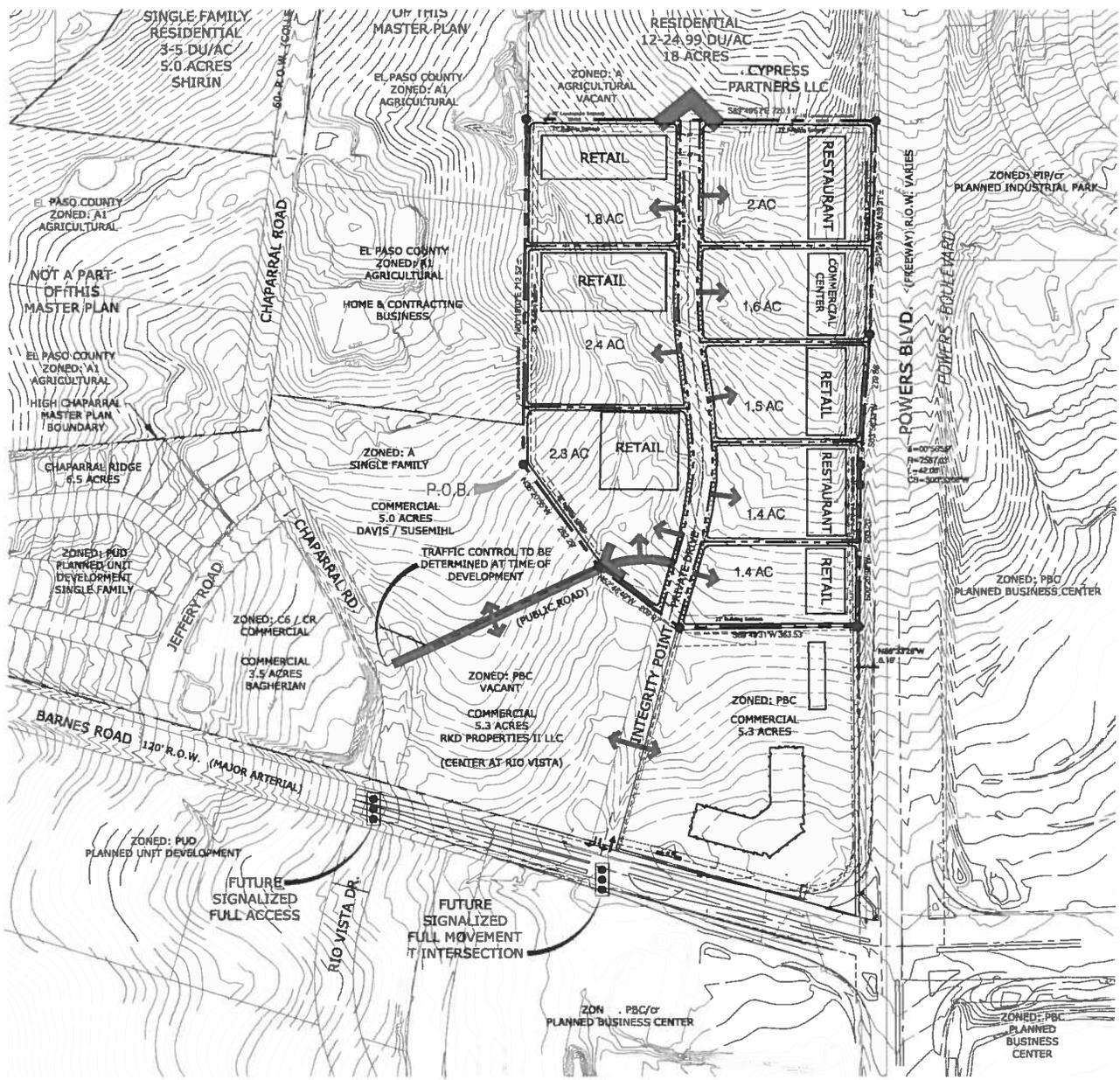
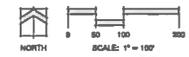
General Notes:
1. High Chaparral Master Plan No. CPC MP 10-00089 A24/13.
2. Concept Plan will be used for Preliminary Plat purposes.
3. The layout and square footage of uses on this plan are conceptual in nature.
4. The development plan for each lot will provide the exact layout and square footages.
5. No access onto Powers Blvd.
6. The cost of the traffic signal at Integrity Center Point and Barnes will be appropriated at 100% by Cypress Partners Ltd. Cypress Partners is not responsible for any signal contribution to the signal at Barnes and Chaparral.

