



CITY OF COLORADO SPRINGS

CITY COUNCIL AGENDA

MEETING DATE: MARCH 25, 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 March 25, 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.)**

FIRST PRESENTATION:

- A-1. Approval of the Minutes of the regular Council Meeting of March 11, 2014.
- A-2. Appointments to various Boards and Commissions. See attached list.
- A-3. **Dublin North Phase 6**

A-3A. CPC ZC 13-00122: (Quasi-Judicial Matter) Request by Guman and Associates on behalf of Apaloosa Investments, LLC for consideration of a zone change from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay) consisting of 5 acres located north of the Dublin Boulevard and Sandy Ford Lane intersection. (Planning & Development – Peter Wysocki) [First Presentation]

PLANNING COMMISSION RECOMMENDATION:

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

(Item B.1 – CPC Meeting – February 20, 2014)

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

- A-3B. CPC PUD 06-00108-A5MJ13: (Quasi-Judicial Matter) Request by Guman and Associates on behalf of Apaloosa Investments, LLC for consideration of a

CITY COUNCIL MEETING – MARCH 25, 2014

development plan amendment for the Dublin North (Phase 6) project to include this new area and add an additional 23 lots consisting of 5 acres located north of the Dublin Boulevard and Sandy Ford Lane intersection. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

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

(Item B.2 – CPC Meeting – February 20, 2014)

See memorandum and Record-of-Decision attached to Item No. 5-A-3A.

6. Recognitions.
7. Citizen Discussion.
8. Mayor's Business.
- 8A. Confirmation of three Colorado Springs Urban Renewal Authority (CSURA) Board Members.

See attached memorandum from Mayor Steve Bach.

ITEMS CALLED OFF CONSENT CALENDAR

UTILITIES BUSINESS

9. An ordinance amending Section 108 (Utilities Contracts) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, pertaining to contract authority. (Utilities – Jerry Forte) [First Presentation]

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

10. Public hearing for consideration of a resolution modifying the Water Shortage tariff. (Utilities – Jerry Forte)

UNFINISHED BUSINESS

NEW BUSINESS

11. An ordinance confirming the Mayor's appointment of the City Attorney and setting the salary of the City Attorney.

See attached copy of proposed ordinance.

CITY COUNCIL MEETING – MARCH 25, 2014

12. A resolution confirming the Mayor's appointment of Director of Aviation. (Office of the Mayor)

See attached copy of proposed resolution.

13. An ordinance creating a new Section 450 (Sales or Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities, and Persons; Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to a Sales or Use Tax exemption within a Commercial Aeronautical Zone. (City Council Administrator – Eileen Gonzalez)

See attached memorandum from the Council President Keith King and copy of proposed ordinance.

14. CPC MP 04-00280-A1MJ13: Master Plan Amendment Design Guidelines for the North Nevada Urban Renewal area. (Planning & Development – Peter Wysocki)

PLANNING COMMISSION RECOMMENDATION:

It was moved by Commissioner Ham, seconded by Commissioner Henninger, to approve the petitioner's request. The motion unanimously carried. (Commissioners Markewich and Phillips were excused.)

(Item No. 5 – CPC Meeting – December 19, 2013)

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

15. A resolution recognizing the Colorado Springs City Council Engagement Program. (Councilmember – Jan Martin)

See attached memorandum from the Councilmember Jan Martin and copy of proposed resolution.

PUBLIC HEARING

16. CPC AP 14-00002: (Quasi-Judicial Matter) Public hearing on an appeal by the City of Colorado Springs Administration regarding the Planning Commission's action on February 20, 2014, approval of an appeal of the Notice and Order issued against Studio A64 located at 332 E. Colorado Avenue. (Planning & Development – Peter Wysocki)

See attached memorandum from the Planning and Development Director.

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17. Added Item Agenda.
18. Executive Session.
19. Adjourn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith King". The signature is written in a cursive, flowing style with a large initial "K".

Keith King
City Council President

**COLORADO SPRINGS, COLORADO
CITY COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
MARCH 11, 2014 – 1:00 P.M.**

Council met in Regular Session.

1. **Call to Order.**

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

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

Pastor Grady Miller of Pikes Peak Church of Christ provided the invocation. President King led in the Pledge of Allegiance.

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

Councilmember Bennett described the request from all the parties involved for Item 14, Public Hearing on an appeal for the Whistling Pines West indoor firing range, that the item be postponed to April 8th.

Motion by Bennett, second by Gaebler, that the request be approved.

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

The motion passed unanimously 9-0 vote.

4. **Councilmember Comments.**

A. Councilmember Pico researched questions asked by Paul Kleinschmidt during a previous Council meeting relative to proposed implementation of scrubber technology at the Drake Power Plant. He described in detail the responses to each of Mr. Kleinschmidt's questions which are summarized as follows:

1. Does it work?

Yes, the NeuStreamTM system met the design criteria of greater than 90% removal, and there do not appear to be any barriers to full-scale implementation.

2. What was the total budget?

2011 original estimate was \$121m; total current project estimate is \$131.5m which includes plant improvements; \$10.5m increase primarily attributable to 2013 updated construction and project costs. A key constraint is the limited space available in Drake for Units 6 and 7 which drive some of the engineering cost estimates.

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3. What is the total cost to-date?

Total cost through the end of 2013 is approximately \$75m.

4. Does that include all costs, including the other costs for upgrading Martin Drake for this technology?

Yes, all costs for the scrubber project are included in the figures, above.

5. How much revenue have we earned from Neumann Systems for our share of sales for this new technology to other utility companies?

Zero, so far: As part of the contract signed with Neumann Systems Group, Colorado Springs Utilities negotiated to receive 3% of future sales of the technology for 10 years after it becomes available commercially upon the successful installation at Drake. The royalties on future sales were not a factor in the decision to move forward with NSG scrubber.

6. What plan does Colorado Springs Utilities have if this technology doesn't work and cannot meet the 2017 deadline?

The technology is fully expected to work, if not, other options will be considered. The full-scale project began in 2010, well ahead of the 2017 regulatory deadline. The expected start-up date for Drake 7, and the common facilities to support Drake 6 and Drake 7 is set for June 2015. A full and open RFP for Drake Unit 5 and Nixon are currently in progress for which conventional technologies will be considered.

- B. Councilmember Martin described the rotation of art exhibits on the second floor of City Hall, outside of the Pikes Peak room. Currently on exhibit are works by two local photographers: Angela V. Crews and Richard L. Rinker. She invited all to visit and enjoy the "Citizen's Art Gallery."

CONSENT CALENDAR

5. The following items were acted upon by unanimous consent of the members present, with the exception of Items B-1 and B-3 which were called up for separate consideration:

SECOND PRESENTATION:

- A-1. AR V 14-00008: Ordinance No. 14-15 vacating alley public right-of-way consisting of 0.18 acre that extends from Polk Street on the north to Tyler Street on the south between Cascade Avenue and Tejon Street.
- A-2. Ordinance No. 14-18 amending Ordinance No. 07-113 pertaining to the Art Commission of the Pikes Peak Region.

CITY COUNCIL MEETING – MARCH 11, 2014

FIRST PRESENTATION:

- B-1. See action taken later in the meeting.
- B-2. Appointments to various Boards and Commissions.
- B-3. See action taken later in the meeting.

Motion by Bennett, second by Gaebler, that all items on the Consent Calendar, with the exception of Items B-1 and B-3, 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 9-0 vote.

6. **Recognitions.**

On Saturday, February 1st, 2014, the regional competition of MATHCOUNTS was held at Holmes Middle School. Teams from 11 local middle schools with 70 students participated in the advanced mathematics contest by the Pikes Peak Chapter of Professional Engineers of Colorado. The top two teams were from Mountain Ridge Middle School (1st Place); and The Classical Academy (2nd Place). Councilmembers Bennett and Pico handed out certificates and City of Colorado Springs pins to each of the award-winning students.

7. **Citizen Discussion.**

Charles Barber spoke regarding real estate developer interests driving the economy of Colorado Springs.

Carl Strow spoke against *City for Champions*.

James (“Mick”) Gibbar proposed an alternative method of traffic control for the City and provided a handout on his suggested alternative.

Tony Carpenter spoke regarding his termination of employment by the City and the procedural issues, including his e-mails to the City being blocked.

Terrance MacCommons spoke regarding City Code relative to temporary signage and the need for controls and fines for offenders.

8. **Mayor's Business.**

Bret Waters spoke regarding the next *City for Champions* community meeting to be held on March 18th, 4:00 – 6:00 p.m. at the Pikes Peak Regional Building Department at 2880 International Circle. Council and the public is encouraged to attend.

CITY COUNCIL MEETING – MARCH 11, 2014

ITEMS CALLED OFF CONSENT CALENDAR

- B-1. Approval of the Minutes of the regular Council Meeting of February 25, 2014 and the Special Called Meeting of February 19, 2014.

Councilmember Miller described that he had pulled the Minutes of February 25, 2014, because he wanted to have more thorough documentation of what he said on Item #4, Councilmember Comments. He stated his concerns were about formation of the RTA Advisory Board and would like to be more specific describing that he felt the formation of the Board without a Council Ordinance was not in accordance with the Charter and that there was no public process in the appointment of the members.

Councilmember Miller additionally requested changes to the Minutes of February 25, 2014, on Item B-3, the “Paths to Parks” Resolution, to include his statement that he had asked whether or not the formation of an IGA was required to accept the Grant and that Mr. Lieber answered affirmatively.

Motion by Bennett , second by Pico, that the Minutes of the regular Council Meeting of February 25, 2014 be approved to include the changes requested by Councilmember Miller. The Special Called Meeting Minutes of February 19, 2014 are approved without change.

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

The motion passed unanimously on a 9-0 vote.

- B-3. Resolution No. 26-14 was presented: “A Resolution supporting a Local Government Grant Application to Great Outdoors Colorado for the Colorado Springs Fitness Zone Park Development Project.”

Councilmember Knight described he had pulled this off because of his concern, specifically with Sections 3 and 4, relative to the City’s responsibility to provide matching funds. He would like the Resolution revised to state that any matching funds would be provided by the Trust for Public Land.

In response to Councilmember Knight’s concern, Councilmember Gaebler described Ms. Palus’ explanation that this is typical wording for a resolution to obtain the grant funding. Once the grant has been awarded and if the Trust for Public Land did not provide the match funds, Council would then have options available to resolve that issue.

Councilmember Collins stated she agreed with Councilmember Knight as members of the Finance Committee on the City Budget. She also stated she had an issue with this because it was just introduced on the Work Session calendar yesterday and now it appears on the Consent Calendar.

CITY COUNCIL MEETING – MARCH 11, 2014

Councilmember Miller agreed with Councilmembers Knight and Collins and indicated that he would be more comfortable if it included in the language the source of the matching funds.

Bret Waters, Deputy Chief of Staff, stated that he understood this went through legal review and it was determined this to be the standard, required language to accept the grant. Legislative Counsel Andrews confirmed that to be consistent with discussions with the City Attorney. He further explained this is a form prescribed by the agency offering the grant so if we make changes to the form of the Resolution we don't know how to anticipate how the granting agency would view the changes and also the Resolution does not specifically state a match will be paid from a General Fund source or otherwise; thus, it doesn't rise to the level of commitment of other funds.

Councilmember Miller wanted clarification on the statement that if the grant is approved, it will come back to Council for additional action referring to his understanding that the Mayor is the authority for grant acceptance. Mr. Andrews responded that is a question they will have to take up but that this is just a part of the grant application.

Councilmember Pico asked if there would be a problem with changing the language in the Resolution. Mr. Andrews responded he didn't think it was a problem, but we just don't know how that would be viewed by the granting agency.

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

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

The motion passed on a 5-4 vote.

UTILITIES BUSINESS

There was no Utilities Business to report.

UNFINISHED BUSINESS

9. Ordinance No. 14-16 entitled: "An Ordinance approving the election of the Board of Directors of the First and Main Business Improvement District by the eligible electors of the District pursuant to the petition filed under C.R.S. 31-25-1209(1)(d)" was presented for final passage.

Councilmember Miller expressed concern that this removes the public process and will object to its passage.

Councilmember Collins stated she believes we have too many improvement districts in the City and is not in favor of improvement districts.

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

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

CITY COUNCIL MEETING – MARCH 11, 2014

Noes: Collins, Miller

Absent: None

The motion passed on a 7-2 vote.

10. Ordinance No. 14-17 entitled: “An Ordinance approving the election of the Board of Directors of the First and Main Business Improvement District No. 2 by the eligible electors of the District pursuant to the petition filed under C.R.S. 31-25-1209(1)(d)” was presented for final passage.

Motion by Gaebler, second by Snider, 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.

NEW BUSINESS

11. Resolution No. 27-14 was presented “A resolution approving amendments to the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Forces.”

Michael Sullivan, Human Resource Director, stated that the questions prevented them from moving forward had been resolved.

Councilmember Miller commented he appreciated the remarks Council received but expressed concerns he had based on comments he received from Local 5 to have a standard for medical approval with the guidelines required established before eliminating this portion of due process.

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

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

Noes: Collins, Miller

Absent: None

The motion passed on a 7-2 vote.

12. Resolution No. 28-14 was presented: “A Resolution approving the budget for 2014 for the El Paso County Emergency Services Agency.”

Council Administrator Gonzalez reported on the 2014 Budget for the El Paso County Emergency Services Agency.

Councilmember Knight asked about the split of remaining funds. Ms. Gonzalez estimated the remaining balance at the end of ESA’s existence to be approximately \$100,000 which would be split equally between the City and El Paso County.

CITY COUNCIL MEETING – MARCH 11, 2014

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

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

The motion passed unanimously on a 9-0 vote.

PUBLIC HEARINGS

13. AR DP 13-00488: (Quasi-Judicial Matter) Public hearing on an appeal by Bruce Wright of Flynn, Wright & Fredman on behalf of 1150 Kelly Johnson, LLC, regarding the Planning Commission's action of January 16, 2014 approving the conditional use for the Majestic Mountain Range project, that allows for a commercial sports and recreational indoor shooting range. The property is zoned PIP-1 (Planned Industrial Park), is located at 1170 Kelly Johnson Boulevard and consists of 1.58 acres.

City Attorney/Chief Legal Officer Massey described the process for the Quasi-Judicial Hearing. She then requested Council disclose any ex parte communications which they may have received. Councilmember Bennett described his relationship in business and personally with Mr. Wright, but stated this would not impair his review according to review criteria; Councilmember Miller stated that he, and other Councilmembers confirmed having received a number of e-mails which are included in the record.

Larry Larsen, Senior Planner, Land Use Review, reviewed the location, the compliance with the Comprehensive Plan, and the project issues being addressed which involve land use compatibility, architectural design, noise control, safety and security,

Appellant testimony:

Bruce Wright, of Flynn, Wright, & Fredman, spoke on behalf of the appellants, 1150 Kelly Johnson, LLC.

Joy Focht, Darwin Faabore, and Keith Ketelsen, spoke in support of the appeal.

Jeff Kwoikoski, acoustical engineer and consultant with Wave Engineering in Littleton, Colorado, provided a demonstration to help Council understand the noise related issues and concerns of the appellants. His demonstration produced sound levels based on recordings from another location combined with ambient sound.

Applicant testimony:

Jim Akers, Owner of Majestic Mountain, and Ryan Lloyd, Architect with Echo Architecture represented the applicant.

Councilmember Martin asked whether a restaurant facility and a liquor license was anticipated due to a patio being included in the design. The Applicant responded no.

CITY COUNCIL MEETING – MARCH 11, 2014

Councilmember Miller inquired about sound measuring abilities and restrictions.

Councilmember King asked about the hours of operation to which the Applicant responded will be: 10:00 – 8:00 Tuesday – Saturday; 12:00 – 5:00 on Sunday.

Supporters of the Applicant:

Tim Priebe, Charles Lippincott, Charlene Jones, William Neavey, and Alex Valentine spoke in support of the Applicant.

Supporters of the Appeal:

Judy Lessb, Kirsten Whitworth, Robert Erlich, Mike Taylor, and Gosia Bikker spoke to support the Appellant.

Applicant Rebuttal:

Mr. Akers responded to the concerns expressed by the neighboring businesses and others who spoke in opposition.

Public Hearing now closed.

Appellant Final Comments:

Mr. Wright emphasized the concerns of the adjoining property owners and the values of their properties and occupancy potentially being impacted by this type of business being approved for the area.

Comments by City Staff:

Councilmember Miller spoke on his perspective of the Conditional Use Criteria, the current zoning allowances, and speculated on any noise impacts.

Councilmember Knight described land use compatibility and asked whether covenants were in place which may not allow the project as the last step of approval. Mr. Larsen responded that the applicant would have to later obtain approval from Chapel Hills Technology Center.

Councilmember Martin described her understanding of the neighboring business owners concerns and stated she believed this was not the right location for such a project and would not vote to support it.

Motion by Snider, second by Miller, to deny the appeal and uphold the Planning Commission's approval.

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

Noes: Knight, Martin

Absent: None

CITY COUNCIL MEETING – MARCH 11, 2014

The motion passed on a 7-2 vote.

14. See action taken earlier in the meeting.

15. **Added Item Agenda.**

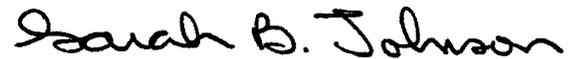
There was no Added Item Agenda.

16. **Executive Session.**

There was no Executive Session.

17. **Adjourn.**

At 3:48 p.m., there being no further business to come before City Council,
COUNCIL ADJOURNED



Sarah B. Johnson
City Clerk



CITY OF COLORADO SPRINGS

REGULAR MEETING AGENDA ITEM CONSENT

REGULAR MEETING DATE: March 25, 2014

TO: President Keith King and Members of City Council

FROM: Samantha Gunther, Assistant to Council

Subject Title: Appointments to Boards and Commissions

Downtown Review Board

David Neville resigned. The Downtown Review Board is recommending that Tiffany Colvert fill the vacancy and complete his term upon City Council's approval.

Tiffany Colvert, new	<u>Appointment</u> 3/24/14	<u>Expiration</u> 08/25/15
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Greater Downtown Colorado Springs Business Improvement District (BID)

James Brodie resigned. The BID is recommending that Luke Travins fill the vacancy and complete his term. Councilmember Gaebler, Councilmember Bennett, and Councilmember Snyder support the recommendation upon City Council's approval.

Luke Travins, new	<u>Appointed</u> 3/24/11	<u>Expiration</u> 07/24/14
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Pikes Peak Regional Building Department Board of Review and Advisory Board

Lawrence Whittaker has served one full term and would like to be reappointed to another term. He has full support from the board upon City Council's approval. Board members are allowed to serve three two-year terms.

Lawrence Whittaker, reappointment	<u>Appointed</u> 03/08/11	<u>Expiration</u> 03/01/17
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Public Safety Sales Tax and Oversight Committee (PSSTOC)

Tim Cassibry resigned. The PSSTOC is recommending that Brain Grady, alternate, fill the vacancy upon City Council's approval.

Brain Grady, reappointment	<u>Appointed</u> 12/10/13	<u>Expiration</u> 05/14/16
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Regular Agenda Item

Council Meeting Date: March 25, 2014

To: President and Members of City Council
cc: Mayor Steve Bach
Via: Steven W. Cox, Chief of Staff/Chief Administrative Officer
From: Peter Wysocki, Planning and Development Director
Larry Larsen, Senior Planner

Subject Title: Dublin North Phase 6 Zone Change and PUD Development Plan

SUMMARY:

This is a request by Guman and Associates on behalf of Apaloosa Investments, LLC for approval of the following development applications:

- a. A 5.0-acre zone change from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development zone district: Detached Single-Family residential, maximum density of 5.66 dwelling units per acre, maximum building height of 30 feet with Airport Overlay); and
- b. Dublin North PUD Development Plan Amendment.

The site is located north of the Dublin Boulevard and Sandy Ford Lane intersection and consists of 5.0 acres.

PREVIOUS COUNCIL ACTION:

The property was initially master planned and zoned at the time of annexation in 2007.

BACKGROUND:

The attached Planning Commission Record-of-Decision and the agenda from the February 20, 2014 meeting provide the detailed background information including maps and plans.

These applications and development are part of the overall Dublin North master plan. The zoning has remained as Agricultural until this phase was ready for construction.

FINANCIAL IMPLICATIONS:

Not applicable

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission unanimously approved the two Consent Calendar applications at their February 20, 2014 meeting. No one spoke in opposition against the project.

STAKEHOLDER PROCESS:

The standard City notification process was used for the internal review and included posting the property with a notice poster and mailing postcards to approximately 116 property owners within 500 feet of the project area. The same posting and notification process was 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 development plan. Final compliance will be verified and confirmed prior to issuance of a building permit.

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 rezone and PUD development plan amendment.

PROPOSED MOTIONS:

CPC ZC 13-00122 – CHANGE OF ZONING

Approve the proposed zone change from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, maximum density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay), 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 06-00108-A5MJ13 – PUD DEVELOPMENT PLAN AMENDMENT

Approve the Dublin North PUD Development Plan Amendment, based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606.

Attachments:

- An ordinance amending the Zoning Map of the City of Colorado Springs relating to 5.0 acres located north of the Dublin Boulevard and Sandy Ford Lane intersection
- Development Applications Review Criteria
- CPC Record-of-Decision
- CPC Agenda

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 5.0 ACRES LOCATED NORTH OF THE DUBLIN BOULEVARD AND SANDY FORD LANE 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 5.0 acres from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, density 5.66 dwelling units per acre, maximum building height of 30 feet with Airport Overlay) located north of the Dublin Boulevard and Sandy Ford Lane 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 25th day of March 2014.

Finally passed _____

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk



EXHIBIT A

EDWARD-JAMES SURVEYING, INC.

October 24, 2013

Job No. 710.03

Page 1 of 1

LEGAL DESCRIPTION

LOT 5 AS PLATTED IN A. A. SUBDIVISION RECORDED IN THE EL PASO COUNTY RECORDS IN PLAT BOOK W-2, AT PAGE 94 AND BEING A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 7, TOWNSHIP 13 SOUTH, RANGE 65 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE SOUTHWESTERLY BOUNDARY LINE OF DUBLIN NORTH FILING NO. 1 AS PLATTED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NUMBER 208712755, BEING MONUMENTED AT EACH END BY A NO. 5 BEBAR AND 1 ½" ALUMINUM CAP STAMPED "JR ENG PLS 32820" BEING ASSUMED TO BEAR N01°55'53"W A DISTANCE OF 480.41 FEET.

COMMENCING AT THE SOUTHWEST CORNER OF DUBLIN NORTH FILING NO. 1 AS RECORDED IN THE EL PASO COUNTY RECORDS UNDER RECEPTION NUMBER 208712755, THENCE S88°02'55"W ON THE SOUTHERLY BOUNDARY LINE OF A. A. SUBDIVISION RECORDED IN THE EL PASO COUNTY RECORDS IN PLAT BOOK W-2, AT PAGE 94, A DISTANCE OF 703.07 FEET TO THE SOUTH EAST CORNER OF LOT 5 AS PLATTED IN SAID A.A. SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING S88°02'55"W ON THE SOUTHERLY LINE OF SAID LOT 5, A DISTANCE OF 340.50 FEET; THENCE N01°59'40"W ON THE WESTERLY LINE OF SAID LOT 5, A DISTANCE OF 638.91 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF VICKIE LANE AS PLATTED IN SAID A.A. SUBDIVISION, THENCE N88°00'20"E ON THE SAID SOUTHERLY RIGHT OF WAY AND THE NORTHERLY LINE OF SAID LOT 5 A DISTANCE OF 340.50 FEET; THENCE S01°59'40"E ON THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 639.17 FEET TO THE POINT OF BEGINNING

CONTAINING A CALCULATED AREA OF 217,800 SQ. FEET, OR 5.00 ACRES.

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**

CONSENT CALENDAR

DATE: February 20, 2014

ITEM: B.1, B.2

STAFF: Larry Larsen

FILE NOS.: CPC ZC 13-00122, CPC PUD 06-00108-A5MJ13

PROJECT: Dublin North Phase 6

DECISION OF THE PLANNING COMMISSION

Moved by Commissioner Ham, seconded by Commissioner Phillips, to approve **Item B.1-File No. CPC ZC 13-00122**, the zone change to PUD/AO (Planned Unit Development: Detached Single-Family Residential, density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay), 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 Walkowski absent).

Moved by Commissioner Ham, seconded by Commissioner Phillips, to approve **Item B.2-File No. CPC PUD 06-00108-A5MJ13**, the Dublin North Phase 6 PUD Development Plan Amendment based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606. Motion carried 8-0 (Commissioner Walkowski absent).

