



City of Colorado Springs

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

Regular Meeting Agenda

Planning Commission

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

Thursday, March 17, 2016

8:30 AM

Council Chambers

1. Call to Order

2. Approval of the Record of Decision (minutes) for the January 21, 2016 City Planning Commission Meeting.

3. Communications

CONSENT CALENDAR

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner or a citizen wishing to address the Planning Commission. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

4. CONSENT CALENDAR

- 4.A. [CPC CU 16-00005](#) A conditional use to allow a large daycare home at 4181 Knollvale Drive. Quasi-Judicial

Presenter:

Rachel Teixeira, Planner, Land Use Review, Planning and Community Development Department

Attachments: [CPC CU 16-00005 CPC Staff Report](#)

[FIGURE 1 - SITE PLAN](#)

[FIGURE 2 - PROJECT STATEMENT](#)

[7.5.704 Conditional Use Review](#)

[7.5.502.E Development Plan Review](#)

- 4.B. [CPC UV
16-00009](#) A use variance development plan to allow a bed and breakfast use in an R zone district, located at 60 First Street. Quasi-Judicial

Presenter:

Lonna Thelen, Principal Planner, Land Use Review

Attachments:

[CPC Staff Report - 60 1st Street - LT](#)

[FIGURE 1 - development plan](#)

[FIGURE 2 - project statement](#)

[FIGURE 3 - neighborhood comments](#)

[7.5.803.B Use Variance Review Criteria](#)

[7.5.502.E Development Plan Review](#)

5. UNFINISHED BUSINESS

6. NEW BUSINESS CALENDAR

- 6.A. [CPC CA
16-00008](#) An Ordinance repealing and reordaining section 906 (appeals) of part 9 (notice, hearings and appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the code of the City of Colorado Springs 2001, as amended, pertaining to appeals. - Legislative

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments:

[AppealsCode Change CPC Staff Report 2016](#)

[Ord Plan Dev-Appeals 2016-3-7 clean](#)

[Figure 2 - Code Scrub Committee 2015-2016](#)

[Figure 3 -Jurisdictional Comparison- Standing for Appeals](#)

[Figure 4 -Calendar Showing Impact of 10 vs. 14 days](#)

[Appeals PP](#)

- 6.B.** [CPC LUM
16-00003](#) An Ordinance amending the Comprehensive Plan 2020 Land Use Map reflecting changes from July 1, 2013 through June 30, 2015. - Legislative

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Attachments:

[2020 LUM CPC Staff Report](#)

[1- Ord_ 2020 Land Use Amendment](#)

[2- Updated 2020 LU Map](#)

[3- 2001 Comp Plan Use Matrix](#)

[4.1- Region Index Map](#)

[4.2-Region A](#)

[4.3- Region B](#)

[4.4- Region C](#)

[4.5- Region D](#)

[4.6- Region E](#)

[4.7- Region F](#)

[CPC20202LUM PowerPoint](#)

7. Adjourn



City of Colorado Springs

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

Memorandum

File #: CPC CU 16-00005, **Version:** 1

A conditional use to allow a large daycare home at 4181 Knollvale Drive. Quasi-Judicial

Presenter:

Rachel Teixeira, Planner, Land Use Review, Planning and Community Development Department

Proposed Motion:

CPC CU 16-00005 - CONDITIONAL USE

Approve the conditional use for a large daycare home at 4181 Knollvale Drive based upon the findings that the Conditional Use request does comply with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704 and the development plan review criteria in City Code Section 7.5.502.E.

CITY PLANNING COMMISSION AGENDA

STAFF: RACHEL TEIXEIRA

FILE NO(S):
CPC CU 16-00005 – QUASI-JUDICIAL

PROJECT: LARGE DAYCARE HOME – 4181 KNOLLVALE DRIVE
APPLICANT: SARITA LEWIS
OWNER: SARITA AND ALEX LEXIS



PROJECT SUMMARY:

1. **Project Description:** This project is a request for a conditional use to allow a large home daycare in the R-1 6000/AO/DF (Single-Family Residential with Airport and Design Flexibility Overlays) zone district. A large daycare home allows a maximum of twelve (12) children. The site is addressed as 4181 Knollvale Drive, southeast of Hillock Drive and Knollvale Drive. The property currently has a home daycare which allows a maximum of six children full-time and two children part-time. **(FIGURE 1)**
2. **Applicant's Project Statement:** **(FIGURE 2)**
3. **Planning and Development Department's Recommendation:** Staff recommends approval of the conditional use application.