Legal Description:
A tract of land containing 5.000 acres being a portion the Southeast quarter (SE1/4) of Section 24 and the Northeast quarter (NE1/4) of Section 25, Township 13 South, Range 68 West of the 8th P.M., being a portion of former Tract 14, Tract 15, Tract 16, Saddleback Estates as recorded in Plat Book L-2 at Page 41 of the records of El Paso County, now vacated, together with a portion of vacated Powers Boulevard, in El Paso County, Colorado being more particularly described as follows:

(The bearings and distances used herein are based on a Land Survey Plat by Rocky Mountain I and Services)

BEGINNING at the Northerly angle point on the Westerly boundary line of said Tract 16; thence $N02^{\circ}19'03''E$ on the West boundary line of said Tract 16, Tract 15 and Tract 14, a distance of 712.53 feet, more or less; thence $S89^{\circ}42'57''E$ a distance of 728.11 feet to West right-of-way line of Powers Boulevard; the following four (4) courses are on said West right-of-way line: thence: 1) $S01^{\circ}24'28''W$ a distance of 438.31 feet, more or less; 2) $S00^{\circ}56'03''W$ a distance of 270.68 feet to a point on a curve; 3) on a curve to the left having a central angle of $07^{\circ}56'50''$, a radius of 287.29 feet for an arc distance of 42.08 feet, whose chord bears $S00^{\circ}52'00''W$; 4) $S00^{\circ}20'00''W$ a distance of 283.30 feet; thence $N88^{\circ}23'28''W$ a distance of 8.19 feet to the Southeast corner of said Tract 16; thence $S89^{\circ}42'57''W$ on the South boundary line of said Tract 16, a distance of 283.53 feet to the Southwest corner thereof; thence $N52^{\circ}44'49''W$ on the Southwesterly boundary line of said Tract 16, a distance of 200.87 feet to an angle point on the Westerly boundary line of said Tract 16; thence $N08^{\circ}20'55''W$ on said Westerly boundary line a distance of 762.29 feet to the POINT OF BEGINNING and containing 15.300 acres of land, more or less.

Sheet Index:
Sheet 1 - Concept Plan
Sheet 2 - Preliminary Facilities Plan



Barnes Center Commercial
Concept plan

DATE:	September 11, 2013
PROJECT NAME:	J. Meyer & Co.
PREPARED BY:	

CONCEPT PLAN
1
1 of 2
CPC CP 13-00108

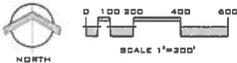
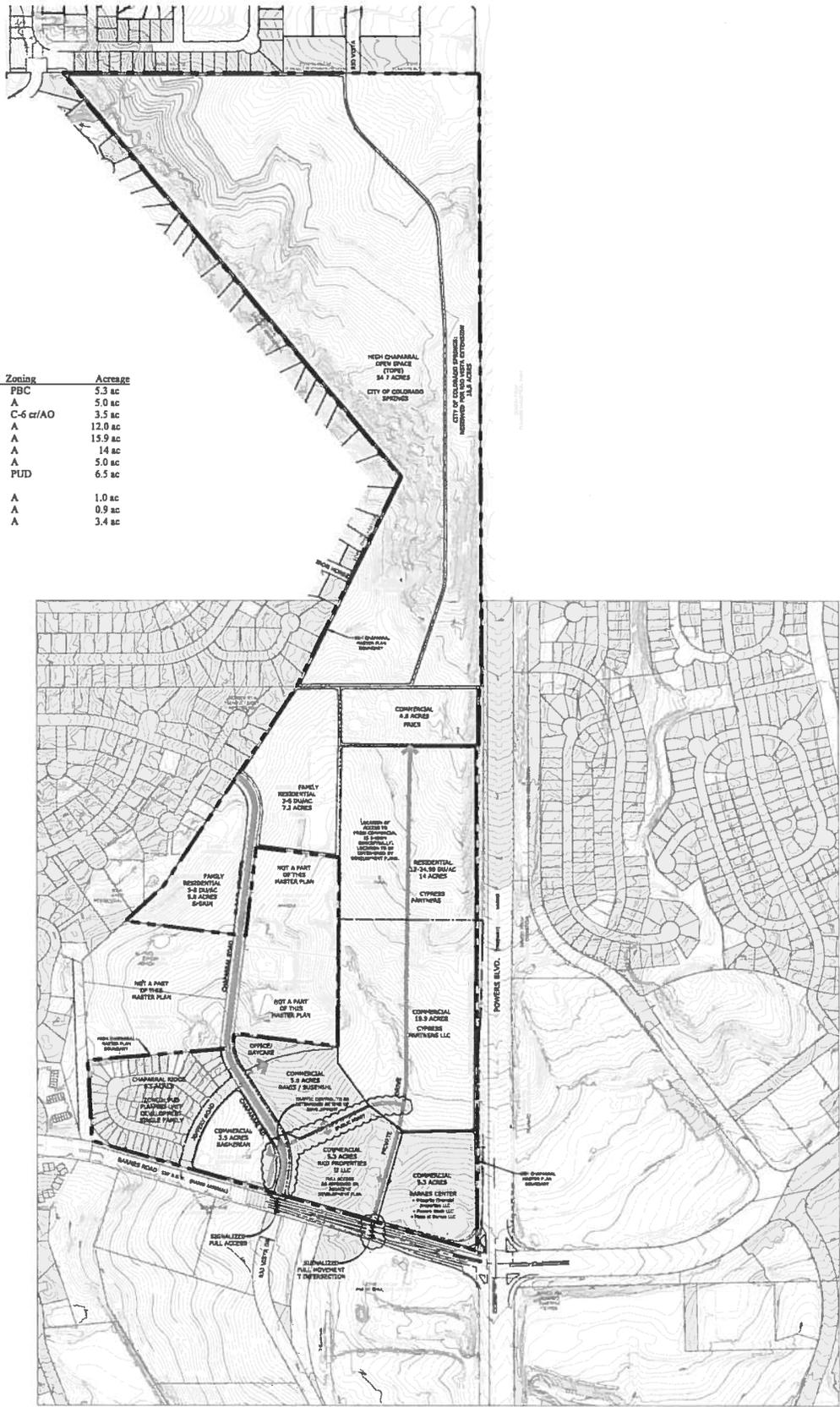
FIGURE 1