February 20, 2014

Date of Decision

Edward Gonzalez, Planning Commission Chair

CITY PLANNING COMMISSION AGENDA

ITEMS: B.1, B.2

STAFF: LARRY LARSEN

FILE NOS.:
CPC ZC 13-00122 – QUASI-JUDICIAL
CPC PUD 06-00108-A5MJ13 - QUASI-JUDICIAL

PROJECT: DUBLIN NORTH PHASE 6
APPLICANT: GUMAN AND ASSOCIATES
OWNER: APALOOSA INVESTMENTS, LLC



PROJECT SUMMARY:

1. Project Description: Request by Guman and Associates on behalf of Apaloosa Investments, LLC for consideration of 1.) a zone change from A/AO (Agricultural with Airport Overlay) to PUD/AO (Planned Unit Development: Detached Single-Family Residential, density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay) zone district, and 2.) a development plan amendment for the Dublin North (Phase 6) project to include this new area and to add an additional 23 lots . **(FIGURE 1)**. The property is located north of the Dublin Boulevard and Sandy Ford Lane intersection and consists of 5 acres.

These applications and development are part of the overall Dublin North master plan. The zoning remained as Agricultural until this phase was ready for construction.

2. Applicant's Project Statements: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Approval of the applications.

BACKGROUND:

1. Site Address: Not applicable
2. Existing Zoning/Land Use: A/AO (Agricultural with Airport Overlay) / Vacant **(FIGURE 3)**
3. Surrounding Zoning/Land Use:
North: A (Agricultural) / Vacant (Planned: Residential)
South: County RR-5 (Rural Residential) / Vacant (Pending Annexation)
East: PUD (Planned Unit Development – Residential) / Vacant (Planned: Single-Family Residential)
West: County RR-5 (Rural Residential) / Single-Family Residence
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Dublin North 1C (2007)
6. Master Plan/Designated Master Plan Land Use: Dublin North Master Plan - Residential
7. Subdivision: Dublin North filing #6 (Pending)
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site slopes slightly towards the southwest. The site has no significant vegetation (grasses and shrubs) or natural features.

STAKEHOLDER PROCESS AND INVOLVEMENT: The standard City notification process was used for the internal review and included posting the property with a notice poster and mailing postcards to approximately 116 property owners within 500 feet of the project area.

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 development plan. Final compliance will be verified and confirmed prior to issuance of a building permit.

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

1. Design and Development Issues: This is a simple addition to an existing development plan and allows for an additional 23 lots.

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

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

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

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

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

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

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

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

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

Objective N 3: Vary Neighborhood Patterns: Integrate a variety of housing types and densities with amenities, services, and retail uses to generate opportunities and choices for households. When the character, context and scale of the surrounding neighborhood are taken into account, mixed-use developments can provide unique opportunities for employment, shopping, housing choice, and public gathering space, while having a positive impact on the neighborhood.

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

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

It is the finding of the City Planning and Development Staff that the Dublin North Phase 6 project is consistent with the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals, objectives and policies for General Residential use.

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

It is the finding of the City Planning and Development Staff that the Dublin North Phase 6 project is consistent with the Dublin North Master Plan.

4. Zone Change to Planned Unit Development (PUD): The existing zoning for this area is A/AO (Agricultural with Airport Overlay). The proposed zone is PUD/AO (Planned Unit Development: Detached Single-Family Residential, density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay).

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.

5. Development Plan Amendment: The Dublin North PUD Development Plan Amendment is submitted in conjunction with the zone change application for this project.

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 PUD development plan meets the development plan review criteria found in City Code Section 7.3.606.

STAFF RECOMMENDATIONS:

Item: B.1 CPC ZC 13-00122 – Zone Change to PUD

Approve the proposed zone change to PUD/AO (Planned Unit Development: Detached Single-Family Residential, density 5.66 dwelling units per acre, maximum building height of 30 feet, with Airport Overlay), based upon the finding that the change complies with the zone change criteria found in City Code Section 7.5.603.B. and the PUD establishment criteria found in City Code Section 7.3.603.

Item: B.2 CPC PUD 06-108-A5MJ13 – PUD Development Plan Amendment

Approve the Dublin North Phase 6 PUD Development Plan Amendment based upon the finding that the plan complies with the PUD development plan review criteria in City Code Section 7.3.606.

Dublin North
 Development Plan Major Amendment

NORTHEAST OF DUBLIN BLVD. AND POUDRE WAY

DATE:	01/16/2013
DRAWN BY:	WFA
CHECKED BY:	WFD

REVISED	BY	DATE	REASON

SHEET **3**

SITE PLAN

CPC PUD
 DA-CO-00108-ASHJ13

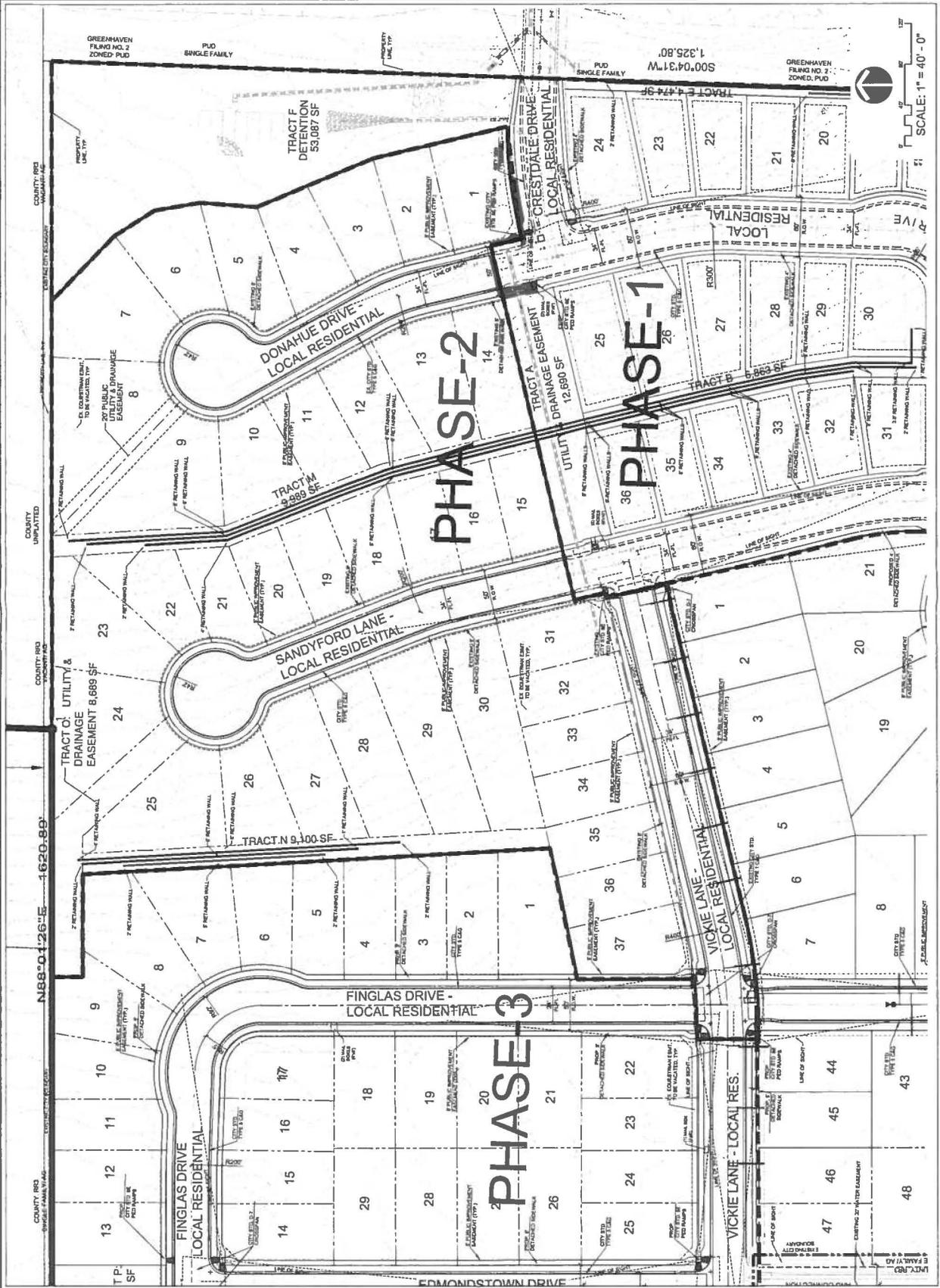


FIGURE 1

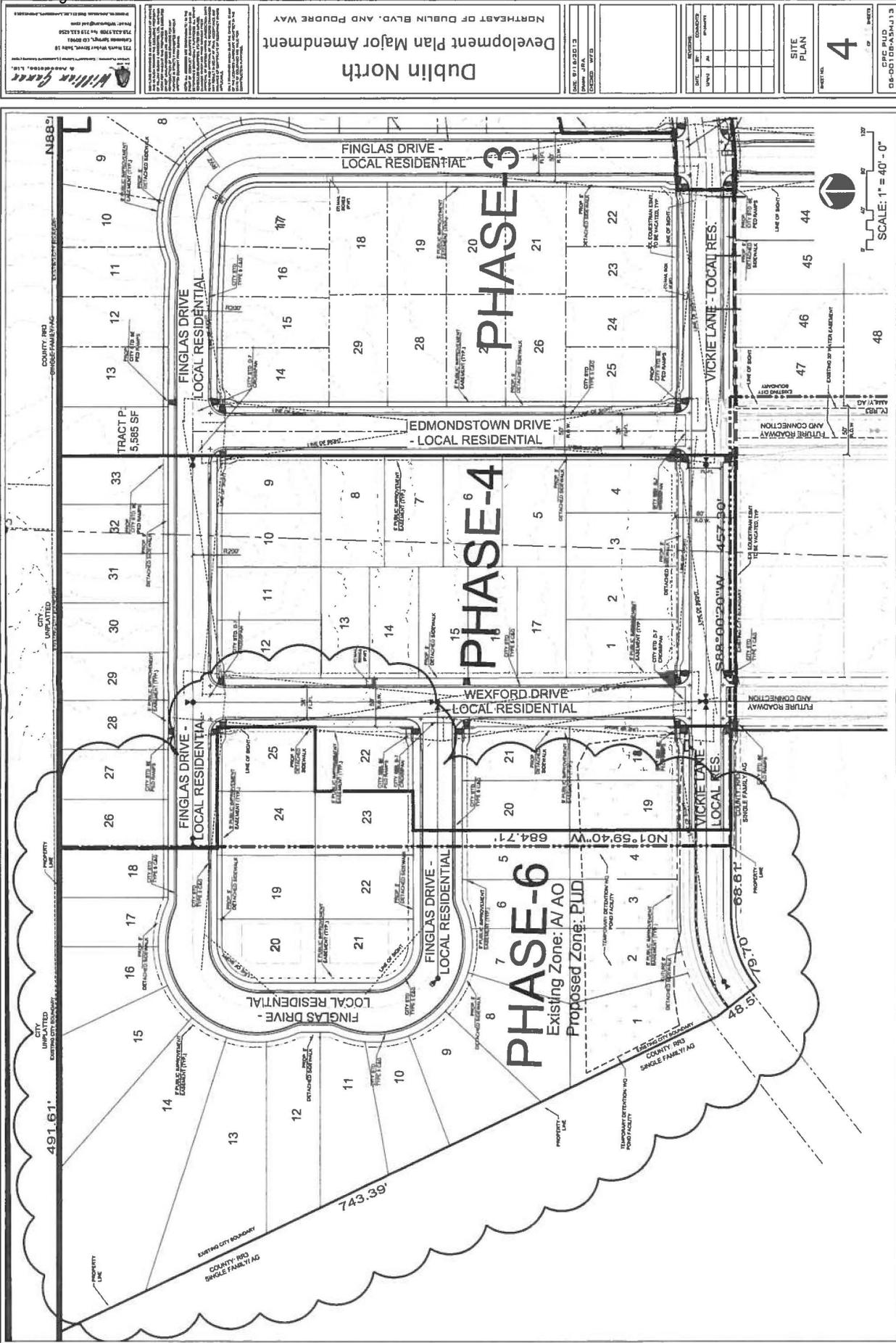


FIGURE 1

William Barker

225 Main Street, Suite 100
 Framingham, MA 01902
 TEL: 508.881.1111 FAX: 508.881.1112
 WWW.WILLIAMBARKER.COM

Dublin North

Development Plan Major Amendment

NORTHEAST OF DUBLIN BLVD. AND POUDRE WAY

DATE: 01/13/13	BY: [Signature]	CONTRACT: [Number]
DATE: 01/13/13	BY: [Signature]	CONTRACT: [Number]
DATE: 01/13/13	BY: [Signature]	CONTRACT: [Number]

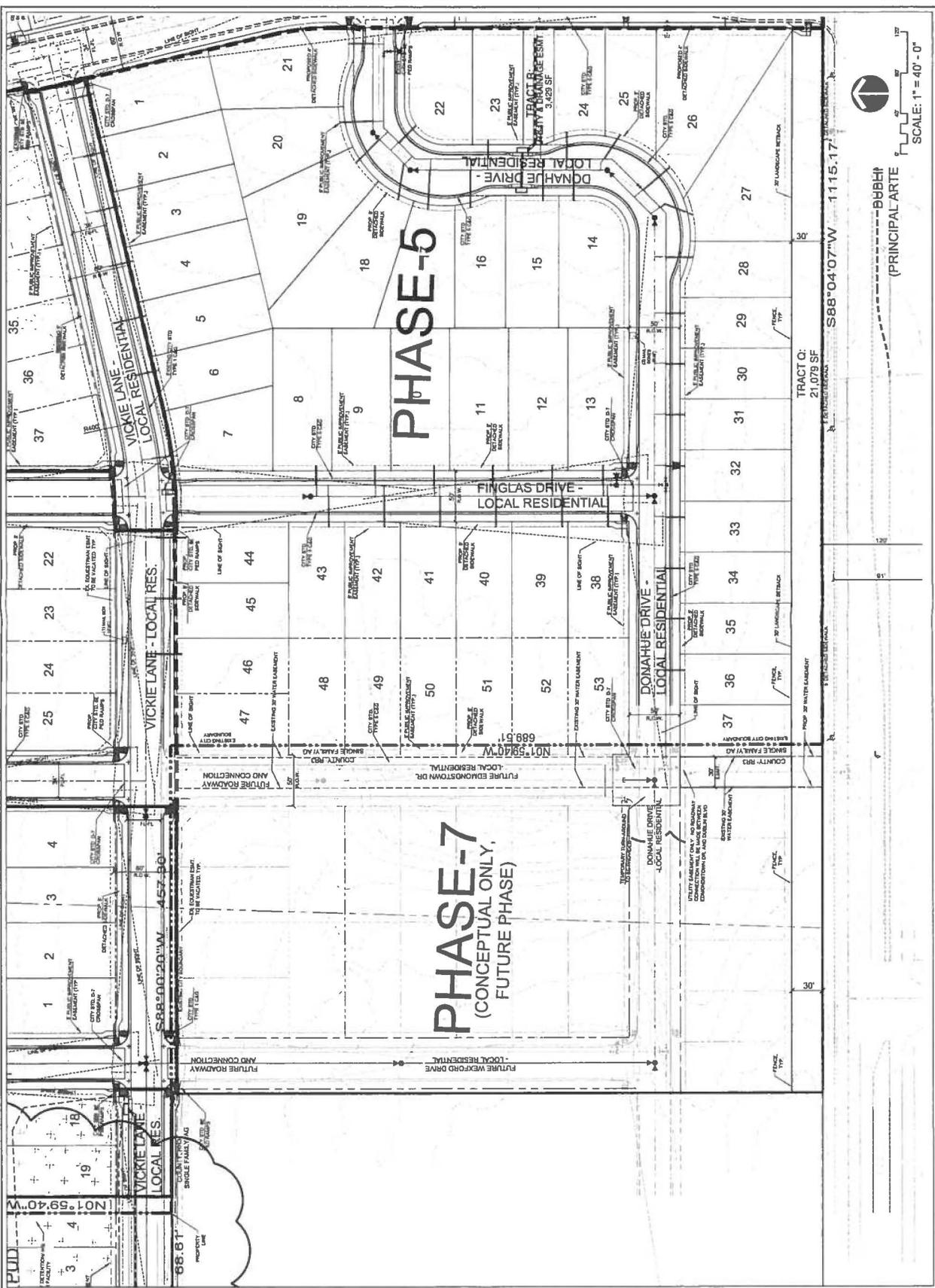


FIGURE 1



William Guman
& Associates, Ltd.

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE

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

October 15, 2013

Larry Larsen, AICP
Senior Land Use Review Planner
Planning & Development
City of Colorado Springs

RE: Dublin North Major Amendment Project Statement

The purpose of this major amendment is to amend the approved Development Plan (CPC PUD 06-00108-A4MN13). The proposal is to include an additional 23 single-family dwelling units in the 5-Acres that is currently shown as Phase 6/ Filing 6. This 5-Acres will also be rezoned from A/ AO to Planned Unit Development (PUD) to match the existing Dublin North zoning. The additional 23 units will bring the total number of units within Dublin North to 211 detached single-family dwelling units. There is no new landscaping proposed within the Phase 6/ Filing 6 area. There are no other changes proposed to lot layouts, streets, utilities, landscape, etc. within previously approved development plan areas. If you have any questions or comments please let me know.

Sincerely,

Jason Alwine, RLA, ASLA

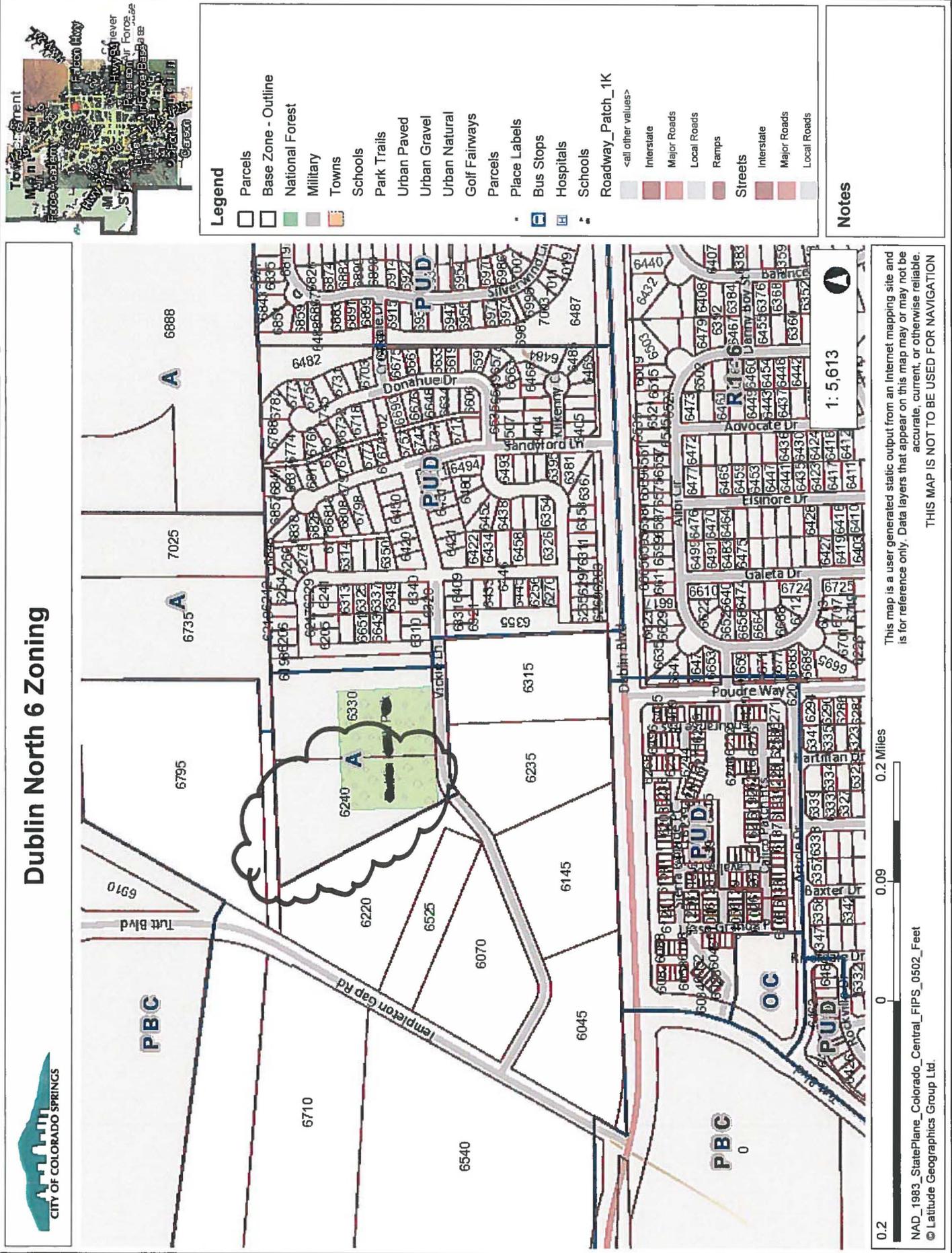


FIGURE 3

**United States Air Force Academy Day
April 1, 2014**

- WHEREAS,** on April 1, 1954, the President Dwight D. Eisenhower signed the bill authorizing the establishment of the United State Air Force Academy, and 2014 marks the 60th year of excellence in producing lieutenants for our Air Force and leaders for our Nation; and
- WHEREAS,** the Academy has a rich tradition of excellence in academics, athletics, and community service; and
- WHEREAS,** the high standards and expectations of such an institution accepts only the finest candidates from around the nation to become leaders in the United States Air Force, and;
- WHEREAS,** 46,039 young men and women have graduated from the United States Air Force Academy and gone on to serve our great nation, many in time of war, and
- WHEREAS,** the future of the United States Air Force, the armed forces as a whole, and the United States of America is dependent on the willingness of such individuals to rise to their calling, and exceed all expectations; and
- WHEREAS,** 181 graduates of this fine institution have lost their lives in defense of our nation; and
- WHEREAS,** the academic program is one of the top in the nation and has produced 37 Rhodes Scholars; and
- WHEREAS,** the Falcon Football Team has won the Commander-in-Chief's Trophy 18 times far surpassing the other Service Academies; and
- WHEREAS,** the Airmanship Programs soar above all others with the Cadet Sailplane Racing Team winning its' ninth consecutive National Sailplane Racing Championship and the Wings of Blue Parachute Team, which represents the United States Air Force worldwide, is the reigning National Champion, winning 34 of the last 45 National Championship Titles; and
- WHEREAS,** cadets volunteer more than 38,000 hours in support of more than 1,000 community service interests nationwide, earning USAFA the 2013 Presidential Higher Education Community Service Honor Roll; and

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

That we reaffirm the City of Colorado Springs' pride in the United States Air Force Academy's contributions to the defense of our nation and commemorate the United States Air Force Academy's 60 years of excellence and its immeasurable contributions to our nation and Colorado Springs, Colorado.

Dated at Colorado Springs, Colorado, this 25th day of March 2014.

Keith King, President of Council

Merv Bennett, President Pro Tem

Helen Collins

Jill Gaebler

Don Knight

Jan Martin

Joel Miller
Class of 1992

Andy Pico

Val Snider

ATTEST:

Sarah B. Johnson, City Clerk

Child Abuse Prevention 2014

WHEREAS, child abuse and neglect is a county-wide problem that is preventable when parents, families, communities and government work together to advocate for caring and safe environments for all children; and

WHEREAS, more than 13,000 reports of child abuse and neglect were received in 2013 by the El Paso County Department of Human Services which provides oversight and protective services to an average of more than 3,400 at-risk children in our county each month; and

WHEREAS, there is overwhelming evidence that child maltreatment can lead to a broad range of short-and-long-term physical and emotional health problems; and

WHEREAS, the long-term effects of child abuse and neglect are felt by our whole community, and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention efforts, such as the Not One More Child Coalition, succeed because of the partnerships created among human service agencies, public health, the District Attorney’s Office, schools, faith and civic organizations, the medical community, law enforcement and first responder agencies, the business community and concerned citizens; and

WHEREAS, it is with thanks to community partners for their contributions in preventing abuse and neglect before it happens by developing family-oriented, community-based prevention, awareness, education, and training programs:

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

That we proclaim our support for the continued collaborative efforts towards effective child abuse prevention and raising the level of awareness in the community and express our sincere appreciate for the dedication of all those involved.

Dated at Colorado Springs, Colorado, this 25th day of March 2014

Keith King, President of Council

Merv Bennett, President Pro Tem

Helen Collins

Jill Gaebler

Don Knight

Jan Martin

Joel Miller

Andy Pico

Val Snider

ATTEST:

Sarah B. Johnson, City Clerk



Regular Agenda Item

Council Meeting Date: March 25, 2014

To: President and Members of City Council

From: Mayor Steve Bach

Subject Title: Confirmation of three Colorado Springs Urban Renewal Authority (CSURA) Board Members

Summary:

As background, CSURA Commissioner, Susan Wood-Ellis' term expires April 1, 2014. After the interview process was complete for this upcoming vacant seat, two additional board members, Rosemarie Venezia and David Isbell, decided to withdraw from continuing on the Board.