BACKGROUND:

1. Site Address: 4181 Knollvale Drive
2. Existing Zoning/Land Use: R-1 6000/AO/DF (Single-Family Residential with Airport and Design Flexibility Overlays)/ Single-Family Residence
3. Surrounding Zoning/Land Use:
North, South, East and West of Knollvale Drive: R-1 6000/AO/DF (Single-Family Residential with Airport and Design Flexibility Overlays)/ Single-Family Residence
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Springs Ranch Addition, October 1, 1984
6. Master Plan: Springs Ranch Master Plan (Implemented)/Single-Family
7. Subdivision: North Range at Springs Ranch Filing No. 4
8. Zoning Enforcement Action: None
9. Physical Characteristics: The property has an existing 1,242 square feet single family residence with a driveway. There is an existing wood fence surrounding the sides and rear of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Standard public notification and posting process was used during the internal review. Staff noticed 155 property owners within a 500 foot buffer distance. City planning staff received no written correspondence either in support or opposition to the request.

The property will be posted and mailing notification sent prior to the March 17th City Planning Commission meeting.

The conditional use application was sent to the internal agencies for review and comment. Review agencies for this project included Traffic Engineering, City Engineering, and Fire Prevention and their review comments have been addressed.

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

1. Review Criteria / Design & Development Issues:

The applicant proposes to convert an existing home daycare into a large home daycare (up to 12 children) in an existing single family residence. The property owner has been operating a licensed home daycare for over three years as allowed in the R-1 6000 zone. Per City Code Sections 7.2.302 and 7.3.105, a large home daycare allows daycare services for up to 12 children and 24-hour care is prohibited. The large daycare facility is subject to Pikes Peak Regional Building Code and Fire Code requirements. It must also meet the State of Colorado regulations.

The development plan illustrates the parent(s) pick-up and drop-off areas in front of the residence (either in the driveway or along Knollvale Drive) and in the rear of the property is the outdoor play area for the children. The State requires separate child care licensing for the large home daycare.

2. Criteria for Granting a Conditional Use

To approve the conditional use all of the three review criteria must be satisfied.

A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.

Planning Staff finds that the conditional use will not injure the value and quality of the surrounding neighborhood. In fact, the site is surrounded by single-family residential land use in the Single-Family Residential (R-1 6000) zone. The proposed use is compatible with the surrounding single-family residential neighborhood.

B. Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.

The request is for the expansion of an existing home daycare into a large home daycare which will be consistent with the intent and purpose of the Zoning Code in order to promote public health, safety and general welfare. The proposed use will occupy an existing single-family residence that already operates as a licensed home daycare (6 full time + 2 part time children).

C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The proposed large home daycare use and conditional use site plan does conform to goals and policies of the City Comprehensive Plan. This project provides a service for the greater vicinity and is also compatible with the residential neighborhood.

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Map designates the site as General Residential. There are Comprehensive Plan objectives and strategies that support the proposal, including:

Objective N 2: Enhance Neighborhoods

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

Policy N 201: Protect Established and Stable Neighborhoods

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

Strategy N 201c: Evaluate Land Use Proposals Recognizing Anticipated Changes to Neighborhood Conditions

Evaluate land use proposals in existing, stable neighborhoods on the basis of projected changes in scale, traffic patterns, intensity of use, pedestrian orientation, and relationship of the site to adjacent development.

3. Conformance with the Area's Master Plan:

This development is part of the Springs Ranch Master Plan. This master plan is already implemented and does not have to be amended since it is designated as single-family residential.

STAFF RECOMMENDATION:

CPC CU 16-00005 – CONDITIONAL USE

Approve the conditional use for a large daycare home at 4181 Knollvale Drive based upon the findings that the Conditional Use request does comply with the three review criteria for granting a conditional use as set forth in City Code Section 7.5.704 and the development plan review criteria in City Code Section 7.5.502.E.