Owner	Master Planned	Zoning	Acres
RKD Properties	Commercial	PBC	5.3 ac
Davis	Commercial	A	5.0 ac
Bagherian	Commercial	C-6 cr/AO	3.5 ac
Fries	Single Family & Commercial	A	12.0 ac
Barnes Center	Commercial	A	15.9 ac
Barnes Center	Residential 12 - 24.99	A	14 ac
Shirin	Residential 3-5	A	5.0 ac
Chaparral Ridge Subdivision	PUD	PUD	6.5 ac
<u>Cypress Partners</u>			
Integrity Fin. Partners LLC	Commercial	A	1.0 ac
Powers Wash LLC	Commercial	A	0.9 ac
Plaza at Barnes LLC	Commercial	A	3.4 ac

Notes:

1. The development plan for the 14 acres of high density residential owned by Cypress Partners will be reviewed by City Planning Commission.
2. Access to the Fries commercial property will be provided via an extension of Integrity Center Point through Cypress Partners, LLC. There will be no connection from Chaparral to the commercially designated portion of the Fries property.
3. Residential development on Fries property will be responsible for adjacent Chaparral Road improvements.
4. This master plan is subject to the High Chaparral Annexation agreement dated December 20, 1985, the Chaparral Ridge Annexation agreement dated December 20, 1985, and City code requirements.



 URBAN DESIGN LAND PLANNING & LANDSCAPE ARCHITECTURE <small>888 South Sun Street Colorado Springs, CO 80905 Tel: 719.575.8881 Fax: 719.575.8882</small>	<h2 style="margin: 0;">HIGH CHAPARRAL MASTER PLAN</h2>	<table border="1" style="font-size: 8px;"> <tr> <td>DATE: 11/20/13</td> <td>BY: [initials]</td> <td>REVISIONS:</td> <td>1</td> </tr> <tr> <td>DATE: 02/05/14</td> <td>BY: [initials]</td> <td>REVISIONS:</td> <td>2</td> </tr> <tr> <td>DATE: 02/05/14</td> <td>BY: [initials]</td> <td>REVISIONS:</td> <td>3</td> </tr> <tr> <td>DATE: 02/05/14</td> <td>BY: [initials]</td> <td>REVISIONS:</td> <td>4</td> </tr> <tr> <td>DATE: 02/05/14</td> <td>BY: [initials]</td> <td>REVISIONS:</td> <td>5</td> </tr> </table>	DATE: 11/20/13	BY: [initials]	REVISIONS:	1	DATE: 02/05/14	BY: [initials]	REVISIONS:	2	DATE: 02/05/14	BY: [initials]	REVISIONS:	3	DATE: 02/05/14	BY: [initials]	REVISIONS:	4	DATE: 02/05/14	BY: [initials]	REVISIONS:	5	<table border="1" style="font-size: 12px;"> <tr> <td style="text-align: center;">SHEET NO.</td> <td style="font-size: 24px; font-weight: bold;">1</td> </tr> <tr> <td style="text-align: center;">OF SHEETS</td> <td style="font-size: 24px; font-weight: bold;">3</td> </tr> </table> <p style="font-size: 8px; margin-top: 5px;">[CPC #P 10-00089 A2.NJ.3]</p>	SHEET NO.	1	OF SHEETS	3
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FIGURE 2

Barnes Center Project Statement

September 2013

(A portion of the High Chaparral Master Plan)

Barnes Center is a portion of the High Chaparral Master Plan located west of and adjacent to Powers Boulevard, immediately north of the Private Road Integrity Point. The applications covered by this Project Statement include a Master Plan Amendment; a Zone Change from A to PBC; and a Concept Plan for the proposed PBC zoned property.