The vacant position was posted January 17, 2014 with a closing date of February 15, 2014. Nine citizens came forward expressing interest to serve as a Commissioner on the CSURA Board. All nine applicants were interviewed personally by a panel which consisted of David Neville, Chair of the CSURA; Steve Cox, Chief of Staff; Mike Sullivan, HR Director; Peter Wysocki, Planning Director; and me.

Therefore, brought to Council today for Council's confirmation are three appointees to the CSURA Board. They are:

1. Ms. Valerie Hunter for the remaining one year term of Rosemarie Venezia;
2. Mr. Nolan Schriener for the remaining four year term of David Isbell; and
3. Mr. Peter Scoville to succeed Susan Wood-Ellis for a five year term.

Previous Council Action: None

Background: Whereas the Mayor appoints the Colorado Springs Urban Renewal Authority Board Members and seeks confirmation for three appointees.

Financial Implications: None

Board/Commission Recommendation: Mr. David Neville recommends confirmation of the above three appointees.

Stakeholder Process: None

Alternative: None

Recommendation: Mayor Bach recommends confirmation of the above three citizen appointees.

Proposed Motion:

Attachments: None



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

Interoffice Memorandum

Council Meeting Date: March 25, 2014

To: President and Members of City Council

From: Jerry Forte, P.E., Chief Executive Officer

Subject Title: AN ORDINANCE AMENDING SECTION 108 (UTILITIES CONTRACTS) OF ARTICLE 1 (GENERAL PROVISIONS) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CONTRACTING AUTHORITY

Summary:

Though contract signature authority for Utilities has been delegated by City Council to the Executive Director of Utilities (City Code § 12.1.108), Charter § 4-10 literally states that the Mayor “shall execute all contracts.” Co-parties to Utilities’ financial instruments and the bond market have an expectation Mayor will execute Colorado Springs Utilities (“Utilities”) financial instruments such as bonds, letters of credit and similar financial instruments. As a condition of issuance, the Mayor has been signing Utilities bonds and financial instruments in a ministerial capacity as an accommodation to Utilities.

A Charter amendment specifying that the Mayor executes all contracts other than Utilities contracts could clarify this incongruity. In the short term, however, the Mayor has agreed to continue signing Utilities bonds and financial instruments, provided the ministerial capacity of his signature is stated in the documents and Utilities provides certain reasonable assurances. Utilities has agreed to this signature protocol.

Though City Code delegates to Utilities’ Executive Director the power to execute “all business contracts” for Utilities, City Code, § 12.1.108(B), it is arguably inadequate to allow the Director to sign bonds and financial instruments. This City Code section also does not presently recognize the signature protocol for Utilities’ bonds and financial instruments, which will remain in place until a Charter amendment clarifies the issue. The attached proposed Ordinance amends City Code § 12.1.108 to clarify the Executive Director’s authority with respect to bonds and financial instruments, as well as the capacity in which the Mayor may sign those documents.

Previous Council Action: None

Background:

With the change in the form of government, the Mayor became the chief executive of the City, authorized to enter into all contracts on behalf of the City. Utilities is an enterprise of the City of Colorado Springs (“City”), the revenue of which is derived generally from utility service fees (Charter Article VI; City Code §§ 1.1.106, 12.1.103). Though the Mayor has broad executive powers under the Charter to run and manage the municipal government and operations of the City, (Charter Article IV), he has virtually no control over Utilities. Charter §§ 3-70(e)(2), 4-40(j), 6-10; City Code §§ 12.1.106, 12.1.108.

The absence of Mayoral authority over Utilities is highlighted by Charter § 3-70(e)(2), which indicates that the “Mayor’s authority to disapprove or veto ordinances does not extend to an ordinance pertaining to Article VI, ‘Utilities’ of this Charter”; by Charter § 6-10 which authorizes City Council to employ a Utilities Director who shall appoint and remove all employees of Utilities; and by Charter § 6-40(a) which provides that City Council serves as the Board of Directors for Utilities, upon which the Mayor is only an *ex officio*,

non-voting member. Under the City Code, the management and operation of the Utilities enterprise is delegated to its Executive Director (City Code § 12.1.106), and the Director is expressly authorized to execute all business contracts for Utilities (City Code § 12.1.108).

As required by Charter § 7-80, the revenue bonds and other credit instruments issued on behalf of Utilities are issued in the name of the City, but state that the issuance is for the use and benefit of Utilities and payable solely out of specified revenues of the enterprise. This requirement squarely presents the question whether Charter § 4-10 requires the Mayor to execute bonds, financial contracts and related documents because the obligations are in the name of the City. A number of bond counsel, legal counsel to bond underwriters, and co-party counsel for these transactions have indicated that, based upon the plain language of Charter § 4-10, they expect the Mayor to execute bonds and financial contracts. The Mayor's failure to sign may be perceived as a possible defect or raise a concern regarding authority for the bonds that could affect both procurement of underwriters and marketability of the bonds.

Even though it may be argued that the Mayor's signature is not required for Utilities bonds and financial instruments, as a practical matter, both the literal language of Charter § 4-10 and the bond counsel and financial industry expectations mandate the Mayor's execution.

To accommodate the expectations of the financial industry, the Mayor may sign Utilities financial contracts and related documents as a ministerial or ceremonial function of the head of the City government (Charter § 4-10). However, for clarity, City Code § 12.1.108 should be amended to reflect this signature capacity, that should also be articulated in the text of the bonds and financial instruments.

Financial Implications: None

Board/Commission Recommendation:

The Finance Committee of the Utilities Board recommends approval.

Stakeholder Process: N/A

Alternatives: N/A

Recommendation: Move approval of proposed ordinance.

Attachment:

– Ordinance

ORDINANCE NO. 14-_____

AN ORDINANCE AMENDING SECTION 108 (UTILITIES CONTRACTS) OF ARTICLE 1 (GENERAL PROVISIONS) OF CHAPTER 12 (UTILITIES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO CONTRACTING AUTHORITY

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

Section 1. Section 108 (Utilities Contracts) of Article 1 (General Provisions) of Chapter 12 (Utilities) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

12.1.108: UTILITIES CONTRACTS:

* * *

B. . . . The Executive Director shall not have the authority to execute contracts or financial instruments that encumber or pledge the funds or other assets of the City of Colorado Springs, other than those of the Utilities, or otherwise affect the full faith and credit, of the City of Colorado Springs.

C. Notwithstanding the provisions of section 1.2.313 of this Code, related to the Mayor's powers and duties with respect to City contracts, the Mayor shall not have the duty or power to execute or sign business contracts entered into by Utilities, provided, however, that the Mayor may sign bonds, financial contracts and related documents entered into by Utilities as a ministerial function pursuant to Section 4-10 of the City Charter.

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.

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

CITY ATTY'S OFFICE
CODE CHANGE REVIEW
ATTY INIT _____
DATE ____/____/____

ORDINANCE NO. 14-_____

AN ORDINANCE CONFIRMING THE MAYOR'S
APPOINTMENT OF THE CITY ATTORNEY AND SETTING THE
SALARY OF THE CITY ATTORNEY

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

Section 1. City Council confirms the Mayor's appointment of Wynetta Massey as
the City Attorney for the City of Colorado Springs by a concurring vote of a majority of
the members of City Council.

Section 2. Wynetta Massey shall fulfill the duties and responsibilities of the City
Attorney as set forth in the City Charter § 13-80, City Code Ch. 1, Art. 2, Part 4, and other
applicable laws, rules or regulations.

Section 3. In compliance with City Charter § 13-80, City Attorney Wynetta
Massey's annual salary for 2014 and thereafter until and unless amended by Council
shall be set at _____.

Section 4. The effective date of Wynetta Massey's confirmation as City Attorney
shall be _____.

Section 5. This ordinance supersedes all prior ordinances setting the salary of the
City Attorney that are inconsistent herewith.

Section 6. This ordinance shall be in full force and effect from and after its final
adoption and publication as provided by charter.

Section 7. 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

Delivered to Mayor on _____.

Mayor's Action:

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

Steve Bach, Mayor

Council Action After Disapproval:

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

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk

RESOLUTION NO. _____

A RESOLUTION CONFIRMING THE
MAYOR'S APPOINTMENT OF DIRECTOR OF AVIATION

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

Section 1. Article IV, Section 4-40(f) of the Charter provides that "Subject to confirmation by the concurring vote of a majority of the members of City Council, the Mayor shall appoint individuals to serve at the pleasure of the Mayor..." and further specifies in subparagraph (5) of Section 4-40(f) that this confirmation includes the leader or head of the City's municipal airport.

Section 2. City Council confirms the Mayor's appointment of Dan Gallagher as Director of Aviation for the City of Colorado Springs by a concurring vote of a majority of the members of City Council.

Section 3. The effective date of this confirmation of the appointment of Director of Aviation shall be _____.

DATED at Colorado Springs, Colorado, this ____ day of _____ 2014.

Keith King, Council President

ATTEST:

Sara B. Johnson, City Clerk



Regular Agenda Item

Council Meeting Date: March 25, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

From: Council President Keith King

Subject Title: An Ordinance Creating a New Section of the Code of the City of Colorado Springs Pertaining to a Sales or Use Tax Exemption Within a Commercial Aeronautical Zone

Summary: Colorado Springs is the only full-time towered airport in Colorado, excluding Denver International Airport, with a sales and use tax. The ordinance is designed to enable the airport to eliminate the sales and use tax in the zone on aircraft parts used or consumed in the manufacture, maintenance, repair or overhaul of aircraft, and to encourage new businesses to hanger aircraft, fuel, and conduct maintenance operations at the Colorado Springs airport, thereby increase the number of skilled and highly-paid aircraft mechanic and aeronautic engineering jobs in Colorado Springs, as well as expanding the World War II aviation museum's collection of aircraft and attracting jobs associated with the collection.

Previous Council Action: Council discussed the proposed ordinance at its work session on March 10, 2014, and received input on the issue from City staff and affected businesses.

Background: Colorado Springs airport has the capacity for many businesses on the west side of the airport grounds. We have lost existing business from the airport because we are not competitive with other airports that have a different tax system. The way we can become competitive is to match the tax policies of other Front Range airports. That would mean the elimination of the sales and use tax in the Commercial Aeronautical Zone that would be created with this ordinance.

Financial Implications: Approximately \$200,000 in sales and use tax is collected in the proposed Commercial Aeronautical Zone annually. This ordinance would allow companies to hire employees that would work on the aircraft that would return to the airport because of the tax policy. At least one business has indicated its firm interest in moving 40 high paying jobs to Colorado Springs once the zone is in effect, and other businesses have inquired about the possibility of moving their companies to Colorado Springs.

Board/Commission Recommendation: Interim Aviation Director Dan Gallagher and Mayor Steve Bach have expressed their support of the concept of a Commercial Aeronautical Zone. The Executive Branch has done an analysis and believes that the initial downside risk to revenue is limited and is significantly outweighed by the upside potential of having the Airport reach its potential as an economic driver for the community. Andi Diancur, the Vice Chair of the Airport Advisory Commission, has been very involved in the process of working with the business on the west side of the airport. The Commission is supportive of the concept but has not taken a formal position because they have not seen the ordinance.

Stakeholder Process: Numerous businesses in the affected areas have submitted letters in support of the ordinance, all of which were included in the materials for Council's March 10 work session.

Proposed Motion: Move to approve the ordinance on first reading.

Attachments:

- An Ordinance Creating a New Section 450 (Sales or Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities, and Persons; Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to a Sales or Use Tax Exemption Within a Commercial Aeronautical Zone

ORDINANCE NO. 14-_____

AN ORDINANCE CREATING A NEW SECTION 450 (SALES OR USE TAX IN A COMMERCIAL AERONAUTICAL ZONE) OF PART 4 (EXEMPT TRANSACTIONS, COMMODITIES, AND PERSONS; DEDUCTIONS) OF ARTICLE 7 (SALES AND USE TAX) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO A SALES OR USE TAX EXEMPTION WITHIN A COMMERCIAL AERONAUTICAL ZONE

WHEREAS, City Council finds that the City's economic vitality is enhanced and strengthened through development of a thriving and self sustaining business environment associated with the Colorado Springs Airport; and

WHEREAS, City Council finds that businesses that purchase, lease, manufacture, repair and overhaul commercial aircraft are important contributors to job retention and creation and the City's business climate in general; and

WHEREAS, City Council finds that encouraging business spending and enhancing business transactions related to commercial aeronautical activities will further foster the business friendly climate Colorado Springs promotes; and

WHEREAS, the beneficial effects of job growth and enhanced business spending at the Colorado Springs Airport has a multiplier effect beyond the boundaries of the Airport property and contributes to the economic vitality of the City; and

WHEREAS, City Council finds that attracting new businesses and allowing existing businesses to expand through sales tax exemptions has a public and municipal purpose and is good public policy.

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

Section 1. A new Section 450 (Sales or Use Tax in a Commercial Aeronautical Zone) of Part 4 (Exempt Transactions, Commodities and Persons: Deductions) of Article 7 (Sales and Use Tax) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

2.7.450: SALES OR USE TAX IN A COMMERCIAL AERONAUTICAL ZONE:

A. There shall be exempt from sales or use tax under this City Tax Code:

1. The sale, purchase, lease, rental, use, storage, distribution or consumption of any aircraft within the commercial aeronautical zone.

2. The sale, purchase, lease, rental, use, storage, distribution or consumption of any aircraft parts used or consumed in the manufacture, maintenance, repair or overhaul of aircraft within the commercial aeronautical zone.

3. The sale, purchase, lease, rental, use, storage, distribution or consumption of supplies, equipment, tooling, solvents and/or paints that are used or consumed in the course of manufacture, maintenance, repair or overhaul of aircraft or capital equipment within the commercial aeronautical zone, and that are necessary and essential to these operations. Items that are incidental to these operations, such as office machines, office supplies, cleaning supplies, transportation equipment and other incidental items are not exempted by this section. For purposes of this subsection, "equipment" shall include equipment for manufacture, maintenance, repair or overhaul, notwithstanding the definition of "equipment" in section 2.7.104 of this article.

4. Purchase or lease of capital equipment directly and exclusively used or consumed in the manufacture, maintenance, repair, or overhaul of aircraft within the commercial aeronautical zone.

B. For the purposes of this section, the term "commercial aeronautical zone" shall mean the area encompassed by the geographical boundaries of the Colorado Springs Airport, within which a business engages in activities, including but not limited to purchase, lease, manufacture, repair, overhaul, storage or use of aircraft parts, supplies or solvents, including paints, in the course of manufacture, repair or overhaul of aircraft. Such businesses with frontage on a roadway within, or contiguous to, the geographical boundaries of the Colorado Springs Airport shall be included in the commercial aeronautical zone regardless of whether the physical location of the frontage is within the geographical boundary of the Colorado Springs Airport.

Section 2. This ordinance shall be in full force and effect on the first day of June 2014, 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 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



Regular Agenda Item

Council Meeting Date: March 25, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

Via: Steven W. Cox, Chief of Staff /Chief Administrative Officer

From: Peter Wysocki, Planning and Development Director

Subject Title: **CPC MP 04-00280-A1MJ13 – MASTER PLAN AMENDMENT
Design Guidelines for the North Nevada Urban Renewal Area**

SUMMARY:

The Colorado Springs Urban Renewal Authority (CSURA) requests approval of design guidelines for the North Nevada Avenue Urban Renewal Area (NNAURA). If adopted, new development and redevelopment projects within the NNAURA would be evaluated against the guidelines by the CSURA. The NNAURA includes approximately 390 acres with 26 separate property owners and extends north from the southeast and southwest corners of Nevada Avenue and Austin Bluffs Parkway/Garden of the Gods Road along Nevada Avenue to the intersection with Interstate 25 on the west side of Nevada Avenue and to the 5900 block of Nevada Avenue on the east side. While the University of Colorado, Colorado Springs (UCCS) is within the boundaries of the NNAURA the design guidelines will not apply to UCCS projects. State institutions are exempt from local zoning.

Additional background and discussion is provided in the attached Planning Commission staff report.

PREVIOUS COUNCIL ACTION:

The NNAURA was established in 2004. Pursuant to State statutes, urban renewal plans must be approved by the governing bodies. As such, the NNAURA urban renewal plan was adopted by the City Council in 2004 as a “master plan” for the area, as there is no other process identified in City Code. Historically, the City has adopted urban renewal plans as “master plans”, although local adoption process is not specified in State statutes. Because the City adopts urban renewal plans as master plans, they are also reviewed by the Planning Commission.

BACKGROUND:

The CSURA now wishes to establish design guidelines and seeks the authority to enforce the design guidelines either through its own review process or vis-à-vis City's development review process. At present time, the City does not have a method of enforcing design guidelines through the standard development plan review process as there is no specific criterion in the zoning ordinance for projects to comply with design guidelines. The City has in the past approved design guidelines as part of overlay districts or the Form-Based Zone (FBZ). However, there is no special zoning or overlay for the NNAURA. Therefore, staff recommends adoption of the proposed design guidelines as an amendment to the NNAURA urban renewal plan.

The current NNAURA plan does not include comprehensive design guidelines that would specifically apply to private properties. The plan includes a section entitled "Design Standard Objectives" which provides generally desired character and appearance of public and private improvements within the area and its corridor. Pursuant to State statutes, the Council must make a determination that the inclusion of the design guidelines is not a "substantial" modification of the original urban renewal plan. If the Council determines that the addition of these design guidelines is a substantial modification, the adoption would need to go through a more extensive hearing process. Given that there are no changes in the boundary, policies, financing strategies or objectives, the URA believes, and staff concurs, that inclusion of the design guidelines does not constitute a substantial modification. Furthermore, the URA has prepared the design guidelines through a public process, notifying the property owners within the boundary of the plan. Notices were also sent to the property owners prior to the Planning Commission and City Council meetings.

FINANCIAL IMPLICATIONS:

There should be no direct financial implications to the City from this action.

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission unanimously approved the revised document at its December 19, 2013 meeting.

The Planning Commission had initially considered the Design Guidelines at its November 21, 2013 meeting. However, the Commission did not take action. The Commission was concerned about the general applicability of the Design Guidelines to existing developments and enforcement process. The Commission requested that the applicability section of the Design Guidelines be clarified that they are not applicable unless improvement of the property requires a land use application (such as development plan) and that the enforcement responsibility falls under the URA. Section 2 of the Design Guidelines was modified accordingly.

STAKEHOLDER PROCESS:

Postcards were mailed to 26 property owners within the boundaries of the NNAURA on four occasions: 1) prior to the neighborhood meeting on February 26, 2013; 2) after the application was submitted on July 16, 2013; 3) prior to the Planning Commission meeting of November 21, 2013; 4) prior to this meeting. Only a few people (less than 10) attended the neighborhood meeting and only one person inquired about the guidelines after the application was submitted. Questions were related to how the design guidelines would impact their ability to develop or redevelop their property.

Councilman Knight also sent an informational email to:

- o Comstock Village HOA
- o Discovery/Rockrimmon HOA
- o Golden Hills HOA
- o Dublin Area
- o Cragmor Village Neighborhood Assn
- o Eagle Rock Homeowners Assn.
- o Erindale Place Homeowners Assn.

These HOAs were selected to be representatives of neighborhoods which would most directly use and benefit from the current and future improvements of the North Nevada corridor. The purpose of the email was to notify the HOAs (and by doing so, notify the neighborhood residents) that the Council is considering adopting these guidelines. And, thought although they currently would only apply to the Urban Renewal area, the Council may use them as a model for possible future redevelopment efforts of the North Nevada corridor between Austin Bluffs and Fillmore.

City Planning staff participated with CSURA and its consultant in drafting the design guidelines, although to a limited degree.

ALTERNATIVES:

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

Should the Council wish to grant greater enforcement authority to City staff, an amendment to Chapter 7 of City Code would be necessary. The amendment could either establish an overlay zone specific to this area, or include additional review criteria – requiring compliance to the design guidelines - to the various land use applications.

RECOMMENDATION:

Staff and the City Planning Commission recommend approval of the Design Guidelines.

PROPOSED MOTION:

CPC MP 04-00280-A1MJ13 – Master Plan Amendment

Move to approve the Master Plan Amendment to the North Nevada Area Urban Renewal Master Plan by including the North Nevada Avenue Corridor Urban Redevelopment Area Design Guidelines, as recommended by the City Planning Commission, based on the determination that the new design guidelines are not a substantial modification of the existing urban renewal plan.

Attachments:

- Proposed Design Guidelines
- Planning Commission Agenda (staff report)
- Planning Commission Record of Decision (minutes)

NORTH NEVADA AVENUE CORRIDOR

URBAN REDEVELOPMENT AREA DESIGN GUIDELINES

Colorado Springs, Colorado

05 DECEMBER 2013

Prepared for the Colorado Springs Urban Redevelopment Authority



LOGAN SIMPSON DESIGN INC.

ACKNOWLEDGMENTS

Colorado Springs Urban Renewal Authority Board

David Neville, *Chairman*
Wynne Palermo, *Vice Chairman*
Michael Collins
Scott Hente
Judy Noyes
Jim Raughton
Robert Shonkwiler
Rosemarie Venezia
Susan Wood-Ellis

CSURA Staff

Jim Rees, *Executive Director*
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Gary Reynolds, *Executive Director of Facilities Services*

University Village Colorado

Kevin Kratt, *Kratt Commercial Properties*
Tom Cone, *The Olive Real Estate Group Inc.*

Logan Simpson Design Inc.

Jana McKenzie
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Jon Altschuld

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1. PURPOSE & INTENT OF THE GUIDELINES

The North Nevada Corridor extends from Interstate 25 to Garden of the Gods Road and is located within the northwest quadrant of Colorado Springs.

The Urban Renewal Area is 394 acres, bounded by Monument Creek to the west, Pulpit Rock Open Space to the northeast, and the University of Colorado - Colorado Springs (UCCS) campus to the southeast (refer to Figure 1.1-A).

The purpose of these design guidelines is to provide residents, developers, designers, engineers, and planners the basic information necessary to design, construct, and maintain a project that is in keeping with the guiding principles and character of the North Nevada Urban Renewal Area. The General Design Guidelines (Section 4), General Architectural Guidelines (Section 5), Signage Guidelines (Section 7) and Lighting Guidelines (Section 8) apply to all development. Additional requirements applicable to specific types of developments are contained in Special Uses Guidelines (Section 6).



Figure 1.1-A. Urban Renewal Area

2. RELATIONSHIP TO OTHER DOCUMENTS AND APPROVALS

These Design Guidelines build upon the vision and goals identified within the December 2004 North Nevada Area Corridor Urban Renewal Plan, and the North Nevada Avenue Master Plan prepared in 2008 and as subsequently amended. The Design Guidelines are considered an advisory document to be used by the Colorado Springs Urban Renewal Authority (CSURA) in the review of zone change, plat, concept plan and development plan applications. Applications for projects which have been filed with the city and properties that were developed prior to the adoption of these Design Guidelines will only be required to conform to the Design Guidelines if and when the property is redeveloped and requires a zone change, plat, concept plan and/or development plan submittal as required by the City of Colorado Springs City Code.

Since its designation as an urban renewal area (URA) by the Colorado Springs City Council in 2004, the University Village Colorado developer consolidated numerous land parcels on the west side of North Nevada Avenue and created a new retail shopping area called "University Village." This retail center now sets the standard for quality of design for future redevelopment within the URA.

City of Colorado Springs/Regional Building Department Review and Approval Requirements:

The City of Colorado Springs has adopted certain zoning ordinances, land use codes and subdivision ordinances which include use restrictions, specific requirements and various performance standards, and the Pikes Peak Regional Building Department has similarly adopted certain building codes and construction standards, methods and requirements, all of which are collectively referred to herein as the "City Land Use and Building Requirements." The standards, requirements and prohibitions contained in these Design Guidelines are in addition to, and do not supersede, the other City Land Use and Building Requirements, which City Land Use and Building Requirements must be separately complied with. To the extent that any of the provisions of these Design Guidelines are in direct conflict with the other City Land Use and Building Requirements, the more restrictive provisions shall control, with the express understanding that these Design Guidelines may be more restrictive than the City Land Use and Building Requirements, but may not be less restrictive.