TSN: 5329210012
 PROPERTY ADDRESS: 4181 KNOLLVALE DRIVE

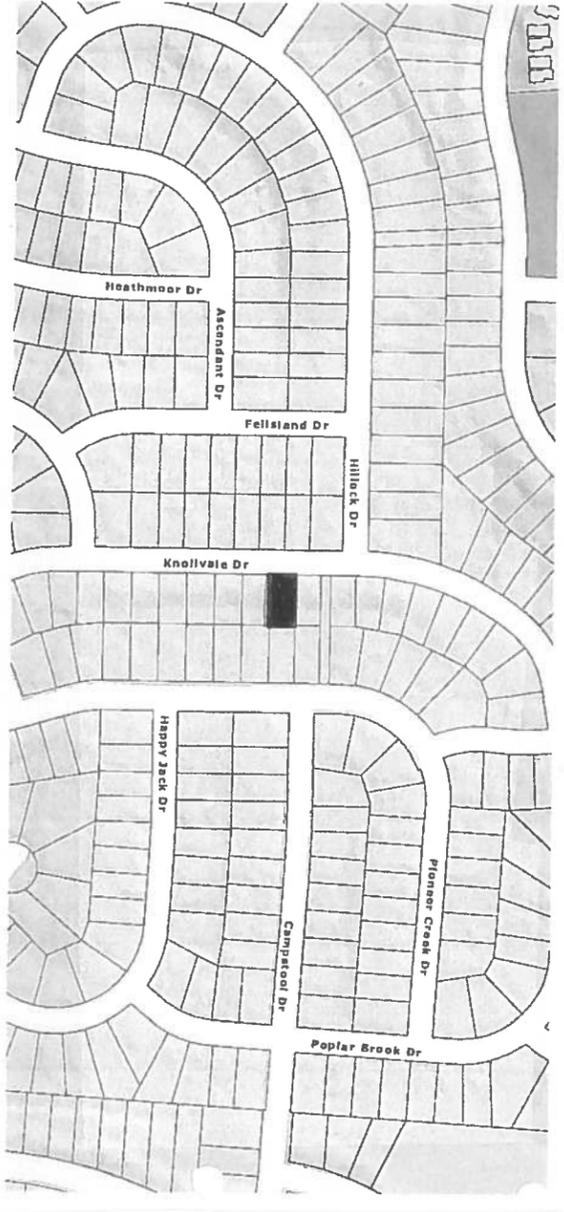
OWNER(S):
 SARITA AND ALEX LEWIS
 4181 KNOLLVALE DRIVE
 COLORADO SPRINGS, CO 80922

LEGAL DESCRIPTION: LOT 11 NORTH RANGE AT SPRINGS RANCH FILING NO. 4
 ZONE: R-1 6000/AO/DF (SINGLE FAMILY RESIDENTIAL WITH AIRPORT AND DESIGN FLEXIBILITY OVERLAYS)

CONDITIONAL USE PROPOSAL: TO OPERATE A LARGE HOME DAYCARE (NOTE: HALF OF THE MAIN LEVEL AND WHOLE BASEMENT WILL BE FOR CHILDCARE).

SURROUNDING ZONING AND LAND USE(S):
 NORTH, SOUTH, EAST AND WEST OF KNOLLVALE DRIVE:
 ZONE: R-1 6000/AO/DF (SINGLE FAMILY RESIDENTIAL WITH AIRPORT AND DESIGN FLEXIBILITY OVERLAYS)
 LAND USE: SINGLE FAMILY RESIDENCE

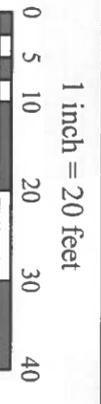
RESIDENCE: 1,242 SQ. FT.
 LOT COVERAGE: 24.7%
 LOT SIZE: 5,033 SQ. FT. (0.115 ACRES)
 CITY PLANNING FILE NO.: CPC CU 16-00005



KNOLLVALE DR



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Plot File Created: February 10, 2016

Requestor: 4181 Knollvale
 Company: -
 Address: 4181 Knollvale Dr, Colorado Springs, Colorado, 80922

CPC CU 16-00005 Parcel Map

Call Before You Dig "811"

FIGURE 1

Sarita Lewis

December 17, 2015

4181 Knollvale Dr

Colorado Springs, CO 80922

(PH) 719-373-8253

License ID 1626965

City of Colorado Springs

To whom it may concern,

I am writing you to request a change in my childcare license. Currently I hold a regular childcare license of 8 children. I am inquiring to change my childcare license to a large childcare license which will hold up to 12 children. I have provided childcare since December of 2012, though I am working on building my in home childcare facility for the years to come. Not only am I continuing ongoing training each year, per state requirements, but I am also working towards my degree in Early Childhood Education. Regularly I also volunteer at Rock Family Church where I serve helping in the preschool classes during Sunday service.

With my request, I would like to add that my husband Alex Lewis just recently separated from the Air Force. Alex has completed all the required trainings by April of 2015, to be considered my assistant, if or when I receive approval for my large in home childcare. His trainings include, medication administration, First aid/CPR (including universal precautions) as well as background checks/fingerprinting/CBI approval. I will not be making any changes to my home or yard on my property.

I recently had my home visit with my licensing specialist Tina LePage. She did approve my home for a large daycare; I would just need the City of Colorado Springs' approval. With the demand for childcare in my area 80922 and surroundings, I know this would benefit many families. I already have a few families who live within a close proximity of my home. My children in my in home facility are very well behaved. I've never received any complaints from neighbors and I'm hoping to help more families out who are in need of care.