Eight commercial lots are proposed with a total of 125,000 to 135,000 square feet of building. Access to all lots will be from Integrity Point extended into this site. Additional access will be available to the southwesterly lot from a private drive that will connect Chaparral Drive to Integrity Point.

Master Plan. The amendment to the High Chaparral Master Plan will modify the circulation system and access points within the Master Plan area. The changes include: Designation of the Integrity Point access to Barnes Road as a signalized, full movement T intersection; Designation of Chaparral Road as the future as well as existing full movement signalized access to Barnes Road, opposite Rio Vista Drive; Designation of a full movement 4 way stop controlled intersection located between the RKD and Davis/Susemihl properties, opposite and serving the Bagherian property; extension of this access as a Private Drive into the Barnes Center property, connecting to Integrity Point extended; extension of Integrity Point as a Private Drive into the Barnes Center property.

Zone Change. The zone change implements the High Chaparral Master Plan by changing the A Zone (a holding zone) to the most appropriate commercial zone for the portion of the Master Plan designated Commercial and under the ownership of Barnes Center Inc. The Zone Change is for 15.9 acres of land.

Concept Plan. The Concept Plan covers the land designated Commercial and the subject of the Zone Change. The Concept Plan provides for 8 retail lots, accessed by the extension of Integrity Point into the Barnes Center site. Five lots will be located on the east side of Integrity Point, three lots on the west side. All access to the lots will be from Integrity Point. The first phase development will be for a tire store on the southeasterly lot within the Concept Plan.

ZONE CHANGE REVIEW CRITERIA

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare. *This zone change implements the High Chaparral Master Plan, which is a*

detailed component of the City Comprehensive Plan. Health, safety and general welfare were taken into consideration with the adoption of the Comprehensive Plan.

2. The proposal is consistent with the goals and policies of the Comprehensive Plan. ***This zone change implements the High Chaparral Master Plan, which is a detailed component of the City Comprehensive Plan. It is therefore consistent with 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 to be considered consistent with a zone change request. ***This zone change is consistent with the High Chaparral Master Plan.***

CONCEPT PLAN REVIEW CRITERIA

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? ***No. The concept plan is consistent with the High Chaparral Master Plan which designates this parcel for commercial use.***

2. Will the proposed density, types of land uses and range of square footages permit adequate light and air both on and off site? ***Yes. Lots and future building design, along with required setbacks, will provide adequate light and air.***

3. Are the permitted uses, bulk requirements and required landscaping appropriate to the type of development, the neighborhood and the community? ***Yes. The lotting pattern is similar to the existing commercial development adjacent and to the south; landscaping will meet City Code requirements which are governed by type of use, buffers, and relationship to adjacent streets based on classification of those streets.***

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? ***Yes. Access to sites within the Concept Plan is provided by an internal commercial private drive. Internal pedestrian circulation will be demonstrated on future development plans.***

5. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities? ***No. The development proposed by this Concept Plan was evaluated with the Master Plan. Infrastructure to serve this property will be provided sequentially along with development.***

6. Does the proposed development promote the stabilization and preservation of the existing properties in adjacent areas and surrounding residential neighborhoods? ***Yes. Commercially planned and used property borders this property on the east, south and west. The northern boundary is planned for multi-family, which will provide a transition to single-family residential further to the north.***

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? ***There is not use to use adverse relationship. The property to the west was recently approved for a non-residential use.***

8. Is the proposed concept plan in conformance with all requirements of this Zoning Code, the Subdivision Code and with all applicable elements of the Comprehensive Plan? **Yes.**

Thelen, Lonna

From: Sheryl Glasgow <turfmastersheryl@live.com>
Sent: Tuesday, October 01, 2013 4:04 PM
To: Thelen, Lonna
Subject: CPC ZC 13-00107 etc.