Colorado Springs Urban Renewal Authority's Review and Approval Requirement:

All projects proposed within the boundaries of the URA shall also be submitted to the Colorado Springs Urban Renewal Authority (CSURA) to verify compliance with the Urban Renewal Plan and these Design Guidelines. The CSURA review and approval process is a separate but integral part of the City of Colorado Springs' development review process. CSURA will review an applicant's proposed plat, development plan, landscaping plan,

zoning application and construction drawings (including, but not limited to, plans for all buildings, structures, fencing, signage, lighting, landscaping and uses, and collectively, the “Applicant Submittal Documents”). CSURA’s review and determination of approval or disapproval may be done by CSURA administrative staff or by the CSURA Board (as determined by CSURA). CSURA may further require the applicant to present its Applicant Submittal Documents at a CSURA Board meeting. CSURA’s approval, rejection, or comments upon any or all of the Applicant Submittal Documents, including any required revisions, modifications or amendments thereto required by CSURA, will be set forth in writing and distributed to the applicant, as well as to the City’s Land Use Review Division. CSURA may exercise reasonable discretion in determining whether the Applicant Submittal Documents meet the goals, objectives, vision and standards set forth in the Urban Renewal Plan and these Design Guidelines. CSURA’s approval does not imply that the Applicant Submittal Documents comport with any other requirements, codes, restrictions or regulations, including but not limited to the other City Land Use and Building Requirements. CSURA does not have the authority to waive or otherwise alter or amend any of the other City Land Use and Building Requirements, all of which must be separately met by any applicant.

3. THE VISION

The Vision for the North Nevada Avenue Corridor Urban Renewal Area describes the characteristics of the area when development and/or redevelopment is accomplished. The design guidelines contained in this document are crafted to assist in the realization of this Vision.

The North Nevada Avenue Corridor Urban Renewal Area will be a *thriving, high-quality, mixed-use district* that is complementary to and synergistic with the University of Colorado, Colorado Springs (UCCS). The quality of the development, and the thoughtfulness with which it is designed will provide an attractive entryway to UCCS, and attract customers to shop, dine, and be entertained, as well as accommodate people who want to live, work and establish businesses in the district. Mixed uses in the same building, such as retail and commercial uses on the ground floor, and offices and residential uses above, are encouraged. Increasing the development density over time through construction of taller buildings is also encouraged, which will provide a critical mass of residents and employees to support the local businesses.

Buildings are *designed to be interesting* to both motorists and pedestrians. They are *built of high-quality materials* with varying textures, wall planes and accent features. The roadways and the buildings at their edges frame spaces that support people’s need for shelter, shade and creature comforts.

Development along North Nevada Avenue is designed to support a *continuous streetscape character*, using buildings, solid screen or landscaping to obscure large parking lots and other less attractive elements. Signs identifying businesses are sensitively placed to not overpower the streetscape or development character, while providing the information that is necessary to direct people to their destinations.

The roadway and pathway system is networked and intuitive so that *driving, walking and bicycling is convenient, comfortable, enjoyable and safe*.

4. GENERAL DEVELOPMENT GUIDELINES

4.1. BLOCK DIMENSIONS, CONNECTIVITY & DEVELOPMENT ACCESS

4.1-1. All development should be arranged in a pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape and floodplain. Each block face should range between a minimum of two hundred (200) feet and a maximum of six hundred (600) feet. Block faces that exceed four hundred (400) feet in length, should include a mid-block pedestrian pass-through to connect opposite sides of block faces (Refer to Figure 4.1-A).

4.1-2. For parking lots with more than 40 spaces, parking bays shall extend no more than 20 parking spaces without an intervening tree, landscape island, or landscape peninsula. (Refer to Figure 4.1-B).

4.1-3. Internal streets should be aligned to connect with existing or planned external streets of equivalent functional classification in order to create through street connections from new development to adjacent development. Where it is necessary to prevent cut-through traffic from entering residential areas, street alignments shall be discontinuous and traffic calming improvements shall be utilized. (Refer to Figure 4.1-C. Conceptual Roadway Network Diagram).

4.1-4. Vehicular access to a new development/redevelopment should be provided through an internal street system that is coordinated with other development. No additional access to North Nevada Avenue will be allowed. Existing drive access points to businesses may remain. However it is recommended that with redevelopment, internal roads be constructed to provide alternative access to a group of parcels in order to ultimately reduce the number of drive access on North Nevada Avenue. (Refer to Figure 4.1-C. Conceptual Roadway Network Diagram).

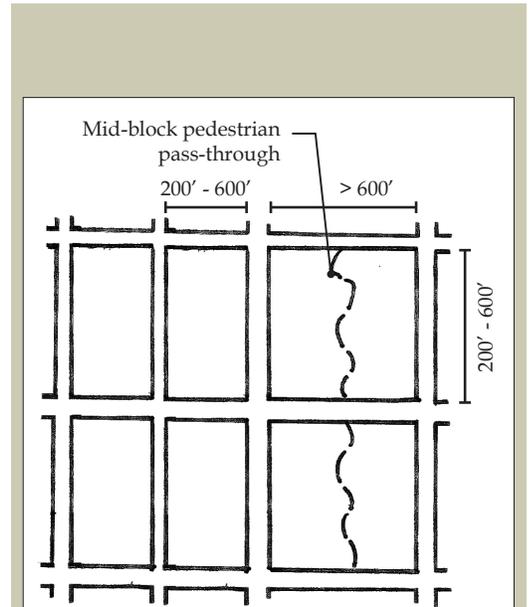


Figure 4.1-A. Block Diagram

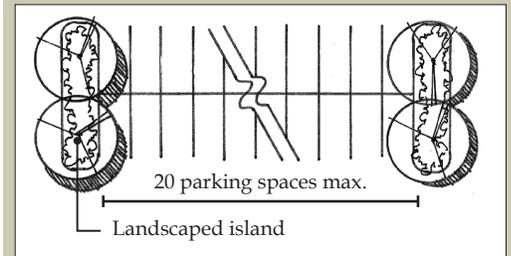


Figure 4.1-B. Parking Lot Landscaping



Figure 4.1-C. Conceptual Roadway Network Diagram

4.1-5. New parking lots should be designed to connect to future adjacent development and not require a vehicle to reenter an external street including North Nevada Avenue in order to drive between parcels. Accessing adjacent development via internal streets should be allowed.

4.1-6. Pedestrian and bicycle networks shall be provided to invite walking and bicycle use throughout the development, and to connect with regional systems in the area. Individual parcels and sites shall be integrated in an overall pedestrian system that provides direct connectivity between buildings and use areas.

4.1-7. Provide equal access in a manner that integrates handicapped-accessibility with ordinary accessibility, rather than separately.

4.1-8. Provide a connecting walkway between North Nevada Avenue and destinations interior to development, or through a large parking lot at a spacing not to exceed six hundred (600) feet, unless provided along a street (Refer to Figure 4.1-D).

4.1-9. Pedestrian walkways within the North Nevada Avenue ROW should be provided at a minimum of nine (9) feet in width (Refer to Figure 4.1-D).

4.1-10. Pedestrian walkways should provide relief from the paved expanses of parking lots and streets. Therefore, pleasant, efficient and direct pedestrian walkways should be designed with trees to shade the walks, attractive landscaping and amenities such as benches and lighting (Refer to Figures 4.1-E and 4.1-F).

4.1-11. For pedestrian walkways between rows of cars, limit car bumper overhangs so walks aren't blocked, and a minimum of 5' of walkway is kept clear.

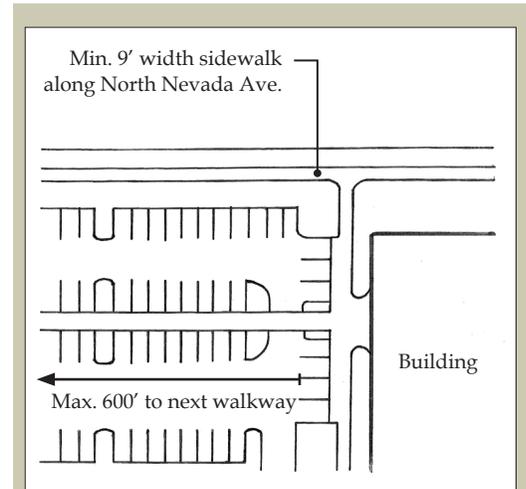


Figure 4.1-D. Pedestrian Connections

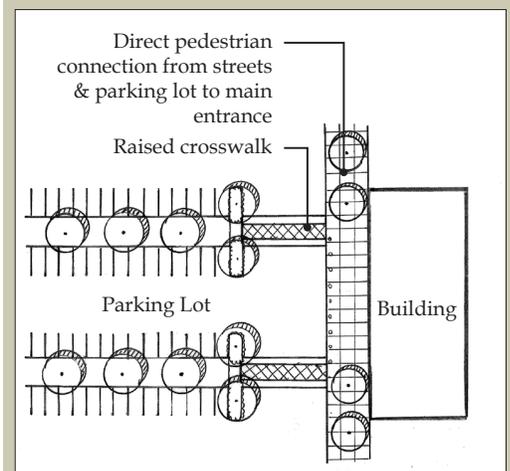


Figure 4.1-E. Pedestrian Walkways



Figure 4.1-F. University Village Pedestrian Walkway



Figure 4.1-G. University Village Crosswalk

4.1-12. Pedestrian crosswalks across major drives and streets, with the exception of North Nevada Avenue, should be designed with different paving types (Refer to Figures 4.1-G 4.1-H).

4.1-13. Provide curb bulges and pedestrian refuges along streets that include on-street parking to reduce crossing distances and provide adequately sized and visible waiting areas (Refer to Figure 4.1-H).

4.1-14. Provide bicycle parking near building entrances that equals five (5) percent of the number of parking spaces, but not less than one (1) per development.

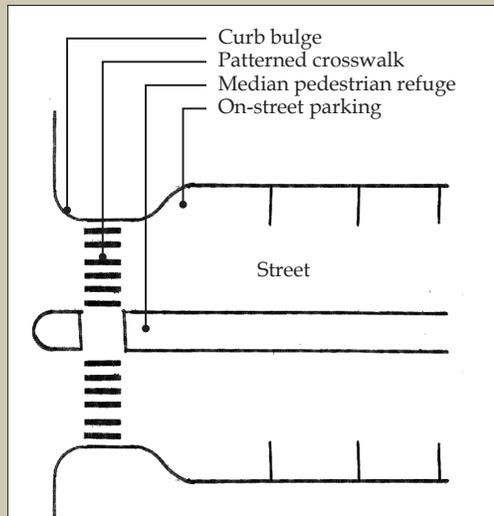


Figure 4.1-H. Pedestrian Crossing

4.2. SITING & PLACEMENT

4.2-1. For North Nevada Avenue and major connecting streets, and where constraints allow, the build-to line for the length of the street frontage should be set at or within ten (10) feet of the required setback (Refer to Figure 4.2-A).

4.2-2. To encourage pedestrian-friendly streets by bringing buildings close to pedestrian sidewalks and roadways along internal streets, the City encourages principal nonresidential buildings to be built to the back edge of the public sidewalk (zero (0) feet build-to line), except as necessary to allow room for outdoor seating and service areas, outdoor sales and displays, landscaping, emphasized entryways integral to the building design, and similar pedestrian and customer amenities. (Refer to Figure 4.2-B).

4.2-3. Where possible, and appropriate place buildings near buildings on adjacent properties and share outdoor amenities areas (e.g. central courtyards, recreation facilities, open space areas).

4.2-4. Berming, landscaping and/or reverse-mode building placement (next to street with parking behind) should be incorporated along arterial and collector roadways to create streetscapes that are not dominated by views of parking. Refer to the Colorado Springs, Colorado City Code, Chapter 7, Article 4, Part 3 Landscaping Standards for parking lot landscaping and screening requirements.

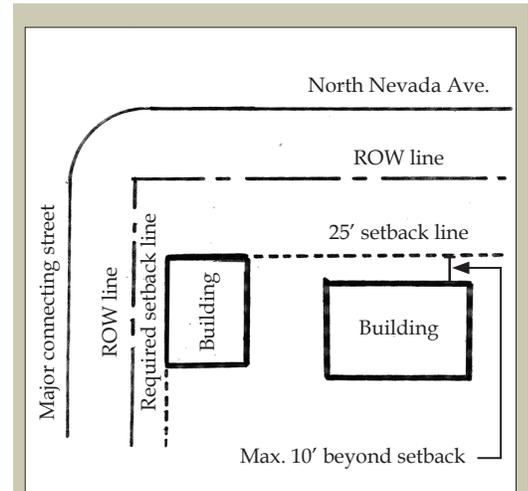


Figure 4.2-A. Building Placement at North Nevada Avenue

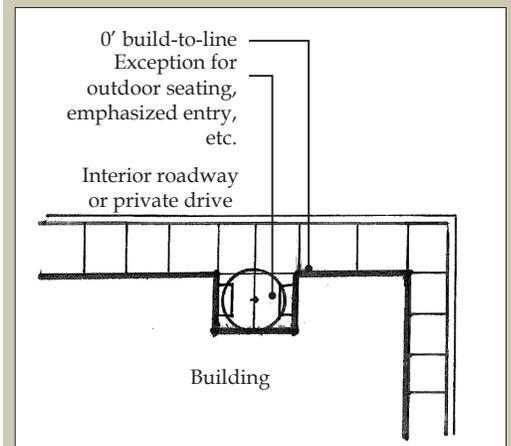


Figure 4.2-B. Building Placement Internal to Development



Figure 4.3-A. Example Photographs of Site Amenities and Features



Figure 4.3-B. North Nevada Streetscape

4.3. AMENITIES

4.3-1. Incorporate at least one (1) of the following on-site amenities or features as highly visible, easily accessible outdoor focal points or gathering areas (Refer to Figure 4.3-A):

- patio or plaza with seating areas;
- landscaped mini-park, square or green that is designed to be a public gathering area;
- public art, such as a sculpture, mural, and/or fountain, and as approved by the CSURA Board;
- protected walkways, arcades, or other easily identifiable building pass-through containing window displays and intended for general public access;
- outdoor public area visible from a public sidewalk;
- other well-designed area and/or focal feature that the CSURA Board finds consistent with the intent of this subsection; and/or
- streetscape furnishings, landscaping and amenities along North Nevada Avenue frontage that matches, at a minimum, standards set by the University Village.

4.3-2. Provide planter pots, hanging baskets, or landscape planters (at grade or raised) along pedestrian walks to break up large expanses of pavement and add visual interest.

4.3-3. Provide streetscape enhancements alongside and within the North Nevada ROW that match the recently constructed landscape, pavements, corner treatments and site amenities. (Refer to Figure 4.3-B.)

5. GENERAL ARCHITECTURAL GUIDELINES

5.1. QUALITY

5.1-1. All sides of the building should include materials and design elements consistent with those on the front façade (Refer to Figure 5.1-A).

5.1-2. Include a minimum of two (2) different façade treatments per building side (stone and stucco, etc.)

5.1-3. Develop structures that incorporate creative design while fitting within the context of the North Nevada Corridor and, where applicable, UCCS standards.

5.1-4. Provide a high level of craftsmanship in construction.

5.1-5. Design structures to be compatible with adjacent development.

5.1-6. Establish a maintenance framework that ensures a continuing high level of quality in the future.

5.2. COMPATIBILITY WITH EXISTING REDEVELOPED AREAS

5.2-1. New developments in or adjacent to existing developed areas should be compatible with or complementary to the established architectural character. Compatibility may be achieved through techniques such as:

- repetition of roof lines;
- use of similar proportions in building mass and outdoor spaces;
- use of similar relationships to the street; and/or
- use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development (Refer to Figure 5.2-A).



Figure 5.1-A. Example Photos of Four-sided Architectural Detailing



Figure 5.2-A. Example Photos of Existing Exterior Materials



Figure 5.3-A. Example Photos of Preferred Exterior Materials

5.3. EXTERIOR MATERIALS

5.3-1. Exterior building materials should:

- not create excessive glare;
- with the exception of windows, be natural/indigenous in character;
- be selected to provide a variety of textures per building façade, provide visual balance and avoid an excessive variety of materials;
- provide greater visual and textural interest at building entrances and architectural opportunities and areas that are highly visible to the public; and
- be chosen for their suitability, durability and visual continuity.

5.3-2. Preferred exterior materials are as follows (Refer to Figure 5.3-A):

- brick;
- textural concrete block, integral color;
- textured architectural precast panels, painted and/or cast-in textures;
- site-cast concrete panels, painted and/or cast-in textures;
- wood;
- natural stone and synthetic stone products;
- metal panels and/or accent elements;
- stucco (EIFS);
- glazing (non-reflective);
- smooth face concrete block, used in combination with other textural materials; and/or
- other similar high quality materials.

5.3-3. Prohibited exterior materials and treatments are as follows:

- highly reflective wall treatments;
- single-color/ material walls without mass breaks;
- reflective glazing, of over sixty-five (65) percent reflectivity; and
- exposed neon or color tubing (except in entertainment uses).

5.4. VARIATION IN MASSING

5.4-1. A single, large, dominant building mass should be avoided.

5.4-2. Horizontal masses should not exceed a height/width ratio of one (1) vertical to three (3) horizontal without substantial variation in massing that includes a change in height and projecting or recessed elements (Refer to Figure 5.4-A).

5.4-3. Buildings should relate well to each other by providing transitions in building heights.

5.4-4. Taller buildings (four (4) stories or more) should be stepped back or should provide significant mass breaks to decrease the apparent mass of the building. Wider, longer buildings should be stepped or broken in elevation by combination of massing breaks and/or material changes (Refer to Figure 5.4-B).

5.5. FAÇADES

5.5-1. Provide a unique architectural feature that is taller than other portions of the building on façades that face North Nevada Avenue.

5.5-2. No façade that faces North Nevada Avenue or pedestrian walkway should have a blank, uninterrupted length exceeding thirty (30) feet. Suggested variations are as follows (Refer to Figure 5.5-A):

- change in plane;
- change in color;
- recessed face;
- change in texture or masonry pattern;
- windows;
- porticos, awnings or canopies; and/or
- visual architectural features such as:
 - columns;
 - ribs or pilasters; and/or
 - piers and fenestration pattern.

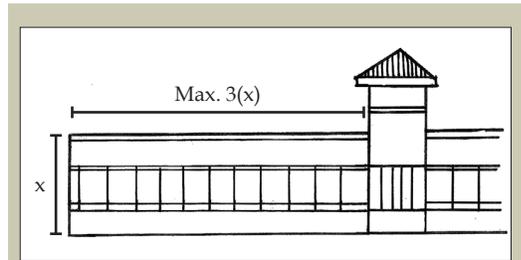


Figure 5.4-A. Building Massing

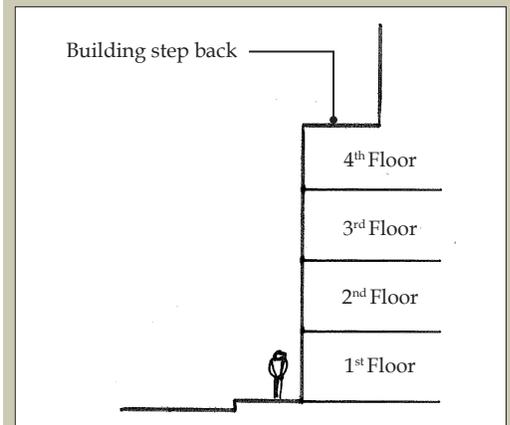


Figure 5.4-B. Building Step Back

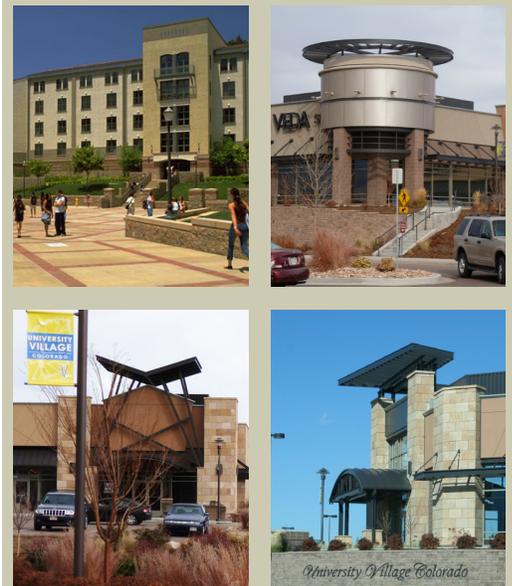


Figure 5.5-A. Example Photos of Unique Architectural Features



Figure 5.6-A. Example Photos of Building Entrances

5.5-3. Side and rear façades of the building should include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades should be prohibited except where façades are not visible from the public right of way or common open space. Service entrances should be planned to be visually unobtrusive to site entries, building entrances and public right-of-ways.

5.5-4. Screen wall materials to be similar or complementary to building materials.

5.6. ENTRANCES

5.6-1. Primary building entrances should be clearly defined and provide shelter.

5.6-2. Entrances should be designed to integrate wall signs with the design of the structure.

5.6-3. Primary entrances should be easily identifiable to both vehicular visitor and pedestrian.

5.6-4. Retail buildings should feature a combination of the suggested items listed below (Refer to Figure 5.6-A):

- canopies, overhangs or porte cochères;
- recesses/projections;
- arcades, porticos;
- raised cornice parapets over the door;
- peaked roof forms at entryway;
- arches;
- material change;
- door(s) which provide a focal element at the entrance;
- functional outdoor patios;
- windows;
- architectural details such as tile work, moldings, exposed trusses, columns and other similar details, which provide interest and are integrated into the building structure and design;

- integral planters or wing walls that incorporate landscaped areas and/or places for sitting; and/or
- special features such as a sculpture, a water feature or a similar element (excluding features or images which are trademarked or in some way related to a specific business such as a logo).

5.7. ROOFTOP TREATMENTS

5.7-1. Rooftop mechanical units, dishes, and other miscellaneous equipment should be screened from view as an integral part of the building design. Screen material should be of the same or compatible material, texture and color to the building architecture (Refer to Figure 5.7-A).



Figure 5.7-A. Example Photo of Rooftop Screening

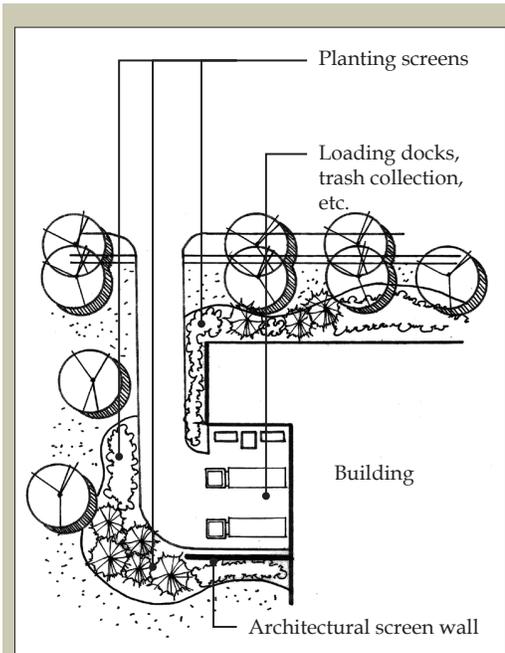


Figure 6.1-A. Service Entrances

6. SPECIAL USES GUIDELINES

The following categories define requirements in addition to those identified under the General Development Guidelines (Section 4) and General Architectural Guidelines (Section 5).

6.1. SERVICE AREAS

6.1-1. These requirements apply to, but are not limited to above-ground utility appurtenances, loading docks, storage areas, and open areas where machinery, vehicles or equipment are stored or repaired.

6.1-2. No areas for outdoor storage, trash collection or compaction, loading or other such uses should be located within fifty (50) feet of the North Nevada Avenue right-of-way, and should be located at the rear or side of the associated building.

6.1-3. Loading docks, truck parking, outdoor storage, utility meters, HVAC and other mechanical equipment, trash collection, trash compaction and other service functions should be located and screened so that the visual and acoustic impacts of these functions are contained and buffered from the North Nevada right-of-way or public sidewalks and trails (Refer to Figure 6.1-A).

6.1-4. Screening measures should provide sixty (60) percent coverage of the screened element and be incorporated into the overall design of the building and site, so that the architectural design of the building and screening is compatible. Suggested screening materials include:

- plants;
- walls that are the same as the primary building material;
- fences;
- topographic changes; and/or
- a combination of these techniques.

6.1-5. Screening materials are not to be constructed of plain or smooth faced concrete block and/or wood fencing.

6.2. LARGE TENANT RETAIL

6.2-1. These standards are intended to ensure that large, retail building development (>25,000 gross SF) is compatible with its surrounding area and exhibits similar four-sided architectural treatments.

6.2-2. Façades greater than one hundred (100) feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the façade and extending at least twenty (20) percent of the length of the façade (Refer to Figure 6.2-A).

6.2-3. No uninterrupted length of any façade should exceed thirty (30) percent of the façade's total length, or one hundred (100) horizontal feet, whichever is less (Refer to Figure 6.2-A). Wall plane interruptions can be any of the following:

- change in plane;
- change in color;
- recessed face;
- change in texture;
- windows;
- porticos, awnings or canopies;
- columns; or equivalent.

6.2-4. Screening can be used as a substitute for wall plane interruptions on secondary building façades.

6.2-5. Primary ground floor façades that face public streets should have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50) percent of their horizontal length.

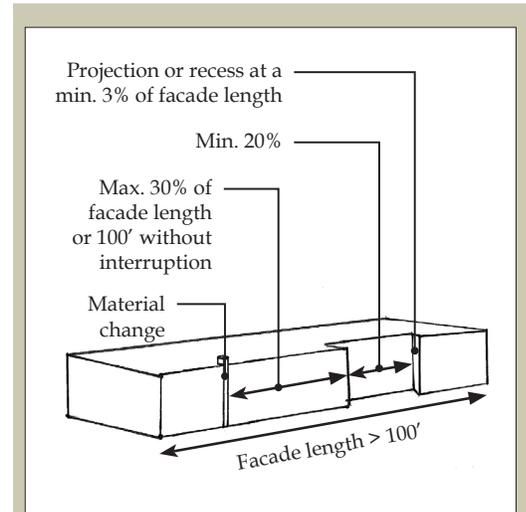


Figure 6.2-A Façade Variation



Figure 6.3-A. Example of Multi-Tenant Retail Facade



Figure 6.4-A. Example of Individual Retail Building

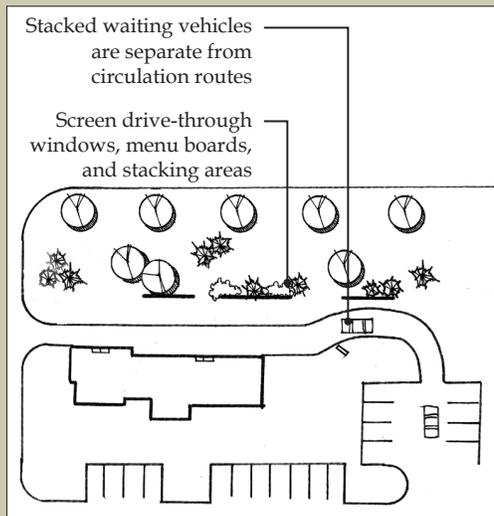


Figure 6.4-B Example of Drive-Through Facility

6.3. MULTI-TENANT RETAIL/MIXED USE

Where buildings contain separately owned stores with separate, exterior customer entrances, the street level façade of such stores should be transparent (i.e. windows) between the height of three feet and eight feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building façade of such stores (Refer to Figure 6.3-A).

6.4. INDIVIDUAL RETAIL/RESTAURANT/COMMERCIAL BUILDINGS

6.4-1. Standardized architecture buildings should not be allowed unless the architectural design meets the requirements of these guidelines.

6.4-2. Buildings should incorporate foundation plantings adjacent to a minimum of fifty (50) percent of the perimeter of the building (Refer to Figure 6.4-A).

6.4-3. There should be no stacking of waiting vehicles into the public right-of-way, primary interior circulation routes or across pedestrian walkways.

6.4-4. Drive-through windows, menu boards and stacking areas should be screened to mitigate views from major roadways (Refer to Figure 6.4-B).

6.5. ENTERTAINMENT USES

6.5-1. Entertainment uses are considered specialty commercial uses that generally include, but are not limited to theaters, nightclubs and bars, billiard halls and other similar uses.

6.5-2. Entertainment uses are encouraged to express a high level of design individuality that is compatible with the design guidelines.

6.5-3. Entertainment uses should emphasize building entrances through architectural forms and materials, specialty lighting, signage or other elements which collectively express and dramatize their function.

6.5-4. Entertainment uses should be segregated from other uses that are sensitive to greater amounts of light, noise and vehicular/ pedestrian traffic.

6.6. CONVENIENCE RETAIL & GAS STATIONS

Gas station canopies and pumps should be located behind the cashier/convenience store building where possible to reduce their visual impact. On a corner lot, provision of access to the site from adjacent sites or service roads is encouraged, rather than directly from the abutting streets.

Canopies on such sites should not exceed sixteen (16) feet, six (6) inches in total height. Canopies should be architecturally integrated with the convenience store building and all other accessory structures on the site through the use of the same or complementary materials, design motif and colors. Lighting fixtures or sources of light that are a part of the underside of the canopy should be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface. The materials and color used on the underside of the canopy should not be highly reflective, with the intent of minimizing the amount and intensity of light (Refer to Figure 6.6-A).

Materials and colors used should be consistent with surrounding development. Bright accent colors, intended to express corporate or business logos, may be used only on a limited basis. These accent color areas should not be internally illuminated.

Landscaping materials and/or screening berms or walls should be installed along all portions of the street frontage necessary, in order to screen from view the gasoline service islands and pumps and any other product dispensing areas from abutting public streets and residentially zoned properties. No wooden fences or wall should be used for these purposes. These requirements should be additional to and made part of all other landscape requirements stipulated by the performance standards, as they apply to such sites.



Figure 6.6-A. Example Photo of Convenience Store / Gas Station Canopy



Figure 6.7-A. Apartments with Porches and Balconies



Figure 6.7-B. Varied Multifamily Building Materials

The minimum distance from the outside edge of the fuel pump island and a required drive lane should be no less than twelve (12) feet. The minimum distance from the end of a fuel pump island and a required drive lane should be no less than fifteen (15) feet.

6.7. MULTIFAMILY HOUSING

6.7-1. Materials shall be similar and compatible within each immediate neighborhood.

6.7-2. Facades shall be articulated with porches, balconies, bays or other offsets. (Refer to Figure 6.7-A.)

6.7-3. All sides of residential buildings shall be designed to the same level of quality, and incorporate stone or brick elements, or other high quality material (Refer to Figure 6.7-B).

6.8. ACCESSORY BUILDINGS

6.8-1. Accessory buildings should be similar in character and materials as primary buildings.

6.9. PARKING STRUCTURES

6.9-1. Where parking structures abut streets, retail and other uses shall be required to minimize interruptions in pedestrian interest and activity.

6.9-2. The architectural design of parking structures shall be compatible in architectural design with adjacent buildings in terms of style, mass, material, height, roof pitch and other exterior elements.

6.9-3. Vehicular entrances shall be located to minimize pedestrian/auto conflicts.

7. SIGNAGE GUIDELINES

7.1. SIGN GUIDELINES

7.1-1. All freestanding signs should have a solid base (Refer to Figure 7.1-A).

7.1-2. For individual businesses there should be no more than one (1) freestanding identity sign per street frontage and a maximum of two (2) per premise.

7.1-3. Maximum height for all freestanding signs associated with convenience stores is eight (8) feet.

7.1-4. Freestanding identity signs should be set back a minimum of eight (8) feet from the face of curb or edge of pavement of a public street, and should not be placed within the right-of-way.

7.1-5. Freestanding identity signs should be separated by one hundred fifty (150) feet minimum.

7.1-6. Multi-tenant signs associated with a group of businesses should be separated by two hundred fifty (250) feet minimum and include a maximum of five (5) business names.

7.1-7. Provide pedestrian-scaled wayfinding signs along walks. Wayfinding signage should include signs with arrows indicating directions to key structures, facilities, trailheads/links, outdoor plazas, etc. as well as maps of the immediate area where appropriate.

7.1-8. Provide business signage oriented to the primary direction of pedestrian travel, as well as clear address numbers at entrances at the pedestrian level in order to increase visibility and orientation.

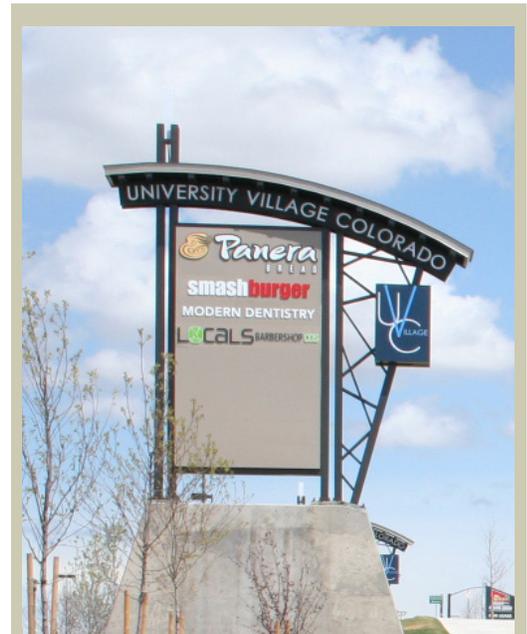


Figure 7.1-A. Example of Multi-tenant Freestanding Sign.



Figure 7.1-8. Example of Pedestrian-Oriented Business Signage

7.2. PROHIBITED SIGNS

7.2-1. The following signs are prohibited:

- pole signs;
- animated, exposed light bulb and flashing signs;
- roof signs;
- portable signs;
- hand-lettered signs executed in the field;
- plastic faced sign cabinets with illuminated background; and
- formed plastic or injection-molded plastic signs.
- Electronic Message Signs (EMT's) must comply with the City's sign code, including cycle length.

8. LIGHTING GUIDELINES

8.1. ROADWAY LIGHTING

8.1-1. Provide low glare roadway lighting with effective lighting at conflict zones such as pedestrian crossings, parking lot entries and intersections.

8.1-2. Provide pedestrian lighting or roadway lights at each pedestrian crosswalk and at each roadway intersection and parking lot entry. Light poles should be consolidated as necessary to avoid visual clutter.

8.2. NON-RESIDENTIAL LIGHTING

8.2-1. Provide pedestrian scale lighting along key walk connections and coordinate with parking lot lighting and landscaping (Refer to Figure 8.2-A).

8.2-2. Provide low glare, uniform parking lot lighting.

8.2-3. Current IESNA recommended practices should be followed including “Lighting for Exterior Environments” RP-33-99 and “Lighting for Parking Facilities” RP-20-98.

8.2-4. Large parking lots (over two (2) rows of cars) may utilize twenty-five (25) foot to thirty-five (35) foot poles, with a maximum initial lamp lumen rating of 22,000 lumens.

8.2-5. Smaller parking areas (two (2) rows of cars or less) may utilize twenty (20) foot to twenty-five (25) foot poles with a maximum initial lamp lumen rating of 12,000 lumens.

8.2-6. Only fully-shielded luminaires should be used for parking lot lighting.

8.2-7. Parking lot lighting should not produce more than 0.3 footcandles (line of sight) at the property line.

8.2-8. No parking lot lighting should spill into environmentally sensitive areas.

8.2-9. Lighting at store façades, must be building-mounted and pointing downwards.



Figure 8.2-A. Example of Non-Residential Lighting.

8.2-10. Exterior lights and sign lights must be turned off one (1) hour after store closing. Only a minimum security light level may remain on after this time.

8.2-11. Loading dock lighting must utilize occupancy sensors, such that lighting is off unless a truck is unloading.

8.2-12. All building-mounted security lighting must be pointed down and completely shielded.

8.2-13. Outdoor canopies such as at drive-through windows and gas stations should not be lighted over five (5) footcandles average and ten (10) footcandles maximum. All luminaires in canopies should be recessed with flat lenses.

8.2-14. All lighting equipment with lamps over 5,000 lumens should be IESNA full cutoff type.

8.2-15. Key signage should be lighted to provide visual cues for navigation. All signage lighting should be mounted at the top of the sign aiming down or integrated into the sign. Direct view of internally lighted sign is not permitted. Internally lighted signs with backlight letters or that have an indirect light appearance should be permitted.

8.3. RESIDENTIAL LIGHTING

8.3-1. All street and pedestrian pole-mounted lights (ten (10) foot to eighteen (18) foot pole height) should be fully shielded with a maximum initial lumen rating of 4,800.

8.3-2. If trees are to be planted near light poles, the lenses of the luminaires must not be higher than sixteen (16) feet above grade.

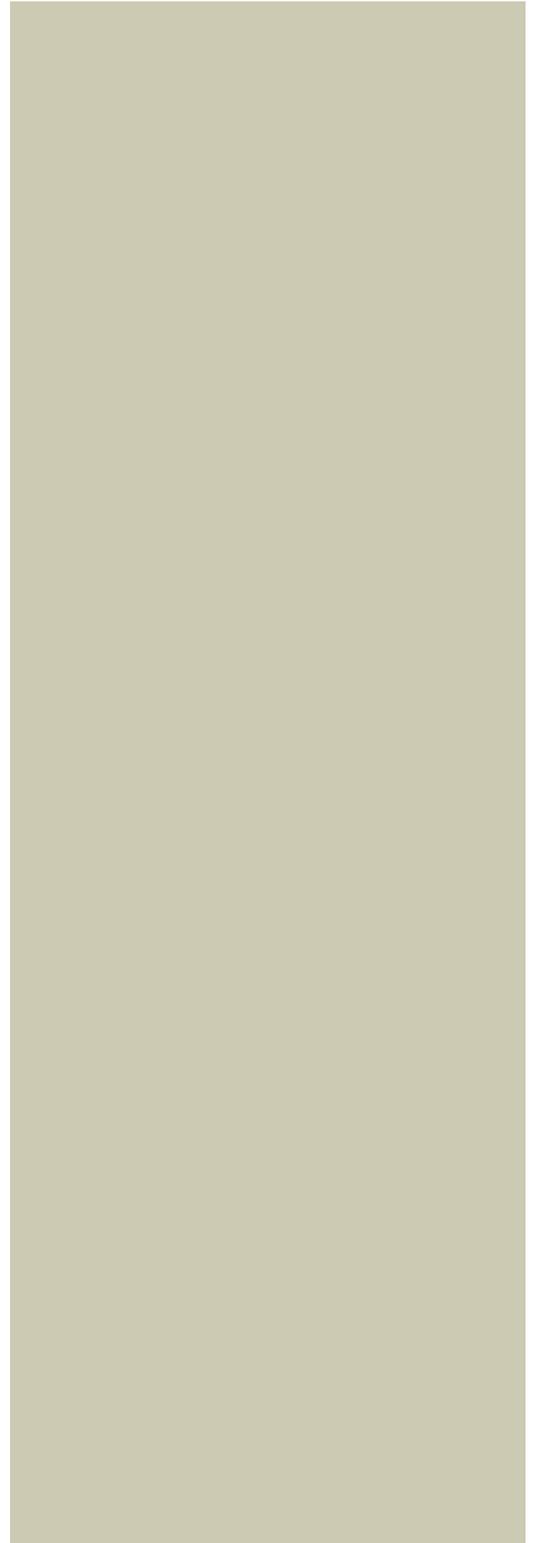
8.3-3. Residential lights should have a maximum initial lumen rating of 925 per luminaire.

8.3-4. Garage-mounted luminaires may glow softly but must have good glare control and produce minimal uplight. Compact fluorescent lamps with a maximum initial lumen rating of 925 should be used. Lights should be on motion sensors or timers so that the lights are normally off.

8.4. LIGHTING RESTRICTIONS

8.4-1. The following lights are not permitted:

- floodlights or other non-controlled luminaires;
- lamps over 2,400 lumens;
- vertical lamps over 5,000 lumens; and
- unshielded wall packs.



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

UNFINISHED BUSINESS CALENDAR

DATE: December 19, 2013

ITEM: 5

STAFF: Peter Wysocki

FILE NO.: CPC MP 04-00280-A1MJ13

PROJECT: Design Guidelines for the North Nevada Avenue Urban Renewal Area

Commissioner Markewich now excused

Decision made earlier in the meeting moved Item 5 to the end of the agenda.

STAFF PRESENTATION

Mr. Peter Wysocki, City Planning and Development Director, briefly reviewed the previous meeting comments and findings. The Urban Renewal Authority (URA) had no issues with the amended language and submitted the revised master plan for recommendation of approval to the City Council. Mr. Wysocki is the City's executive branch's overseer of the URA, and Mr. Rees has allowed him to represent the interests of the URA.

Commissioner Shonkwiler disclosed he serves on the CSURA as he disclosed during the previous hearing.

Ms. Britt Haley, Corporate Division Attorney, addressed enforcement of design standards. The URA is not given power under State Statute to do that. City Planning does have authority to enforce City Code. There is no authority within City Code for the City Planning Dept. to enforce beyond the City Code requirements.

CITIZENS IN FAVOR/OPPOSITION

None

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

DECISION OF THE PLANNING COMMISSION

Commissioner Henninger supported the application.

Commissioner Ham felt this is another layer of checks and balances. He supported the application to help keep the city looking nice.

Commissioner Gonzalez's concerns, many of which were outlined in Steve Tuck's letter, are now adequately addressed in the revised guidelines.

Moved by Commissioner Ham, seconded by Commissioner Henninger, to approve **Item 5-File No. CPC MP 04-00280-A1MJ13**, the Master Plan Amendment to the North Nevada Area Urban Renewal Master Plan by including the North Nevada Avenue Corridor Urban Redevelopment Area Design Guidelines. Motion carried 7-0 (Commissioners Markewich and Phillips excused).

December 19, 2013

Date of Decision



Edward Gonzalez, Planning Commission Chair

CITY PLANNING COMMISSION AGENDA

ITEM NO: 5

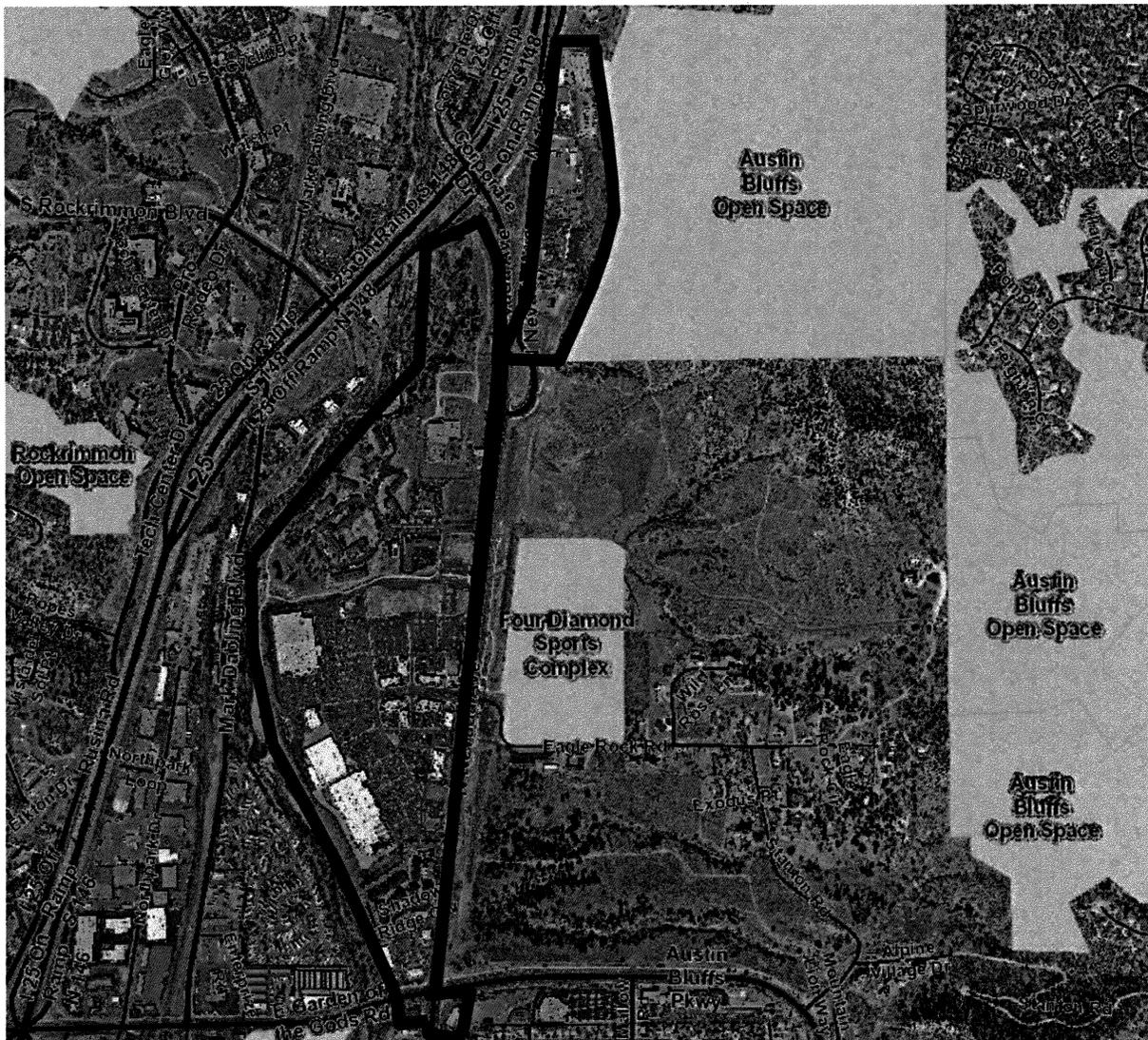
STAFF: PETER WYSOCKI

FILE NO:
CPC MP 04-00280-A1MJ13 – LEGISLATIVE

PROJECT: DESIGN GUIDELINES FOR THE NORTH NEVADA AVENUE URBAN RENEWAL AREA

APPLICANT: COLORADO SPRINGS URBAN RENEWAL AUTHORITY

OWNERS: 26 PROPERTY OWNERS



PROJECT SUMMARY:

UPDATE: This item was initially considered by the Planning Commission at the November 21, 2013 meeting. Based on the comments from the Commission, the Design Guidelines were amended to include Commission's comments pertaining to applicability to existing developments and process. There have been no changes to this staff report since initially published for the November 21st meeting.

1. **Project Description:** The Colorado Springs Urban Renewal Authority (CSURA) requests approval of design guidelines (**Figure 1**) for the North Nevada Avenue Urban Renewal Area (NNAURA). If adopted new development and redevelopment projects within the NNAURA would be evaluated against the guidelines by the CSURA. The NNAURA includes approximately 390 acres with 26 separate property owners and extends north from the southeast and southwest corners of Nevada Avenue and Austin Bluffs Parkway/Garden of the Gods Road along Nevada Avenue to the intersection with Interstate 25 on the west side of Nevada Avenue and to the 5900 block of Nevada Avenue on the east side. While the University of Colorado Colorado Springs (UCCS) is within the boundaries of the NNAURA the design guidelines will not apply to UCCS projects.
2. **Applicant's Project Statement: Figure 2**
3. **Planning & Development Department's Recommendation:** Staff recommends approval.

BACKGROUND:

1. **Site Address:** Please see applicability map in the design guidelines.
2. **Existing Zoning/Land Use:** PUD, PBC, C-6, OC and R-5/commercial, office, multi-family residential
3. **Comprehensive Plan/Designated 2020 Land Use:** Mature Redevelopment Corridor
4. **Annexation:** 1965 through 1969
5. **Master Plan/Designated Master Plan Land Use:** 2004, North Nevada Urban Renewal Plan
6. **Subdivision:** Numerous plats
7. **Zoning Enforcement Action:** Not applicable
8. **Physical Characteristics:** The majority of the area is developed with commercial, office and multi-family residential. Perhaps less than 20% of the area is vacant or likely to be redeveloped in the near future. Monument Creek extends along the west side of the area and UCCS and Pulpit Rock Open Space is adjacent to the east.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Postcards were mailed to 26 property owners within the boundaries of the NNAURA on three occasions: 1) prior to the neighborhood meeting on February 26, 2013, 2) after the application was submitted on July 16, 2013, and 3) prior to the Planning Commission meeting of November 21, 2013. Only a few people (less than 10) attended the neighborhood meeting and only one person inquired about the guidelines after the application was submitted. Questions were related to how the design guidelines would impact their ability to develop or redevelop their property.

City Planning staff participated with CSURA and its consultant in drafting the design guidelines, although to a limited degree.

ANALYSIS OF REQUEST:

The proposed design guidelines were already adopted by the CSURA.

Upon approval by the Planning Commission, the design guidelines will be forwarded to the City Council for final adoption and inclusion into the North Nevada Area Urban Renewal Plan.

Background

The CSURA is a separate agency governed by a nine-member board. Members are appointed by the Mayor and confirmed by the City Council. (Commissioner Shonkwiler is a member.) The CSURA has a separate contractual staff.

The NNAURA was established in 2004. Pursuant to State statutes, urban renewal plans must be approved by the governing bodies. As such, the NNAURA urban renewal plan was adopted by the City Council in 2004 as a "master plan" for the area. Historically, the City has adopted urban renewal plans as "master plans", although local adoption process is not specified in State statutes. Because the City adopts urban renewal plans as master plans, they are also reviewed by the Planning Commission.

The CSURA now wishes to establish design guidelines and seeks the authority to enforce the design guidelines either through its own review process or vis-à-vis City's development review process. At present time, the City does not have a method of enforcing design guidelines through the standard development plan review process as there is no specific criterion in the zoning ordinance for projects to comply with design guidelines. The City has in the past approved design guidelines as part of overlay districts or the Form-Based Zone (FBZ). However, there is no special zoning or overlay for the NNAURA. Therefore, staff recommends adoption of the proposed design guidelines as an amendment to the NNAURA urban renewal plan.

Summary of the Design Guidelines

The design guidelines address issues such as building materials, location of parking, signs, landscaping and lighting. The proposed design guidelines are generally not specifically prescriptive. The design guidelines provide some objective standards, but mostly subjective recommendations using "shoulds" versus "shalls". Most of the design "recommendations" in the design guidelines are not addressed in the zoning or subdivision codes. Planning staff issued a comment letter on August 16, 2013 (**Figure 3**). The comments are relatively minor, but do identify some discrepancies with City Code. CSURA responded by proposing revised language to be inserted in Sections 1 or 2 of the design guidelines (**Figure 4**).