In response to the aforementioned Public Notice, and for the record, I would like to add the following comments:

- 1. The concept plan appears to overlap the multi housing property previously approved. The multi-housing 18 acres were shown to end south of my property line, however with the addition of the two northerly retail buildings and parking lots, Barnes Center extends past my property and continues north to my neighbor's property (The Clines). This does not align with the Master Plan.**
- 2. Integrity Point should be a city street. Private streets (as witnessed in a section of Chaparral) do not get maintained as city streets do.**
- 3. Where is the traffic engineers report? That must be done prior to the approval of any plans. The neighborhood and Chaparral Road should not be included in this plan. With a signalized intersection at Integrity Point, there should be no reason to direct traffic over to Chaparral Road. The original Traffic engineer's report, which has magically disappeared, showed the necessity for Integrity Point to continue to Stetson Hills. The idea was to help disseminate traffic on Powers Blvd with side street accessibility.**
- 4. Signalizing Barnes Road at Chaparral Road will be very dangerous. During the winter multiple cars are stuck trying to get up Barnes Road going West, and if they have to stop, this will further impede on their ability to make it up the hill. Coming down the hill, cars will easily slide through the intersection causing accidents because they can not stop.**
- 5. The extension of Integrity Point to Chaparral Road is detrimental to the public interest, health, safety and convenience. Chaparral Road has continued to Barnes Road for 30+ years and is used by the Old Farm Neighborhood in addition to those living on Chaparral Road. Installing a four way stop (actually a three way stop) forcing the flow of Chaparral to stop just before the main intersection is certainly an inconvenience at best. Old Farm should have a continued flow to Barnes Road as it has been the past 30+ years.**
- 6. Master plans do not hold up in court. My land is primarily my home of which my backyard will be open for public view. No one has the right to master plan it as we are not moving for at least 20 years. Our neighbors do not plan on moving either. The hill itself blocks traffic noise from Powers Blvd. What type of landscaping will completely block our view from retail as the graduation of zoning does not include residential to commercial with no intermediate zoning. We need complete protection from retail that stays open in the evening, especially restaurants and bars. In fact, no restaurants or bars should be allowed. The bar down at the corner is so loud now that many along Chaparral can hear them into the morning hours. Constant traffic on the property facing my backyard is not compatible with my country feel. We moved here to be in the city yet have a country atmosphere. I need privacy in my backyard of which all privacy will be gone due to this project. When we bought, the property behind us was zoned for 8 more 5 acre lots. Shortly after, we were told by Bob Tegler it would change it to commercial. I didn't know the process at the time, now I do.**
- 7. My property has a variance for a small portion of our land for agricultural uses. We are**

quiet and unassuming. This property is primarily my home, not a non-residential use.

8. There will be no preservation of the existing residential neighborhood. The master plan should have been kept residential with 5 acre lots, that would have preserved our neighborhood, but money is always preferred over following the true intent of the zoning code

As usual Lonna, you do not represent the neighborhood, just the developer. We will have many things to talk about before this is approved!

Sheryl Glasgow

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Thelen, Lonna

From: allenay@comcast.net
Sent: Tuesday, October 01, 2013 1:28 PM
To: Thelen, Lonna
Subject: High Chaparral Master Plan Changes CPC ZC 13 00107 CPC CP 13 00108 CPC MP A2MJ13

To Whom It May Concern:

I wish to submit my opposition of the requested changes.

As this submitted as a simple Tire Store and now has become a complete change to the master plan.

Chaparral Road was previously characterized by the City of Colorado Springs to be in bad shape and no work has been done to the road. Adding any additional traffic would cause further damage to the road and the road is already at the limit of its design with over 1300 trips a day.

I have additional reasons to oppose this change but I will save them for any public hearing

SIGNED: Arletta Y Allen

October 1, 2013

Thelen, Lonna

From: account4city@comcast.net
Sent: Tuesday, October 01, 2013 3:09 PM
To: Thelen, Lonna
Subject: Chaparral Master Plan Changes CPC MP 10-0089-A2MJ13 and other related request

October 1, 2013

To Whom It May Concern:

I wish to submit comments regarding this application(s).

I oppose the requested application and changes:

This was originally submitted as a proposal to build a Tire Store and none of the changes now requested. It is my understanding that some of these changes were discussed at the neighborhood meeting but they were not fully disclosed prior. The only conclusion is that the changes were not disclosed in order to curtail objection at the start of this process.

Fourteen months ago the city declared Chaparral to be inadequate for an additional traffic when a small landscaping company was before the El Paso County Commissioners for a variance change. If Chaparral Road cannot handle the additional 15 to 20 trips that the landscaping company would generate and that those additional trips would cause Chaparral to deteriorate faster, how can that be different now? No work has been performed on Chaparral and it has received extensive rain damage to the point that part of Chaparral is closed awaiting temporary repairs by the county. The situational ethics and the integrity of the city and its employees in this matter are of great concern.

The additional traffic caused by these changes to Chaparral will cause it to deteriorate beyond repair from the additional traffic. I know the city employees will claim that no additional traffic is expected. This statement is a completely unprofessional and again brings into account the integrity and ethics of any person that would make such a statement.