Design Guidelines vs. Development Standards

There is a distinct difference between "guidelines" and "standards". In general, guidelines are suggestive in nature and offer subjectivity in interpretation and enforcement as long as the spirit and intent is met. Whereas, standards are typically codified as part of a zoning ordinance and offer far less subjectivity. Either can be prescriptive or based on performance measurements. Many cities throughout the country have adopted some level of development standards as part of their zoning/unified development codes. Often, design flexibility (which is typically strongly supported by design professional and the development industry) is offered through "menus" that are performance or incentive based. Our zoning code includes very basic and fundamental development standards that can be characterized as "weak". Adoption of the proposed design guidelines will undoubtedly establish additional standards for new and redevelopment projects within the NNAURA area.

Enforcement and Review Process

If adopted, the intent is for the design guidelines to be enforced by the CSURA. This will be achieved in one of two ways: (1) the applicant will submit and seek approval from the CSURA prior to submitting a development plan with the City, or (2) the City will “buckslip” the development plan to CSURA for review. As stated above, compliance with [any] design guidelines is not one of the criteria found in City Code Section 7.502.3.E. Therefore, there is a question as to the level, if any, of authority the City has in ensuring compliance. Preferably, CSURA will be responsible and exercise discretion in determining substantial compliance with the design guidelines.

STAFF RECOMMENDATION:

Item No: 5 CPC MP 04-00280-A1MJ13 – MASTER PLAN AMENDMENT

Approve the Master Plan Amendment to the North Nevada Area Urban Renewal Master Plan by including the North Nevada Avenue Corridor Urban Redevelopment Area Design Guidelines.

The Planning Commission may include any modifications it sees fit, or postpone action until any issues or questions raised by the Commission can be addressed by staff or CSURA.

NORTH NEVADA AVENUE CORRIDOR

URBAN REDEVELOPMENT AREA DESIGN GUIDELINES

Colorado Springs, Colorado

05 DECEMBER 2013

Prepared for the Colorado Springs Urban Redevelopment Authority



LOGAN SIMPSON DESIGN INC.

FIGURE 1

ACKNOWLEDGMENTS

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1. PURPOSE & INTENT OF THE GUIDELINES

The North Nevada Corridor extends from Interstate 25 to Garden of the Gods Road and is located within the northwest quadrant of Colorado Springs.

The Urban Renewal Area is 394 acres, bounded by Monument Creek to the west, Pulpit Rock Open Space to the northeast, and the University of Colorado - Colorado Springs (UCCS) campus to the southeast (refer to Figure 1.1-A).

The purpose of these design guidelines is to provide residents, developers, designers, engineers, and planners the basic information necessary to design, construct, and maintain a project that is in keeping with the guiding principles and character of the North Nevada Urban Renewal Area. The General Design Guidelines (Section 4), General Architectural Guidelines (Section 5), Signage Guidelines (Section 7) and Lighting Guidelines (Section 8) apply to all development. Additional requirements applicable to specific types of developments are contained in Special Uses Guidelines (Section 6).

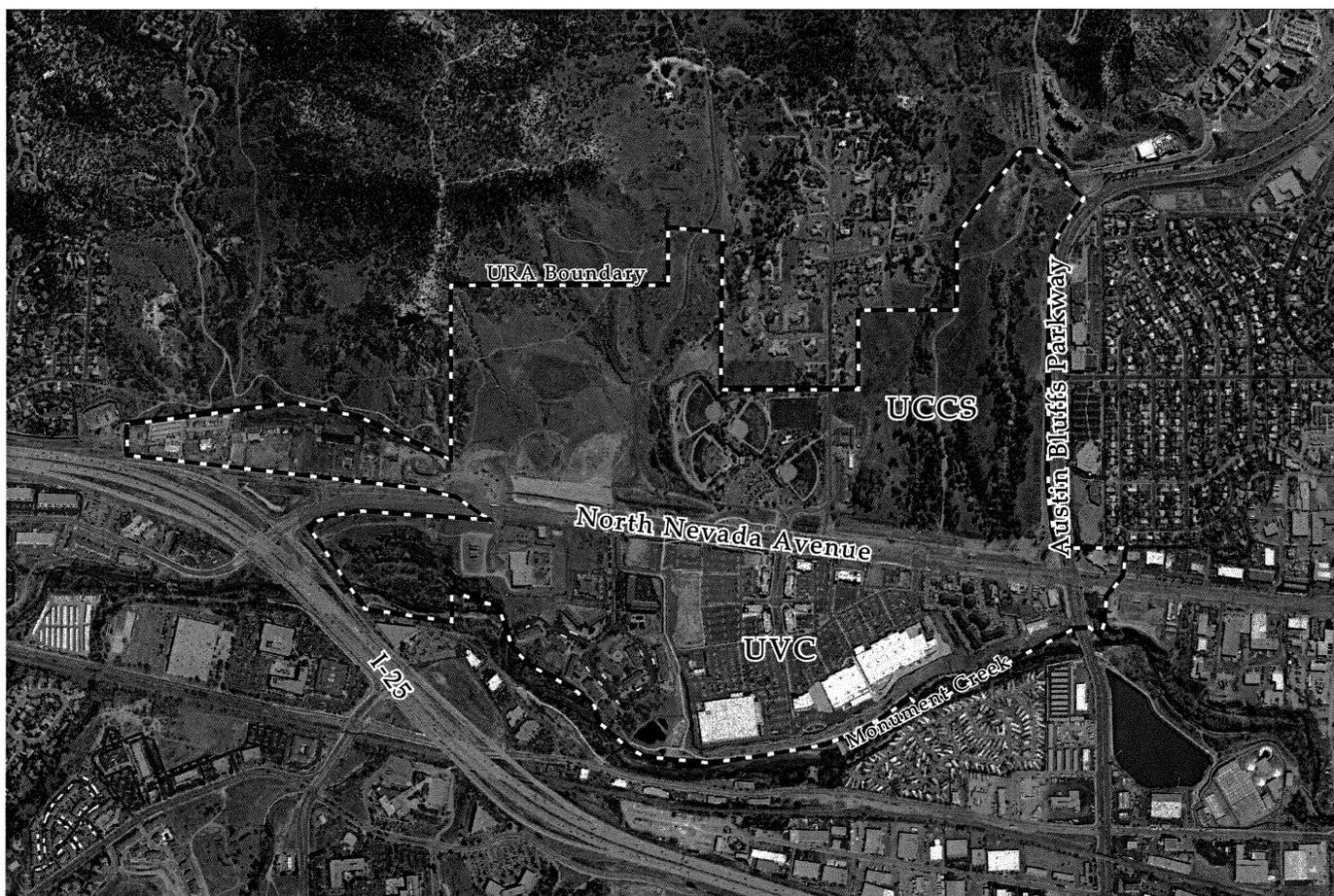


Figure 1.1-A. Urban Renewal Area

2. RELATIONSHIP TO OTHER DOCUMENTS AND APPROVALS

These Design Guidelines build upon the vision and goals identified within the December 2004 North Nevada Area Corridor Urban Renewal Plan, and the North Nevada Avenue Master Plan prepared in 2008 and as subsequently amended. The Design Guidelines are considered an advisory document to be used by the Colorado Springs Urban Renewal Authority (CSURA) in the review of zone change, plat, concept plan and development plan applications. Applications for projects which have been filed with the city and properties that were developed prior to the adoption of these Design Guidelines will only be required to conform to the Design Guidelines if and when the property is redeveloped and requires a zone change, plat, concept plan and/or development plan submittal as required by the City of Colorado Springs City Code.

Since its designation as an urban renewal area (URA) by the Colorado Springs City Council in 2004, the University Village Colorado developer consolidated numerous land parcels on the west side of North Nevada Avenue and created a new retail shopping area called "University Village." This retail center now sets the standard for quality of design for future redevelopment within the URA.

City of Colorado Springs/Regional Building Department Review and Approval Requirements:

The City of Colorado Springs has adopted certain zoning ordinances, land use codes and subdivision ordinances which include use restrictions, specific requirements and various performance standards, and the Pikes Peak Regional Building Department has similarly adopted certain building codes and construction standards, methods and requirements, all of which are collectively referred to herein as the "City Land Use and Building Requirements." The standards, requirements and prohibitions contained in these Design Guidelines are in addition to, and do not supersede, the other City Land Use and Building Requirements, which City Land Use and Building Requirements must be separately complied with. To the extent that any of the provisions of these Design Guidelines are in direct conflict with the other City Land Use and Building Requirements, the more restrictive provisions shall control, with the express understanding that these Design Guidelines may be more restrictive than the City Land Use and Building Requirements, but may not be less restrictive.

Colorado Springs Urban Renewal Authority's Review and Approval Requirement:

All projects proposed within the boundaries of the URA shall also be submitted to the Colorado Springs Urban Renewal Authority (CSURA) to verify compliance with the Urban Renewal Plan and these Design Guidelines. The CSURA review and approval process is a separate but integral part of the City of Colorado Springs' development review process. CSURA will review an applicant's proposed plat, development plan, landscaping plan,

zoning application and construction drawings (including, but not limited to, plans for all buildings, structures, fencing, signage, lighting, landscaping and uses, and collectively, the “Applicant Submittal Documents”). CSURA’s review and determination of approval or disapproval may be done by CSURA administrative staff or by the CSURA Board (as determined by CSURA). CSURA may further require the applicant to present its Applicant Submittal Documents at a CSURA Board meeting. CSURA’s approval, rejection, or comments upon any or all of the Applicant Submittal Documents, including any required revisions, modifications or amendments thereto required by CSURA, will be set forth in writing and distributed to the applicant, as well as to the City’s Land Use Review Division. CSURA may exercise reasonable discretion in determining whether the Applicant Submittal Documents meet the goals, objectives, vision and standards set forth in the Urban Renewal Plan and these Design Guidelines. CSURA’s approval does not imply that the Applicant Submittal Documents comport with any other requirements, codes, restrictions or regulations, including but not limited to the other City Land Use and Building Requirements. CSURA does not have the authority to waive or otherwise alter or amend any of the other City Land Use and Building Requirements, all of which must be separately met by any applicant.

3. THE VISION

The Vision for the North Nevada Avenue Corridor Urban Renewal Area describes the characteristics of the area when development and/or redevelopment is accomplished. The design guidelines contained in this document are crafted to assist in the realization of this Vision.

The North Nevada Avenue Corridor Urban Renewal Area will be a *thriving, high-quality, mixed-use district* that is complementary to and synergistic with the University of Colorado, Colorado Springs (UCCS). The quality of the development, and the thoughtfulness with which it is designed will provide an attractive entryway to UCCS, and attract customers to shop, dine, and be entertained, as well as accommodate people who want to live, work and establish businesses in the district. Mixed uses in the same building, such as retail and commercial uses on the ground floor, and offices and residential uses above, are encouraged. Increasing the development density over time through construction of taller buildings is also encouraged, which will provide a critical mass of residents and employees to support the local businesses.

Buildings are *designed to be interesting* to both motorists and pedestrians. They are *built of high-quality materials* with varying textures, wall planes and accent features. The roadways and the buildings at their edges frame spaces that support people’s need for shelter, shade and creature comforts.

Development along North Nevada Avenue is designed to support a *continuous streetscape character*, using buildings, solid screen or landscaping to obscure large parking lots and other less attractive elements. Signs identifying businesses are sensitively placed to not overpower the streetscape or development character, while providing the information that is necessary to direct people to their destinations.

The roadway and pathway system is networked and intuitive so that *driving, walking and bicycling is convenient, comfortable, enjoyable and safe*.

4. GENERAL DEVELOPMENT GUIDELINES

4.1. BLOCK DIMENSIONS, CONNECTIVITY & DEVELOPMENT ACCESS

4.1-1. All development should be arranged in a pattern of interconnecting streets and blocks, while maintaining respect for the natural landscape and floodplain. Each block face should range between a minimum of two hundred (200) feet and a maximum of six hundred (600) feet. Block faces that exceed four hundred (400) feet in length, should include a mid-block pedestrian pass-through to connect opposite sides of block faces (Refer to Figure 4.1-A).

4.1-2. For parking lots with more than 40 spaces, parking bays shall extend no more than 20 parking spaces without an intervening tree, landscape island, or landscape peninsula. (Refer to Figure 4.1-B).

4.1-3. Internal streets should be aligned to connect with existing or planned external streets of equivalent functional classification in order to create through street connections from new development to adjacent development. Where it is necessary to prevent cut-through traffic from entering residential areas, street alignments shall be discontinuous and traffic calming improvements shall be utilized. (Refer to Figure 4.1-C. Conceptual Roadway Network Diagram).

4.1-4. Vehicular access to a new development/ redevelopment should be provided through an internal street system that is coordinated with other development. No additional access to North Nevada Avenue will be allowed. Existing drive access points to businesses may remain. However it is recommended that with redevelopment, internal roads be constructed to provide alternative access to a group of parcels in order to ultimately reduce the number of drive access on North Nevada Avenue. (Refer to Figure 4.1-C. Conceptual Roadway Network Diagram).

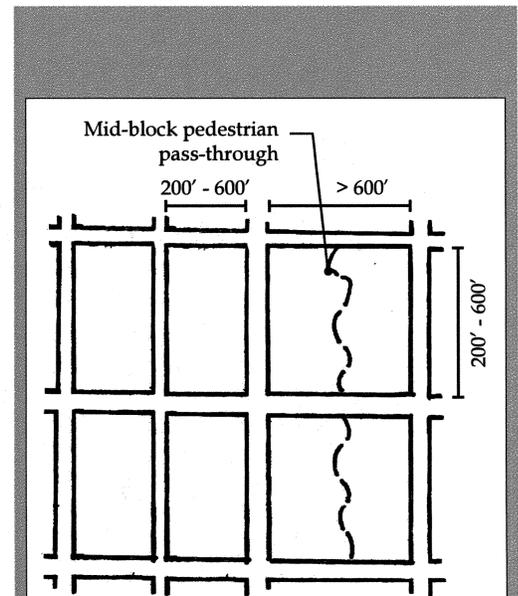


Figure 4.1-A. Block Diagram

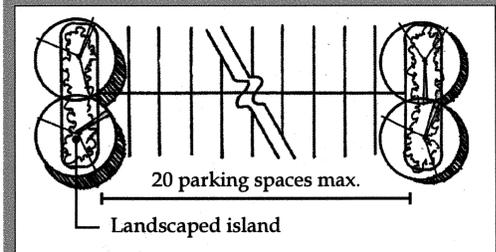


Figure 4.1-B. Parking Lot Landscaping

North Nevada Avenue Urban Redevelopment Area Design Guidelines



Figure 4.1-C. Conceptual Roadway Network Diagram

4.1-5. New parking lots should be designed to connect to future adjacent development and not require a vehicle to reenter an external street including North Nevada Avenue in order to drive between parcels. Accessing adjacent development via internal streets should be allowed.

4.1-6. Pedestrian and bicycle networks shall be provided to invite walking and bicycle use throughout the development, and to connect with regional systems in the area. Individual parcels and sites shall be integrated in an overall pedestrian system that provides direct connectivity between buildings and use areas.

4.1-7. Provide equal access in a manner that integrates handicapped-accessibility with ordinary accessibility, rather than separately.

4.1-8. Provide a connecting walkway between North Nevada Avenue and destinations interior to development, or through a large parking lot at a spacing not to exceed six hundred (600) feet, unless provided along a street (Refer to Figure 4.1-D).

4.1-9. Pedestrian walkways within the North Nevada Avenue ROW should be provided at a minimum of nine (9) feet in width (Refer to Figure 4.1-D).

4.1-10. Pedestrian walkways should provide relief from the paved expanses of parking lots and streets. Therefore, pleasant, efficient and direct pedestrian walkways should be designed with trees to shade the walks, attractive landscaping and amenities such as benches and lighting (Refer to Figures 4.1-E and 4.1-F).

4.1-11. For pedestrian walkways between rows of cars, limit car bumper overhangs so walks aren't blocked, and a minimum of 5' of walkway is kept clear.

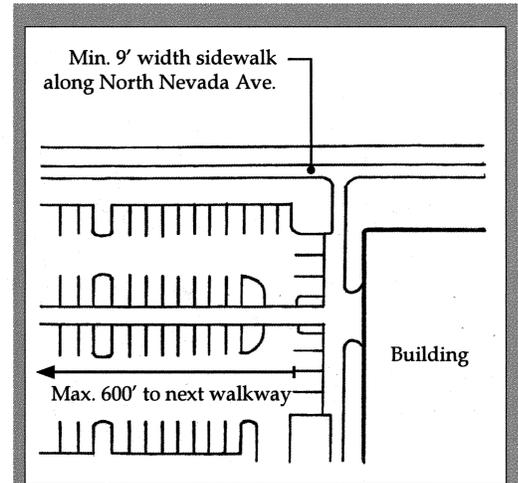


Figure 4.1-D. Pedestrian Connections

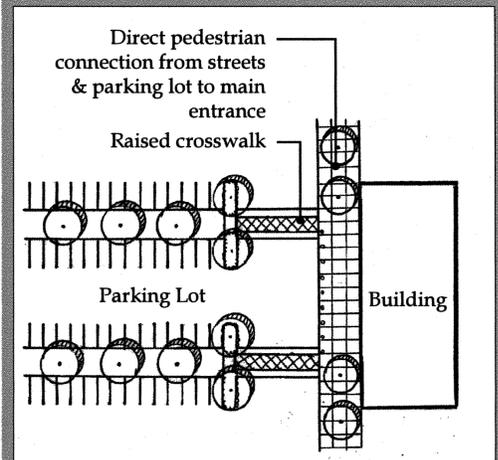


Figure 4.1-E. Pedestrian Walkways



Figure 4.1-F. University Village Pedestrian Walkway

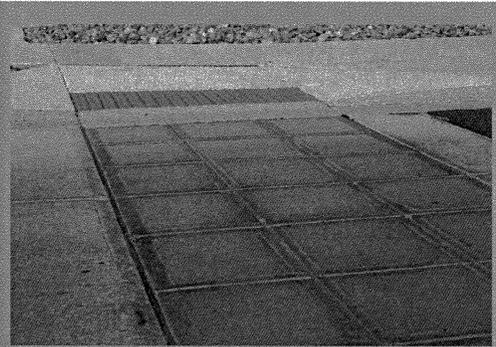


Figure 4.1-G. University Village Crosswalk

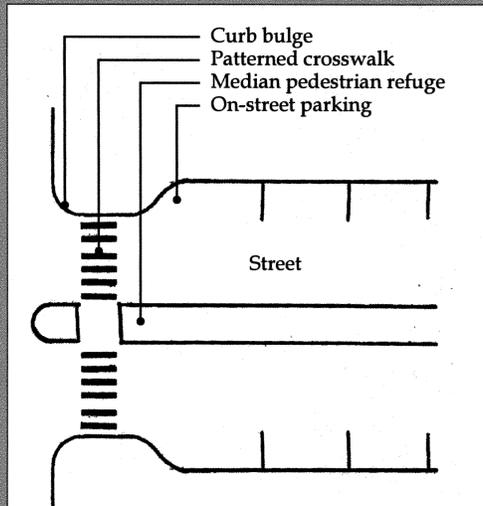


Figure 4.1-H. Pedestrian Crossing

4.1-12. Pedestrian crosswalks across major drives and streets, with the exception of North Nevada Avenue, should be designed with different paving types (Refer to Figures 4.1-G 4.1-H).

4.1-13. Provide curb bulges and pedestrian refuges along streets that include on-street parking to reduce crossing distances and provide adequately sized and visible waiting areas (Refer to Figure 4.1-H).

4.1-14. Provide bicycle parking near building entrances that equals five (5) percent of the number of parking spaces, but not less than one (1) per development.

4.2. SITING & PLACEMENT

4.2-1. For North Nevada Avenue and major connecting streets, and where constraints allow, the build-to line for the length of the street frontage should be set at or within ten (10) feet of the required setback (Refer to Figure 4.2-A).

4.2-2. To encourage pedestrian-friendly streets by bringing buildings close to pedestrian sidewalks and roadways along internal streets, the City encourages principal nonresidential buildings to be built to the back edge of the public sidewalk (zero (0) feet build-to line), except as necessary to allow room for outdoor seating and service areas, outdoor sales and displays, landscaping, emphasized entryways integral to the building design, and similar pedestrian and customer amenities. (Refer to Figure 4.2-B).

4.2-3. Where possible, and appropriate place buildings near buildings on adjacent properties and share outdoor amenities areas (e.g. central courtyards, recreation facilities, open space areas).

4.2-4. Berming, landscaping and/or reverse-mode building placement (next to street with parking behind) should be incorporated along arterial and collector roadways to create streetscapes that are not dominated by views of parking. Refer to the Colorado Springs, Colorado City Code, Chapter 7, Article 4, Part 3 Landscaping Standards for parking lot landscaping and screening requirements.

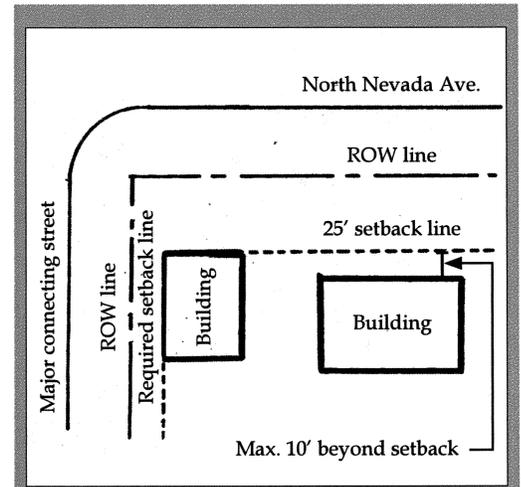


Figure 4.2-A. Building Placement at North Nevada Avenue

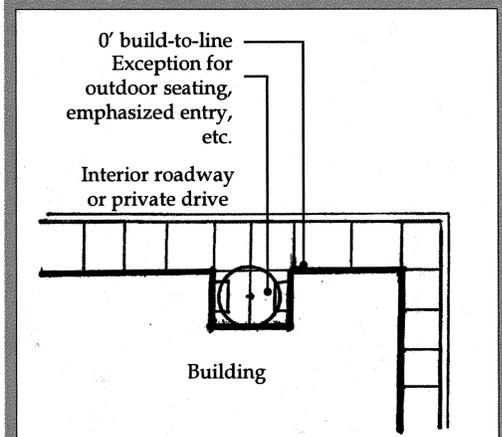


Figure 4.2-B. Building Placement Internal to Development

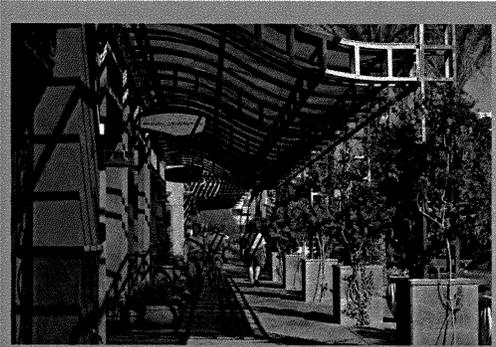


Figure 4.3-A. Example Photographs of Site Amenities and Features

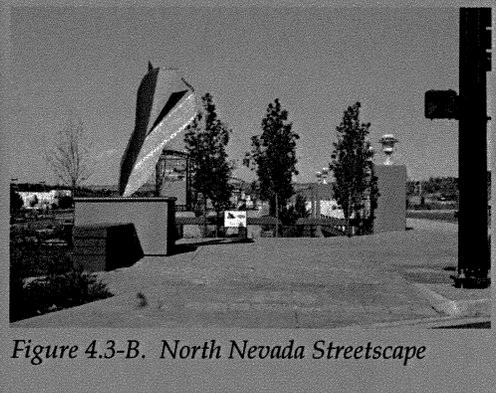


Figure 4.3-B. North Nevada Streetscape

4.3. AMENITIES

4.3-1. Incorporate at least one (1) of the following on-site amenities or features as highly visible, easily accessible outdoor focal points or gathering areas (Refer to Figure 4.3-A):

- patio or plaza with seating areas;
- landscaped mini-park, square or green that is designed to be a public gathering area;
- public art, such as a sculpture, mural, and/or fountain, and as approved by the CSURA Board;
- protected walkways, arcades, or other easily identifiable building pass-through containing window displays and intended for general public access;
- outdoor public area visible from a public sidewalk;
- other well-designed area and/or focal feature that the CSURA Board finds consistent with the intent of this subsection; and/or
- streetscape furnishings, landscaping and amenities along North Nevada Avenue frontage that matches, at a minimum, standards set by the University Village.

4.3-2. Provide planter pots, hanging baskets, or landscape planters (at grade or raised) along pedestrian walks to break up large expanses of pavement and add visual interest.