The proposed stop lights would cause more traffic problems than they would resolve. As you would have three controlled intersections in a quarter mile, this is not an acceptable manner in which to move traffic. Barnes has a

20% grade or better hill at the Chaparral intersection that is proposed and as Barnes is already impassable at times in the winter, the placement of a traffic signal would just cause more trouble and accident at this location.

There are numerous more objection to the questionable manner in which this requested has been handle by the requester's and the city and its employees, along with other concerns that will be presented at any public hearing.

M Allen

Please do not reply to this message as it is from an unattended mailbox. Any replies to this email will not be responded to or forwarded. This service is used for outgoing emails only and cannot respond to inquiries.

Thelen, Lonna

From: BEAN <beanline@comcast.net>
Sent: Tuesday, October 01, 2013 4:01 PM
To: Thelen, Lonna
Cc: Sheryl Glasgow; Harry Fries
Subject: CPC ZC 13-00107

Lonna,

Thanks for the opportunity to comment on this plan.

I have no issues at this time with the subject proposal outlining retail use, other than considerations for sound abatement and drainage that are more appropriately addressed in detail at a later date. However, I noticed that the drawings used to depict this proposal still have the land North of the subject property depicted as high density.

We appealed this through the City council and the result was that the council allowed the property to be zoned residential with the density of the property TBD. This is particularly disturbing to the current adjacent property owners, when you consider that the land is being marketed as multi-family. When can we expect to get final resolution on the appropriate housing density of that property?

Thanks

John Cline
719-638-0337
4625 Chaparral Rd

Thelen, Lonna

From: Harry Fries <hfriesco@hotmail.com>
Sent: Sunday, September 29, 2013 7:51 AM
To: Thelen, Lonna
Subject: FW: CPC MP 10-00089-A2MJ13

From: hfriesco@hotmail.com
To: lthelen@springsgov.com
Subject: CPC MP 10-00089-A2MJ13
Date: Fri, 27 Sep 2013 13:59:00 -0600

LONNA,

I am concerned about the request for changes to the High Chaparral Master Plan and the request for 12-24.99 living units per acre.

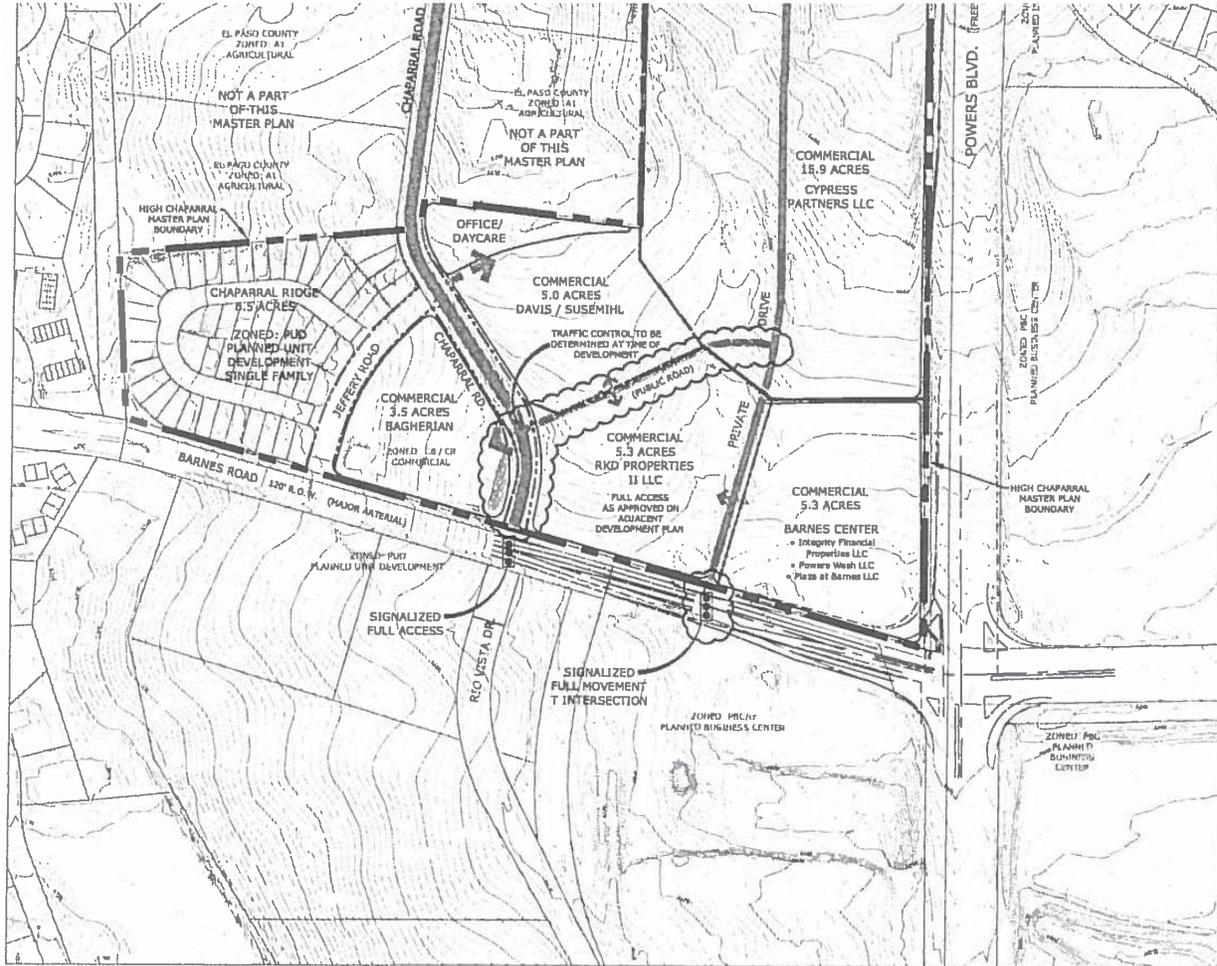
I own the property just north of the property in question and would not like to have the high density apartments bordering my single family residence. My property should not be consider as a buffer zone for this request.

I believe that there should be some type of buffer zone, on their property, between the plan commercial and the single family residences that surround this property. I do not consider a high density apartments as an appropriate buffer.

Please consider this request for a lower density (approx. 3-5 unit acre) buffer zone.

thank you for considering my request.

Harry G. Fries
4709 Chaparral Rd.
C/S, Co 80917-1411
719-591-8170: Home
719-649-0964: Cell



HIGH CHAPARRAL MASTER PLAN

DATE: 10/08/13
 DRAWN: DDD
 APPROVED: TWE

MAE
 PL
 AMENI

FIGURE 5

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 15.9 ACRES LOCATED NORTHWEST OF BARNES ROAD AND POWERS BOULEVARD

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

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 15.9 acres from A/AO (Agricultural with Airport Overlay) to PBC/AO (Planned Business Center with Airport Overlay) located northwest of Barnes Road and Powers Boulevard for the property described in Exhibit A, attached hereto and made a part hereof by reference, pursuant to the Zoning Ordinance of the City of Colorado Springs.

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

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

Introduced, read, passed on first reading and ordered published this 14th day of January 2014.

Finally passed _____

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

CPC ZC 13-00107 / It

EXHIBIT "A"

LEGAL DESCRIPTION:

A tract of land containing 15.900 acres being a portion the Southeast quarter (SE1/4) of Section 24 and the Northeast quarter (NE1/4) of Section 25, Township 13 South, Range 66 West of the 6th P.M., being a portion of former Tract 14, Tract 15, Tract 16, Saddleback Estates as recorded in Plat Book L-2 at Page 81 of the records of El Paso County, now vacated, together with a portion of vacated Powers Boulevard, in El Paso County, Colorado being more particularly described as follows:

(The bearings and distances used herein are based on a Land Survey Plot by Rocky Mountain Land Services)

BEGINNING at the Northerly angle point on the Westerly boundary line of said Tract 16; thence N00°19'03"E on the West boundary line of said Tract 16, Tract 15 and Tract 14, a distance of 712.52 feet, more or less; thence S89°40'57"E a distance of 720.11 feet to West right-of-way line of Powers Boulevard, the following four (4) courses are on said West right-of-way line; thence: 1) S01°24'36"W a distance of 439.31 feet, more or less; 2) S03°56'33"W a distance of 270.86 feet to a point on a curve; 3) on a curve to the left having a central angle of 00°55'55", a radius of 2587.03 feet for an arc distance of 42.08 feet, whose chord bears S00°33'08"W; 4) S00°20'38"W a distance of 293.20 feet; thence N89°33'28"W a distance of 6.19 feet to the Southeast corner of said Tract 16; thence S89°40'31"W on the South boundary line of said Tract 16, a distance of 363.53 feet to the Southwest corner thereof; thence N52°48'49"W on the Southwesterly boundary line of said Tract 16, a distance of 209.97 feet to an angle point in the Westerly boundary line of said Tract 16; thence N36°20'55"W on said Westerly boundary line a distance of 262.29 feet to the POINT OF BEGINNING and containing 15.900 acres of land, more or less.

See Exhibit "B" attached.