4.3-3. Provide streetscape enhancements alongside and within the North Nevada ROW that match the recently constructed landscape, pavements, corner treatments and site amenities. (Refer to Figure 4.3-B.)

5. GENERAL ARCHITECTURAL GUIDELINES

5.1. QUALITY

5.1-1. All sides of the building should include materials and design elements consistent with those on the front façade (Refer to Figure 5.1-A).

5.1-2. Include a minimum of two (2) different façade treatments per building side (stone and stucco, etc.)

5.1-3. Develop structures that incorporate creative design while fitting within the context of the North Nevada Corridor and, where applicable, UCCS standards.

5.1-4. Provide a high level of craftsmanship in construction.

5.1-5. Design structures to be compatible with adjacent development.

5.1-6. Establish a maintenance framework that ensures a continuing high level of quality in the future.

5.2. COMPATIBILITY WITH EXISTING REDEVELOPED AREAS

5.2-1. New developments in or adjacent to existing developed areas should be compatible with or complementary to the established architectural character. Compatibility may be achieved through techniques such as:

- repetition of roof lines;
- use of similar proportions in building mass and outdoor spaces;
- use of similar relationships to the street; and/or
- use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development (Refer to Figure 5.2-A).



Figure 5.1-A. Example Photos of Four-sided Architectural Detailing



Figure 5.2-A. Example Photos of Existing Exterior Materials

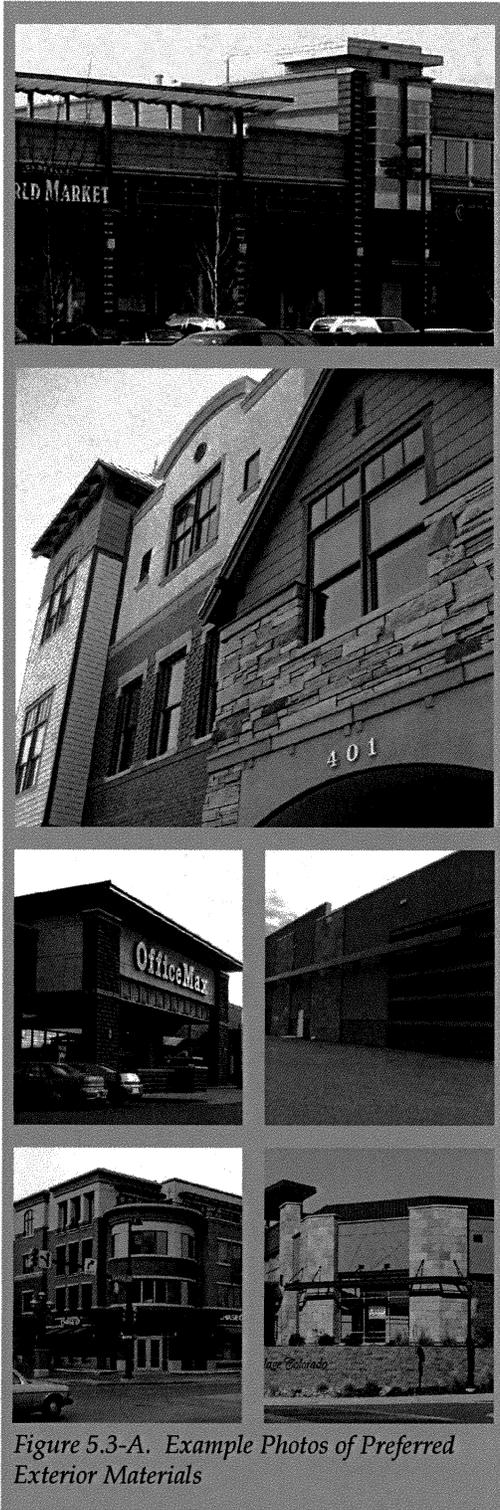


Figure 5.3-A. Example Photos of Preferred Exterior Materials

5.3. EXTERIOR MATERIALS

5.3-1. Exterior building materials should:

- not create excessive glare;
- with the exception of windows, be natural/indigenous in character;
- be selected to provide a variety of textures per building façade, provide visual balance and avoid an excessive variety of materials;
- provide greater visual and textural interest at building entrances and architectural opportunities and areas that are highly visible to the public; and
- be chosen for their suitability, durability and visual continuity.

5.3-2. Preferred exterior materials are as follows (Refer to Figure 5.3-A):

- brick;
- textural concrete block, integral color;
- textured architectural precast panels, painted and/or cast-in textures;
- site-cast concrete panels, painted and/or cast-in textures;
- wood;
- natural stone and synthetic stone products;
- metal panels and/or accent elements;
- stucco (EIFS);
- glazing (non-reflective);
- smooth face concrete block, used in combination with other textural materials; and/or
- other similar high quality materials.

5.3-3. Prohibited exterior materials and treatments are as follows:

- highly reflective wall treatments;
- single-color/ material walls without mass breaks;
- reflective glazing, of over sixty-five (65) percent reflectivity; and
- exposed neon or color tubing (except in entertainment uses).

5.4. VARIATION IN MASSING

5.4-1. A single, large, dominant building mass should be avoided.

5.4-2. Horizontal masses should not exceed a height/width ratio of one (1) vertical to three (3) horizontal without substantial variation in massing that includes a change in height and projecting or recessed elements (Refer to Figure 5.4-A).

5.4-3. Buildings should relate well to each other by providing transitions in building heights.

5.4-4. Taller buildings (four (4) stories or more) should be stepped back or should provide significant mass breaks to decrease the apparent mass of the building. Wider, longer buildings should be stepped or broken in elevation by combination of massing breaks and/or material changes (Refer to Figure 5.4-B).

5.5. FAÇADES

5.5-1. Provide a unique architectural feature that is taller than other portions of the building on façades that face North Nevada Avenue.

5.5-2. No façade that faces North Nevada Avenue or pedestrian walkway should have a blank, uninterrupted length exceeding thirty (30) feet. Suggested variations are as follows (Refer to Figure 5.5-A):

- change in plane;
- change in color;
- recessed face;
- change in texture or masonry pattern;
- windows;
- porticos, awnings or canopies; and/or
- visual architectural features such as:
 - columns;
 - ribs or pilasters; and/or
 - piers and fenestration pattern.

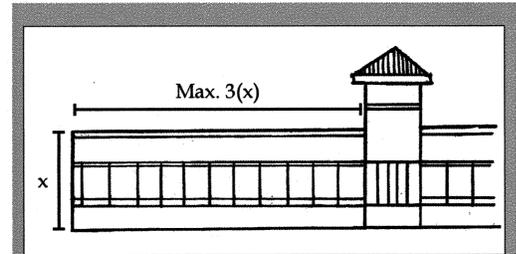


Figure 5.4-A. Building Massing

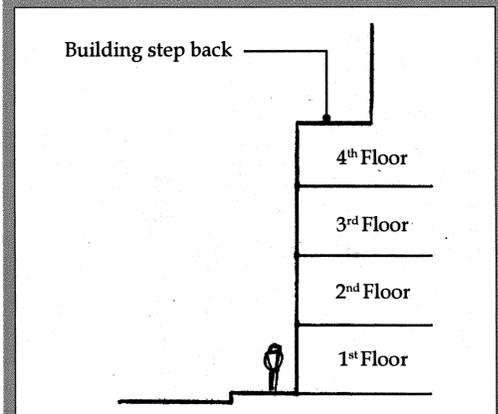


Figure 5.4-B. Building Step Back

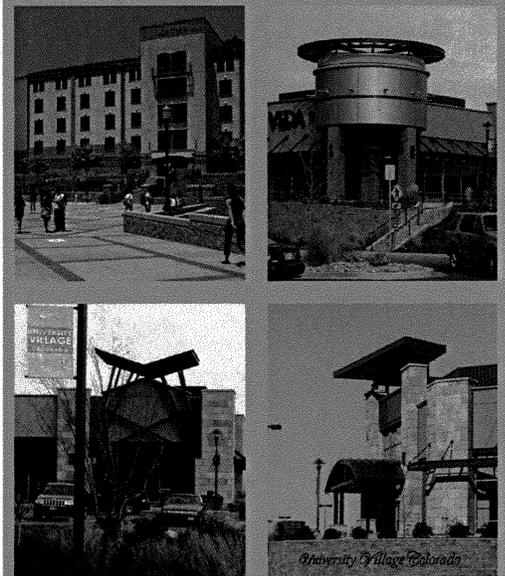


Figure 5.5-A. Example Photos of Unique Architectural Features

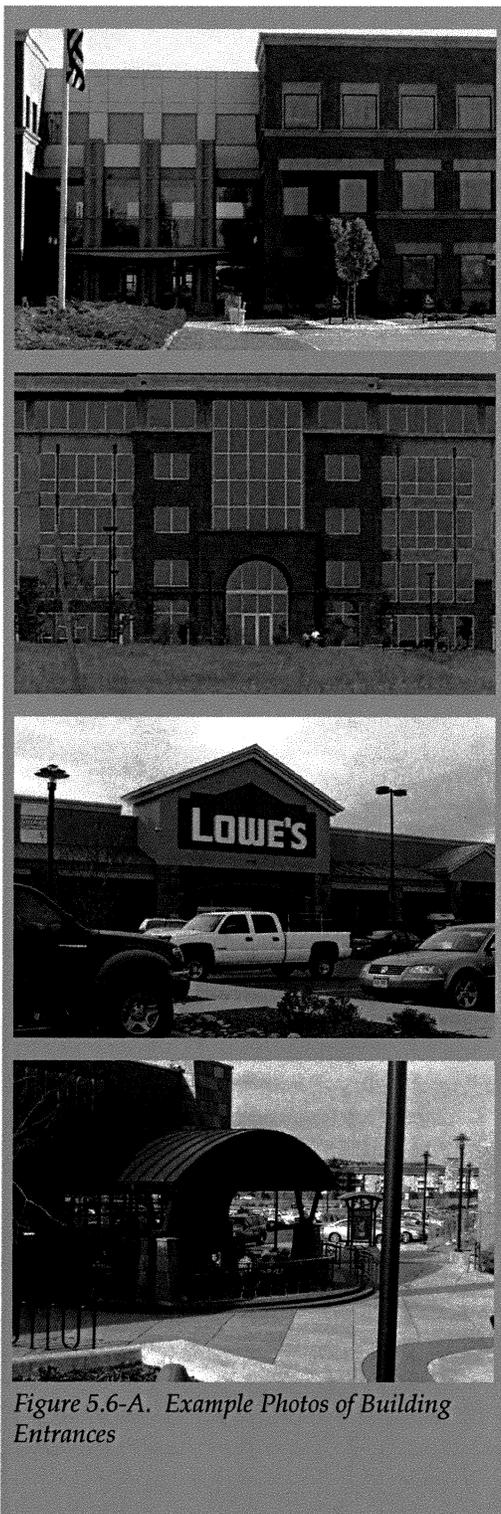


Figure 5.6-A. Example Photos of Building Entrances

5.5-3. Side and rear façades of the building should include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear façades should be prohibited except where façades are not visible from the public right of way or common open space. Service entrances should be planned to be visually unobtrusive to site entries, building entrances and public right-of-ways.

5.5-4. Screen wall materials to be similar or complementary to building materials.

5.6. ENTRANCES

5.6-1. Primary building entrances should be clearly defined and provide shelter.

5.6-2. Entrances should be designed to integrate wall signs with the design of the structure.

5.6-3. Primary entrances should be easily identifiable to both vehicular visitor and pedestrian.

5.6-4. Retail buildings should feature a combination of the suggested items listed below (Refer to Figure 5.6-A):

- canopies, overhangs or porte cochères;
- recesses/projections;
- arcades, porticos;
- raised cornice parapets over the door;
- peaked roof forms at entryway;
- arches;
- material change;
- door(s) which provide a focal element at the entrance;
- functional outdoor patios;
- windows;
- architectural details such as tile work, moldings, exposed trusses, columns and other similar details, which provide interest and are integrated into the building structure and design;

- integral planters or wing walls that incorporate landscaped areas and/or places for sitting; and/or
- special features such as a sculpture, a water feature or a similar element (excluding features or images which are trademarked or in some way related to a specific business such as a logo).

5.7. ROOFTOP TREATMENTS

5.7-1. Rooftop mechanical units, dishes, and other miscellaneous equipment should be screened from view as an integral part of the building design. Screen material should be of the same or compatible material, texture and color to the building architecture (Refer to Figure 5.7-A).

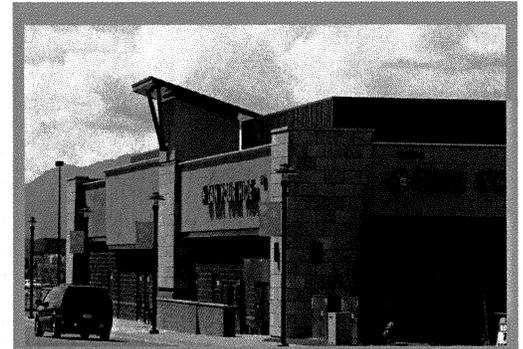


Figure 5.7-A. Example Photo of Rooftop Screening

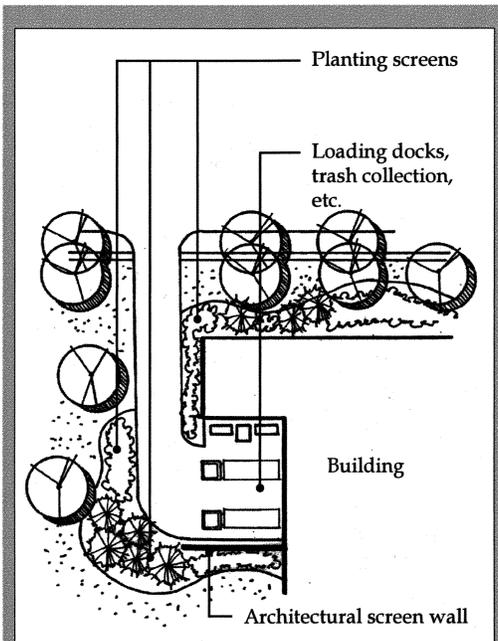


Figure 6.1-A. Service Entrances

6. SPECIAL USES GUIDELINES

The following categories define requirements in addition to those identified under the General Development Guidelines (Section 4) and General Architectural Guidelines (Section 5).

6.1. SERVICE AREAS

6.1-1. These requirements apply to, but are not limited to above-ground utility appurtenances, loading docks, storage areas, and open areas where machinery, vehicles or equipment are stored or repaired.

6.1-2. No areas for outdoor storage, trash collection or compaction, loading or other such uses should be located within fifty (50) feet of the North Nevada Avenue right-of-way, and should be located at the rear or side of the associated building.

6.1-3. Loading docks, truck parking, outdoor storage, utility meters, HVAC and other mechanical equipment, trash collection, trash compaction and other service functions should be located and screened so that the visual and acoustic impacts of these functions are contained and buffered from the North Nevada right-of-way or public sidewalks and trails (Refer to Figure 6.1-A).

6.1-4. Screening measures should provide sixty (60) percent coverage of the screened element and be incorporated into the overall design of the building and site, so that the architectural design of the building and screening is compatible. Suggested screening materials include:

- plants;
- walls that are the same as the primary building material;
- fences;
- topographic changes; and/or
- a combination of these techniques.

6.1-5. Screening materials are not to be constructed of plain or smooth faced concrete block and/or wood fencing.

6.2. LARGE TENANT RETAIL

6.2-1. These standards are intended to ensure that large, retail building development (>25,000 gross SF) is compatible with its surrounding area and exhibits similar four-sided architectural treatments.

6.2-2. Façades greater than one hundred (100) feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the façade and extending at least twenty (20) percent of the length of the façade (Refer to Figure 6.2-A).

6.2-3. No uninterrupted length of any façade should exceed thirty (30) percent of the façade's total length, or one hundred (100) horizontal feet, whichever is less (Refer to Figure 6.2-A). Wall plane interruptions can be any of the following:

- change in plane;
- change in color;
- recessed face;
- change in texture;
- windows;
- porticos, awnings or canopies;
- columns; or equivalent.

6.2-4. Screening can be used as a substitute for wall plane interruptions on secondary building façades.

6.2-5. Primary ground floor façades that face public streets should have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50) percent of their horizontal length.

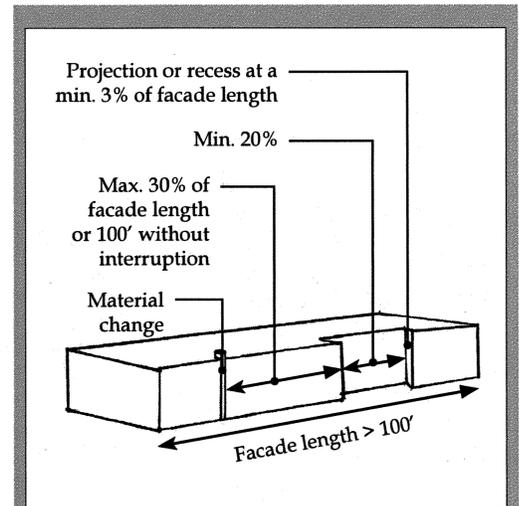


Figure 6.2-A Facade Variation



Figure 6.3-A. Example of Multi-Tenant Retail Facade



Figure 6.4-A. Example of Individual Retail Building

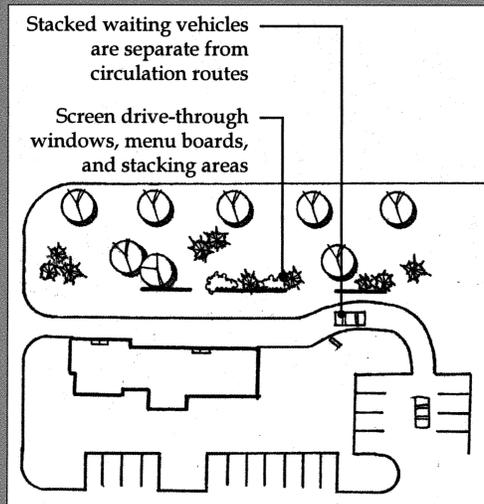


Figure 6.4-B Example of Drive-Through Facility

6.3. MULTI-TENANT RETAIL/ MIXED USE

Where buildings contain separately owned stores with separate, exterior customer entrances, the street level façade of such stores should be transparent (i.e. windows) between the height of three feet and eight feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building façade of such stores (Refer to Figure 6.3-A).

6.4. INDIVIDUAL RETAIL/RESTAURANT/COMMERCIAL BUILDINGS

6.4-1. Standardized architecture buildings should not be allowed unless the architectural design meets the requirements of these guidelines.

6.4-2. Buildings should incorporate foundation plantings adjacent to a minimum of fifty (50) percent of the perimeter of the building (Refer to Figure 6.4-A).

6.4-3. There should be no stacking of waiting vehicles into the public right-of-way, primary interior circulation routes or across pedestrian walkways.

6.4-4. Drive-through windows, menu boards and stacking areas should be screened to mitigate views from major roadways (Refer to Figure 6.4-B).

6.5. ENTERTAINMENT USES

6.5-1. Entertainment uses are considered specialty commercial uses that generally include, but are not limited to theaters, nightclubs and bars, billiard halls and other similar uses.

6.5-2. Entertainment uses are encouraged to express a high level of design individuality that is compatible with the design guidelines.

6.5-3. Entertainment uses should emphasize building entrances through architectural forms and materials, specialty lighting, signage or other elements which collectively express and dramatize their function.

6.5-4. Entertainment uses should be segregated from other uses that are sensitive to greater amounts of light, noise and vehicular/ pedestrian traffic.

6.6. CONVENIENCE RETAIL & GAS STATIONS

Gas station canopies and pumps should be located behind the cashier/convenience store building where possible to reduce their visual impact. On a corner lot, provision of access to the site from adjacent sites or service roads is encouraged, rather than directly from the abutting streets.

Canopies on such sites should not exceed sixteen (16) feet, six (6) inches in total height. Canopies should be architecturally integrated with the convenience store building and all other accessory structures on the site through the use of the same or complementary materials, design motif and colors. Lighting fixtures or sources of light that are a part of the underside of the canopy should be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface. The materials and color used on the underside of the canopy should not be highly reflective, with the intent of minimizing the amount and intensity of light (Refer to Figure 6.6-A).

Materials and colors used should be consistent with surrounding development. Bright accent colors, intended to express corporate or business logos, may be used only on a limited basis. These accent color areas should not be internally illuminated.

Landscaping materials and/or screening berms or walls should be installed along all portions of the street frontage necessary, in order to screen from view the gasoline service islands and pumps and any other product dispensing areas from abutting public streets and residentially zoned properties. No wooden fences or wall should be used for these purposes. These requirements should be additional to and made part of all other landscape requirements stipulated by the performance standards, as they apply to such sites.



Figure 6.6-A. Example Photo of Convenience Store / Gas Station Canopy



Figure 6.7-A. Apartments with Porches and Balconies



Figure 6.7-B. Varied Multifamily Building Materials

The minimum distance from the outside edge of the fuel pump island and a required drive lane should be no less than twelve (12) feet. The minimum distance from the end of a fuel pump island and a required drive lane should be no less than fifteen (15) feet.

6.7. MULTIFAMILY HOUSING

6.7-1. Materials shall be similar and compatible within each immediate neighborhood.

6.7-2. Facades shall be articulated with porches, balconies, bays or other offsets. (Refer to Figure 6.7-A.)

6.7-3. All sides of residential buildings shall be designed to the same level of quality, and incorporate stone or brick elements, or other high quality material (Refer to Figure 6.7-B).

6.8. ACCESSORY BUILDINGS

6.8-1. Accessory buildings should be similar in character and materials as primary buildings.

6.9. PARKING STRUCTURES

6.9-1. Where parking structures abut streets, retail and other uses shall be required to minimize interruptions in pedestrian interest and activity.

6.9-2. The architectural design of parking structures shall be compatible in architectural design with adjacent buildings in terms of style, mass, material, height, roof pitch and other exterior elements.

6.9-3. Vehicular entrances shall be located to minimize pedestrian/auto conflicts.

7. SIGNAGE GUIDELINES

7.1. SIGN GUIDELINES

7.1-1. All freestanding signs should have a solid base (Refer to Figure 7.1-A).

7.1-2. For individual businesses there should be no more than one (1) freestanding identity sign per street frontage and a maximum of two (2) per premise.

7.1-3. Maximum height for all freestanding signs associated with convenience stores is eight (8) feet.

7.1-4. Freestanding identity signs should be set back a minimum of eight (8) feet from the face of curb or edge of pavement of a public street, and should not be placed within the right-of-way.

7.1-5. Freestanding identity signs should be separated by one hundred fifty (150) feet minimum.

7.1-6. Multi-tenant signs associated with a group of businesses should be separated by two hundred fifty (250) feet minimum and include a maximum of five (5) business names.

7.1-7. Provide pedestrian-scaled wayfinding signs along walks. Wayfinding signage should include signs with arrows indicating directions to key structures, facilities, trailheads/links, outdoor plazas, etc. as well as maps of the immediate area where appropriate.

7.1-8. Provide business signage oriented to the primary direction of pedestrian travel, as well as clear address numbers at entrances at the pedestrian level in order to increase visibility and orientation.

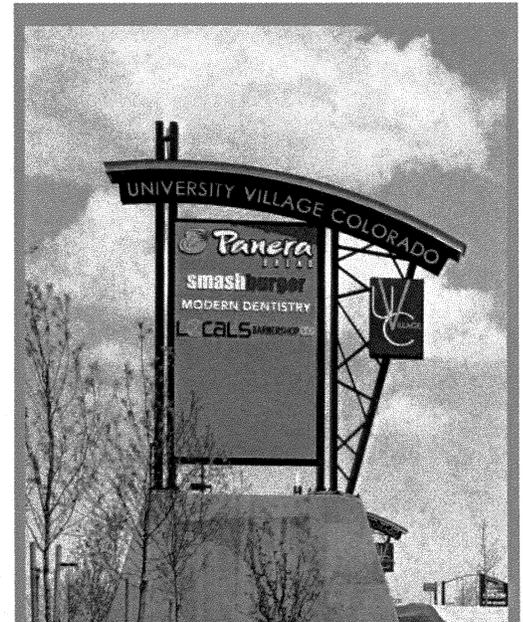


Figure 7.1-A. Example of Multi-tenant Freestanding Sign.

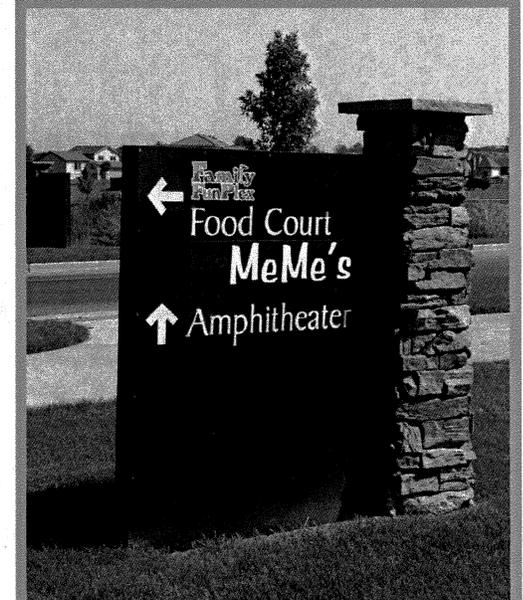
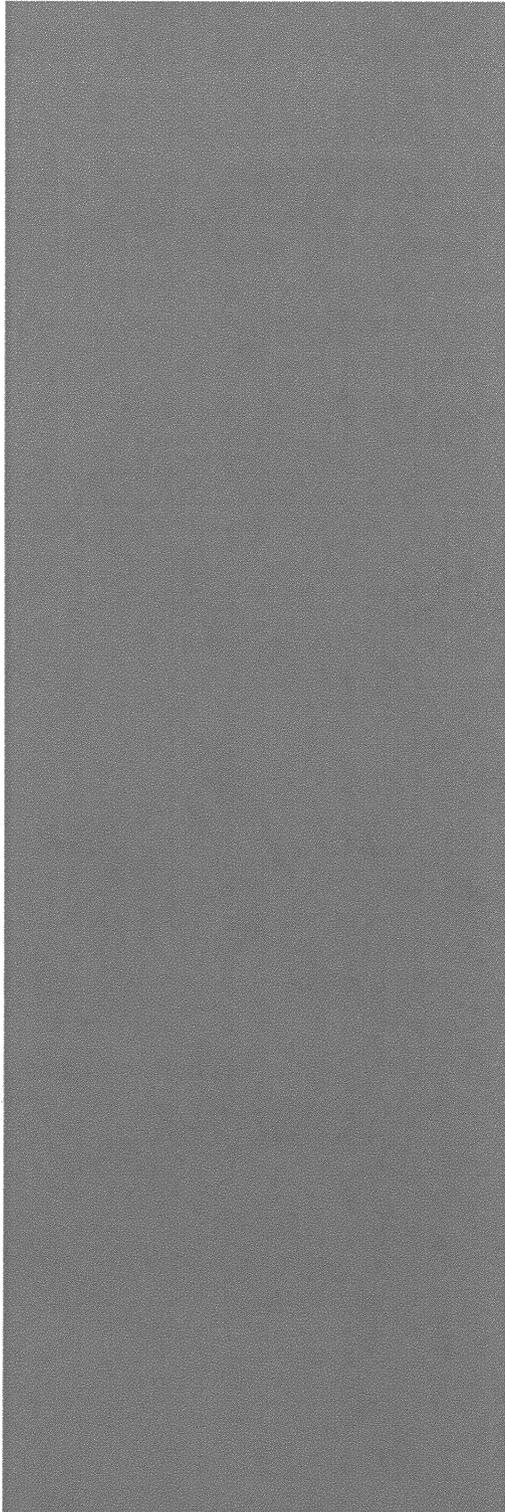


Figure 7.1-8. Example of Pedestrian-Oriented Business Signage



7.2. PROHIBITED SIGNS

7.2-1. The following signs are prohibited:

- pole signs;
- animated, exposed light bulb and flashing signs;
- roof signs;
- portable signs;
- hand-lettered signs executed in the field;
- plastic faced sign cabinets with illuminated background; and
- formed plastic or injection-molded plastic signs.
- Electronic Message Signs (EMT's) must comply with the City's sign code, including cycle length.

8. LIGHTING GUIDELINES

8.1. ROADWAY LIGHTING

8.1-1. Provide low glare roadway lighting with effective lighting at conflict zones such as pedestrian crossings, parking lot entries and intersections.

8.1-2. Provide pedestrian lighting or roadway lights at each pedestrian crosswalk and at each roadway intersection and parking lot entry. Light poles should be consolidated as necessary to avoid visual clutter.

8.2. NON-RESIDENTIAL LIGHTING

8.2-1. Provide pedestrian scale lighting along key walk connections and coordinate with parking lot lighting and landscaping (Refer to Figure 8.2-A).

8.2-2. Provide low glare, uniform parking lot lighting.

8.2-3. Current IESNA recommended practices should be followed including "Lighting for Exterior Environments" RP-33-99 and "Lighting for Parking Facilities" RP-20-98.

8.2-4. Large parking lots (over two (2) rows of cars) may utilize twenty-five (25) foot to thirty-five (35) foot poles, with a maximum initial lamp lumen rating of 22,000 lumens.

8.2-5. Smaller parking areas (two (2) rows of cars or less) may utilize twenty (20) foot to twenty-five (25) foot poles with a maximum initial lamp lumen rating of 12,000 lumens.

8.2-6. Only fully-shielded luminaires should be used for parking lot lighting.

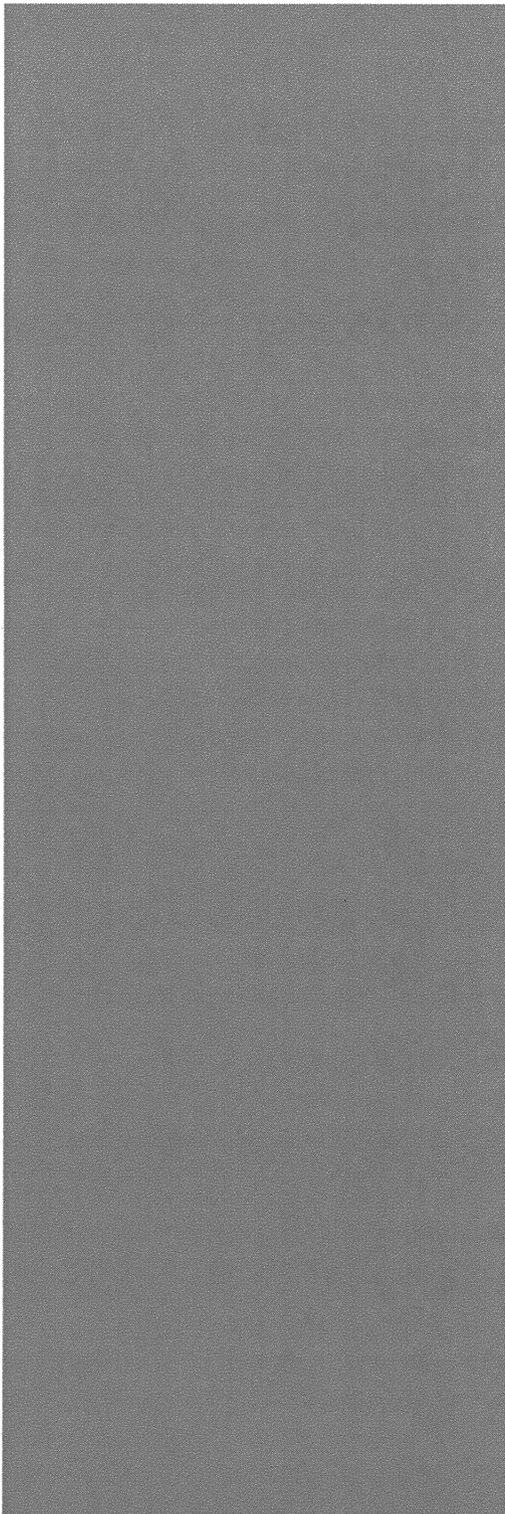
8.2-7. Parking lot lighting should not produce more than 0.3 footcandles (line of sight) at the property line.

8.2-8. No parking lot lighting should spill into environmentally sensitive areas.

8.2-9. Lighting at store façades, must be building-mounted and pointing downwards.



Figure 8.2-A. Example of Non-Residential Lighting.



8.2-10. Exterior lights and sign lights must be turned off one (1) hour after store closing. Only a minimum security light level may remain on after this time.

8.2-11. Loading dock lighting must utilize occupancy sensors, such that lighting is off unless a truck is unloading.

8.2-12. All building-mounted security lighting must be pointed down and completely shielded.

8.2-13. Outdoor canopies such as at drive-through windows and gas stations should not be lighted over five (5) footcandles average and ten (10) footcandles maximum. All luminaires in canopies should be recessed with flat lenses.

8.2-14. All lighting equipment with lamps over 5,000 lumens should be IESNA full cutoff type.

8.2-15. Key signage should be lighted to provide visual cues for navigation. All signage lighting should be mounted at the top of the sign aiming down or integrated into the sign. Direct view of internally lighted sign is not permitted. Internally lighted signs with backlight letters or that have an indirect light appearance should be permitted.

8.3. RESIDENTIAL LIGHTING

8.3-1. All street and pedestrian pole-mounted lights (ten (10) foot to eighteen (18) foot pole height) should be fully shielded with a maximum initial lumen rating of 4,800.

8.3-2. If trees are to be planted near light poles, the lenses of the luminaires must not be higher than sixteen (16) feet above grade.

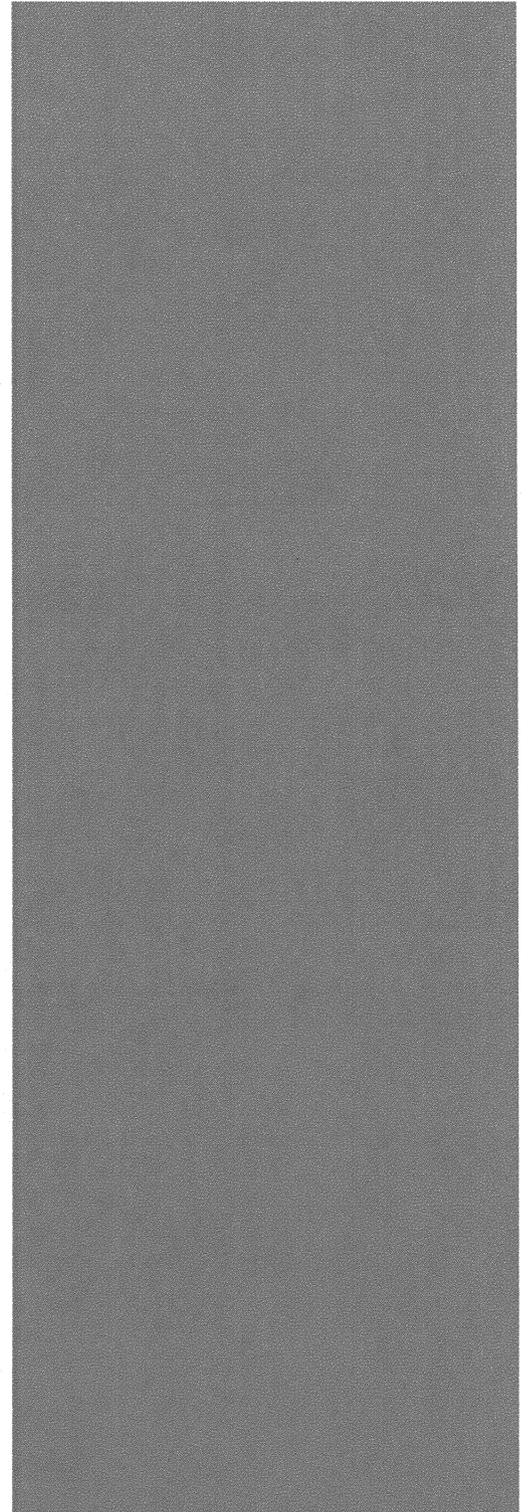
8.3-3. Residential lights should have a maximum initial lumen rating of 925 per luminaire.

8.3-4. Garage-mounted luminaires may glow softly but must have good glare control and produce minimal uplight. Compact fluorescent lamps with a maximum initial lumen rating of 925 should be used. Lights should be on motion sensors or timers so that the lights are normally off.

8.4. LIGHTING RESTRICTIONS

8.4-1. The following lights are not permitted:

- floodlights or other non-controlled luminaires;
- lamps over 2,400 lumens;
- vertical lamps over 5,000 lumens; and
- unshielded wall packs.

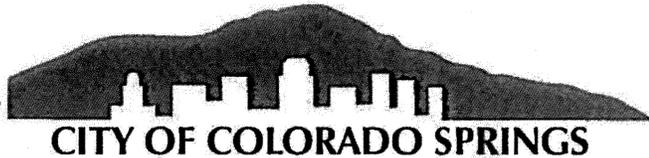




Project Statement: N. Nevada Avenue Corridor Master Plan Amendment

The *Urban Redevelopment Area Design Guidelines* are a refinement of the Concept Design Guidelines which were developed with the 2008 North Nevada Avenue Corridor Master Plan. These more detailed guidelines provide basic information necessary to design, construct and maintain a project that is in keeping with the guiding principles and character of the N. Nevada Avenue Corridor Urban Renewal Plan that was approved by Council Resolution 298-04 on December 14, 2004. It is the intent of the guidelines to provide specific criteria to allow the City of Colorado Springs Development Review Division and the Urban Renewal Authority to evaluate projects that are proposed within the N. Nevada Avenue Corridor Urban Renewal Area.

A public meeting was conducted on February 26, 2013 to obtain public comment. The response was generally favorable and some minor revisions were incorporated into the final plan. The *Urban Redevelopment Area Design Guidelines* were adopted by the Colorado Springs Urban Renewal Authority on April 24, 2013



August 16, 2013

Mr. Jim Rees
Colorado Springs Urban Renewal Authority
30 South Nevada Avenue, Suite 604
Colorado Springs, CO 80903

RE: Major Amendment to the North Nevada Avenue Urban Renewal Plan: Design Guidelines – File No.
CPC MP 04-00280-A1MJ13

Dear Jim:

The City has completed the review of the above application. Prior to scheduling the application for a Planning Commission agenda submit to Land Use Review 15 copies of the design guidelines (the initial submittal of a review copy is encouraged) with the following revisions:

- a. In Section 2, 1st paragraph include a statement indicating the design guidelines are an amendment to the master plan and is an advisory document used in the review of zone change, plat and development plan applications (for additional information see Section 7.5.401 of the City Code, which discusses the purpose of a master plan). Revise the date of the preparation of the North Nevada Avenue Master Plan from 2008 to 2004 (File No. CPC MP 04-00280). Note the date of approval by City Council as 12/14/04. Delete “and as subsequently amended” as no amendments have been approved to the 2004 plan.
- b. In Section 2., 3rd paragraph delete “and supersede them”. This advisory document does not take the place of, or supplant the City’s adopted codes.
- c. In Section 2., 5th paragraph delete “and construction drawings” and replace with “zone changes and plats”. At this time there appears to be no mechanism for the CSURA to review building permits, which is when construction drawings are reviewed. Delete “and approval” from the 5th line of this paragraph as the approval of the aforementioned applications is provided by Land Use Review, Planning Commission or City Council depending on the type of application. Delete “approval, rejection, or” from the 9th line. Delete “and construction drawings” from the 14th line.
- d. In Section 4.1-6. identify the pedestrian systems in the area as the Pikes Peak Greenway trail within Monument Valley Park and the trail within Pulpit Rock Open Space. Show and identify these trails in Figure 4.-C. and include a reference to the figure.
- e. Delete or revise significantly Section 6.4-2. which indicates 50% of a building’s perimeter should have foundation plantings. Several buildings in the University Village Center do not meet this guideline (e.g. Lowe’s, Costco).
- f. Section 6.6. indicates gas canopies should not exceed 16’6” in height. Recently approved gas canopies have ranged in height from 18’ to 19’. Provide the height of the existing gas canopy for Costco. If necessary revise the recommended gas canopy height to match the height of the Costco gas canopy.
- g. Delete Section 7.1-3. which limits the height of a freestanding sign for a convenience store to 8’. There appears to be no justification to arbitrarily restrict the height of the sign for this particular use.
- h. Amend Section 7.1-5. to indicate the recommended spacing shall not preclude the opportunity for a freestanding sign on a separate property.
- i. Revise Section 8.2-6. from “fully-shielded luminaires” to “full cut-off fixtures”.

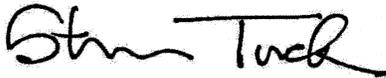
LAND USE REVIEW DIVISION

- j. Section 8.2-13. requires a maximum of 10 footcandles for gas canopies. To evaluate the appropriateness of this standard provide the footcandle level for the Costco gas canopy. If necessary revise the maximum to match the Costco canopy. Provide a recommended standard (maximum footcandles) for automobile or vehicle sales facilities.
- k. Delete Section 8.2-14. All exterior lights should be full cut-off fixtures as indicated in item i. above.
- l. Revise Section 8.3-1. from "fully shielded" to "full cut-off".
- m. Revise Section 8.3-4. to indicate the use of full cut-off fixtures.
- n. Section 8.4-1. prohibits lamps over 5,000 lumens; however several previous sections indicate the use of lights of over 5,000 lumens. Either eliminate this section or provide an explanation for this limitation. Provide an explanation of a "vertical lamp".

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

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

Sincerely,



Steve Tuck
Senior Planner

C: File No. CPC MP 04-00280-A1MJ13

These Design Guidelines build upon the vision and goals identified within the December 2004 North Nevada Area Corridor Urban Renewal Plan, and the North Nevada Avenue Master Plan prepared in 2008 and as subsequently amended.

Since its designation as an urban renewal area (URA) by the Colorado Springs City Council in 2004, the University Village Colorado developer consolidated numerous land parcels on the west side of North Nevada Avenue and created a new retail shopping area called "University Village." This retail center now sets the standard for quality of design for future redevelopment within the URA.

City of Colorado Springs/Regional Building Department Review and Approval Requirements:

The City of Colorado Springs has adopted certain zoning ordinances, land use codes and subdivision ordinances which include use restrictions, specific requirements and various performance standards, and the Pikes Peak Regional Building Department has similarly adopted certain building codes and construction standards, methods and requirements, all of which are collectively referred to herein as the "City Land Use and Building Requirements." The standards, requirements and prohibitions contained in these Design Guidelines are in addition to, and do not supersede, the other City Land Use and Building Requirements, which City Land Use and Building Requirements must be separately complied with. To the extent that any of the provisions of these Design Guidelines are in direct conflict with the other City Land Use and Building Requirements, the more restrictive provisions shall control, with the express understanding that these Design Guidelines may be more restrictive than the City Land Use and Building Requirements, but may not be less restrictive.

Colorado Springs Urban Renewal Authority's Review and Approval Requirement:

All projects proposed within the boundaries of the URA shall also be submitted to the Colorado Springs Urban Renewal Authority (CSURA) to verify compliance with the Urban Renewal Plan and these Design Guidelines. The CSURA review and approval process is a separate but integral part of the City of Colorado Springs' development review process. CSURA will review an applicant's proposed plat, development plan, landscaping plan, zoning application and construction drawings (including, but not limited to, plans for all buildings, structures, fencing, signage, lighting, landscaping and uses, and collectively, the "Applicant Submittal Documents"). CSURA's review and determination of approval or disapproval may be done by CSURA administrative staff or by the CSURA Board (as determined by CSURA). CSURA may further require the applicant to present its Applicant Submittal Documents at a CSURA Board meeting. CSURA's approval, rejection, or comments upon any or all of the Applicant Submittal Documents, including any required revisions, modifications or amendments thereto required by CSURA, will be set forth in writing and distributed to the applicant, as well as to the City's Land Use Review Division. CSURA may exercise reasonable discretion in determining whether the Applicant Submittal Documents meet the goals, objectives, vision and standards set forth in the Urban Renewal Plan and these Design Guidelines. CSURA's approval does not imply that the Applicant Submittal Documents comport with any other requirements, codes, restrictions or regulations, including but not limited to the other City Land Use and Building Requirements. CSURA does not have the authority to waive or otherwise alter or amend any of the other City Land Use and Building Requirements, all of which must be separately met by any applicant.



Regular Agenda Item

Council Meeting Date: March 25, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

From: Councilmember Jan Martin

Subject Title: A Resolution Recognizing the Colorado Springs City Council Engagement Program

Summary: Recently, an engaged group of citizens approached City Council to discuss their idea to help increase citizen engagement and to build new connections for city government via an outreach program aimed at City Council's numerous boards and commissions. Their work will include, but not be limited to, new outreach to minority communities in the city, who have been historically underrepresented on our boards and commissions. In addition to helping identify citizens who are interested in volunteer service, the program will benefit the City by asking certain interested participants to study selected issues of interest to City Council and provide observations and recommendations that Council might not otherwise receive through the existing process.

The attached resolution endorses the group's proposed program and pledges its support for the work of its participants.

Attachments:

- A Resolution Recognizing the Colorado Springs City Council Engagement Program

**A RESOLUTION RECOGNIZING THE
COLORADO SPRINGS CITY COUNCIL ENGAGEMENT PROGRAM**

WHEREAS, the City Council of the City of Colorado Springs relies on the input and advice of over 50 separate boards and commissions, involving over 300 citizen volunteers; and

WHEREAS, the City's boards and commissions provide valuable subject matter expertise and input on issues as varied as land use, tourism, public safety, transportation, housing and the arts; and

WHEREAS, Colorado Springs is a large and diverse community, and values the diversity of ideas and insights its engaged citizen volunteers bring to the discussion on a wide variety of issues; and

WHEREAS, a small group of committed citizens has volunteered to implement a City Council Engagement Program, the goal of which is to engage more of Colorado Springs' citizens in city policy discussions, increasing engagement in the general population as well as in underrepresented minorities; and

WHEREAS, City Council wishes to recognize and endorse the efforts of Planning Commissioner Eric Phillips and Dr. Tim Gramling, President of Colorado Technical University, for their efforts to launch a City Council Engagement Program to assist City Council in broadening the scope of its volunteer outreach efforts.

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

Section 1. City Council hereby endorses the Colorado Springs City Council Engagement Program, developed and implemented at no cost to the City by interested citizens and operated in cooperation with City Council.

Section 2. City Council looks forward to working closely with volunteers and engaged citizens involved in the City Council Engagement Program by providing orientation and training to citizen volunteers who serve on its boards and commissions, and by engaging with participants in policy issues of interest to City Council and citizens alike.

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

Keith King, Council President

ATTEST:

Sarah B. Johnson, City Clerk



Regular Agenda Item

Council Meeting Date: March 25, 2014

To: President and Members of City Council

cc: Mayor Steve Bach

Via: Steve Cox, Chief of Staff/Chief Administrative Officer

From: Peter Wysocki, Planning and Development Director

Subject Title: **Appeal of Planning Commission's Approval of Appeal of Notice and Order Issued Against Studio A64**

SUMMARY:

On March 3, 2014, the City of Colorado Springs Administration filed an appeal of City Planning Commission's approval of an appeal of the Notice and Order issued against Studio A64.

Pursuant to City Code, the City Clerk scheduled the appeal for the March 25, 2014 City Council. The owner of Studio A64 is unable to attend the March 25th Council meeting and has requested an "initial" postponement of the hearing until the April 8, 2014 Council meeting. Per City Code Section 7.5.906.B.3, City Council is required to grant the initial postponement request. The postponement can be filed by any party that is part of the appeal. The Council should not discuss the specifics of the appeal. The postponement does not impact the operation of Studio A64 as the business continues to operate until final action by the City Council.

A full staff report and analysis will be provided for the April 8, 2014 Council meeting.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The Notice and Order to cease the operation of Studio A64 or otherwise abate the violation was issued by the City's Code Enforcement Division of the Police Department on November 21, 2013. The Code Enforcement's Notice and Order was based on the Planning and Development Department's determination that a facility which allows the consumption of marijuana is not a permitted use within the Form Based Zone-Central Sector zoning district on the premise that it is not a specifically defined or permitted use within the Form-Based Zone (FBZ) or the Zoning Code, which the FBZ derives its definition of permissible uses.

On December 2, 2013, Studio A64 filed an appeal with the Planning and Development Department, appealing the Notice and Order to cease or abate the illegal use of the property. According to the owner of Studio A64 and the Studio A64 website, the facility offers other services and activities such as live music, dance, recording studio, private events, among others. Studio A64 argued that it is a "private club" and the City's determination that it is an illegal use was contrary to law and against the intent and express language of the Zoning Code.

FINANCIAL IMPLICATIONS:

None identified at this point.

BOARD/COMMISSION RECOMMENDATION:

At its February 20, 2014 meeting, the Planning Commission approved Studio A64's appeal on 6-to-2 vote. In its motion to approve the appeal, the Planning Commission found that staff's determination of a facility that permits consumption of marijuana as an illegal use was erroneous and contrary to the Zoning Code. The Planning Commission compared Studio A64 to a "social club" under the umbrella definition of "[Membership] Club".

STAKEHOLDER PROCESS:

Not applicable. However, the Planning and Development Department staff have notified and communicated with Studio A64 and the Planning Commission.

ALTERNATIVES:

Not applicable at this point.

RECOMMENDATION:

Approve the one-time automatic postponement.

PROPOSED MOTION:

Postpone item **CPC AP 14-00002 – APPEAL OF STUDIO A64 – 332 E. COLORADO AVENUE** to the April 8, 2014 regular City Council meeting.