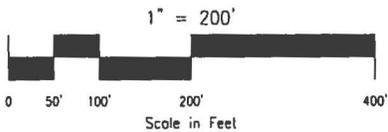
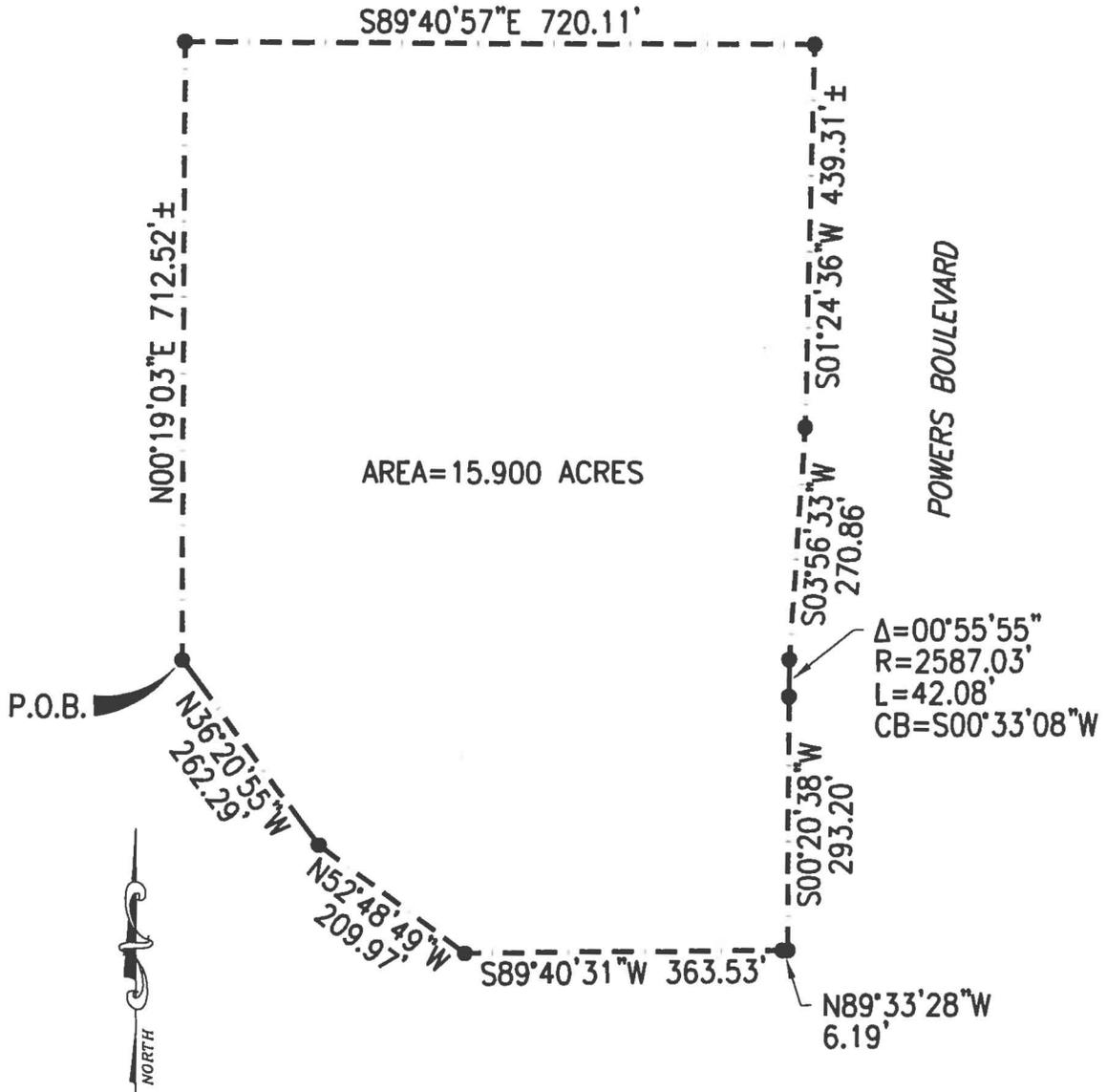
Prepared by:
John L. Bailey PLS #19586
for and on behalf of
Rockwell Consulting, Inc.
September 6, 2013

JOB NO. 04-076

FILE: 33031-DL-4-ROCK.DWG
DATE: 09/06/13



EXHIBIT "B"



LOCATED IN A PORTION OF
 THE SE1/4 OF SECTION 24 AND
 THE NE1/4 OF SECTION 25
 T-13-S, R-66-W OF THE 6th P.M.,
 EL PASO COUNTY, COLORADO

JOB NO. 04-076

FILE: 33031-DL-4-ROCK.DWG
 DATE: 09/06/13

ROCKWELL
 CONSULTING, Inc.

ENGINEERING - SURVEYING
 1955 N. UNION BLVD., SUITE 200
 COLORADO SPRINGS, CO 80909
 (719) 475-2575 • FAX (719) 475-9223