To conclude, I am requesting approval that way I can better serve the families in our community and throughout El Paso County by providing a healthy, safe, and happy home for my extended families and others looking for a great childcare.

Respectfully yours,



Sarita Lewis
Family Home Childcare Provider

FIGURE 2

HOME DAY CARE PERMIT

Permit Number: DCP – 36015

Issue Date: 8/9/2012

Location: 4181 KNOLLVALE DR

Applicant: Sarita Lewis

Notes: Signage is limited to 2 square feet and attached to the house.

Permit is subject to the conditions and restrictions of the Colorado Department of Childcare and the Colorado Department of Human Services.

Approval for small home day care. Please use driveway and curbside adjacent to home for the picking up and dropping off of children

Reviewed By: jbg



We Create Community

PLANNING AND DEVELOPMENT TEAM
Development Review Enterprise

2880 International Circle, Suite 200-7
Colorado Springs, CO 80910
(719) 385-5982 Fax: (719) 385-5055



STATE OF COLORADO
DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD CARE
1575 SHERMAN STREET
DENVER, COLORADO 80203-1714

PERMANENT CHILD CARE LICENSE

Provider ID: 1626965

Service Type : DAY CARE HOME

SARITA M. LEWIS
ALEX M. LEWIS
4181 KNOLLVALE DRIVE
COLORADO SPRINGS, COLORADO 80922

LOCATION:

4181 KNOLLVALE DRIVE
COLORADO SPRINGS, COLORADO 80922

COUNTY: EL PASO

License Effective Date: 12-03-2012

The licensee must comply at all times with the Child Care Act and the rules and standards of the Department of Human Services. The licensed premises and its records must be available for inspection at all times by the Department of Human Services or its authorized representatives. This license is valid only for the location address listed above and is not transferable to any other person, organization or location. The licensee must surrender this license to the Department of Human Services upon denial, revocation or suspension.

Numbers and ages of children cared for at the licensed premises must not at any time exceed:

6 children of the age 0 years 0 months to 18 years 0 months

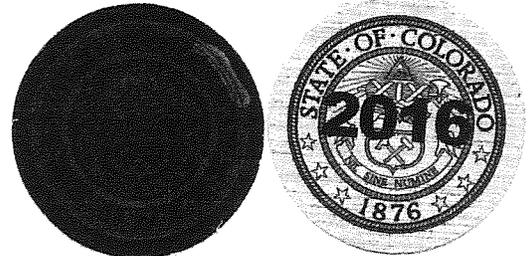
Other conditions and restrictions:

Approved for 2 children for overnight care
No more than 2 children under 2 years may be in care
2 additional school-age children during non-school times
Garage should be locked during child care
License capacity and exhibits include provider's own children

Upper floor may not be used for child care

Unique conditions:

Place Stickers Below



ANNIVERSARY DATE

EXECUTIVE DIRECTOR

THIS LICENSE MUST BE POSTED IN A PROMINENT LOCATION ON THE LICENSED PREMISES



Enrollment Services

PIKES PEAK COMMUNITY COLLEGE

November 23, 2015

Sarita Lewis
4181 Knollvale Dr
Colorado Springs, CO 80922

S01426336

Dear Sarita,

Our records indicate that you might be eligible to earn the following Certificates listed below.

- Early Childhood Education Director Certificate; ECT DHS Minimum Qualifications Certificate

If you are interested in earning these Certificates please apply for graduation by going to <http://www.ppcc.edu/academics/records/graduation/>. Once a graduation audit has been completed for you, you will receive an email to let you know of the status of your application. If the results indicate that you are eligible, you will be notified about information on receiving your diploma.

If you have any further questions about graduation, please contact me using the information below.

Sincerely,

Stephanie Snyder
Assistant Registrar
719-502-2312
Stephanie.Snyder@ppcc.edu

CONDITIONAL USE REVIEW CRITERIA:

7.5.704: AUTHORIZATION AND FINDINGS:

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

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

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

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
 2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
 3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
 4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
 5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
 6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
 8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
 9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
 10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



City of Colorado Springs

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

Memorandum

File #: CPC UV 16-00009, **Version:** 1

A use variance development plan to allow a bed and breakfast use in an R zone district, located at 60 First Street. Quasi-Judicial

Presenter:

Lonna Thelen, Principal Planner, Land Use Review

Proposed Motion:

CPC UV 16-00009 - USE VARIANCE DEVELOPMENT PLAN

Approve use variance application CPC UV 16-00009 to allow a bed and breakfast use on a property located at 60 First Street, based upon the finding that development plan complies with the use variance and development plan review criteria in City Code Section 7.5.803.B and 7.5.502.E, subject to compliance with the technical and/or informational modifications.

Technical and Informational Modifications to the Development Plan:

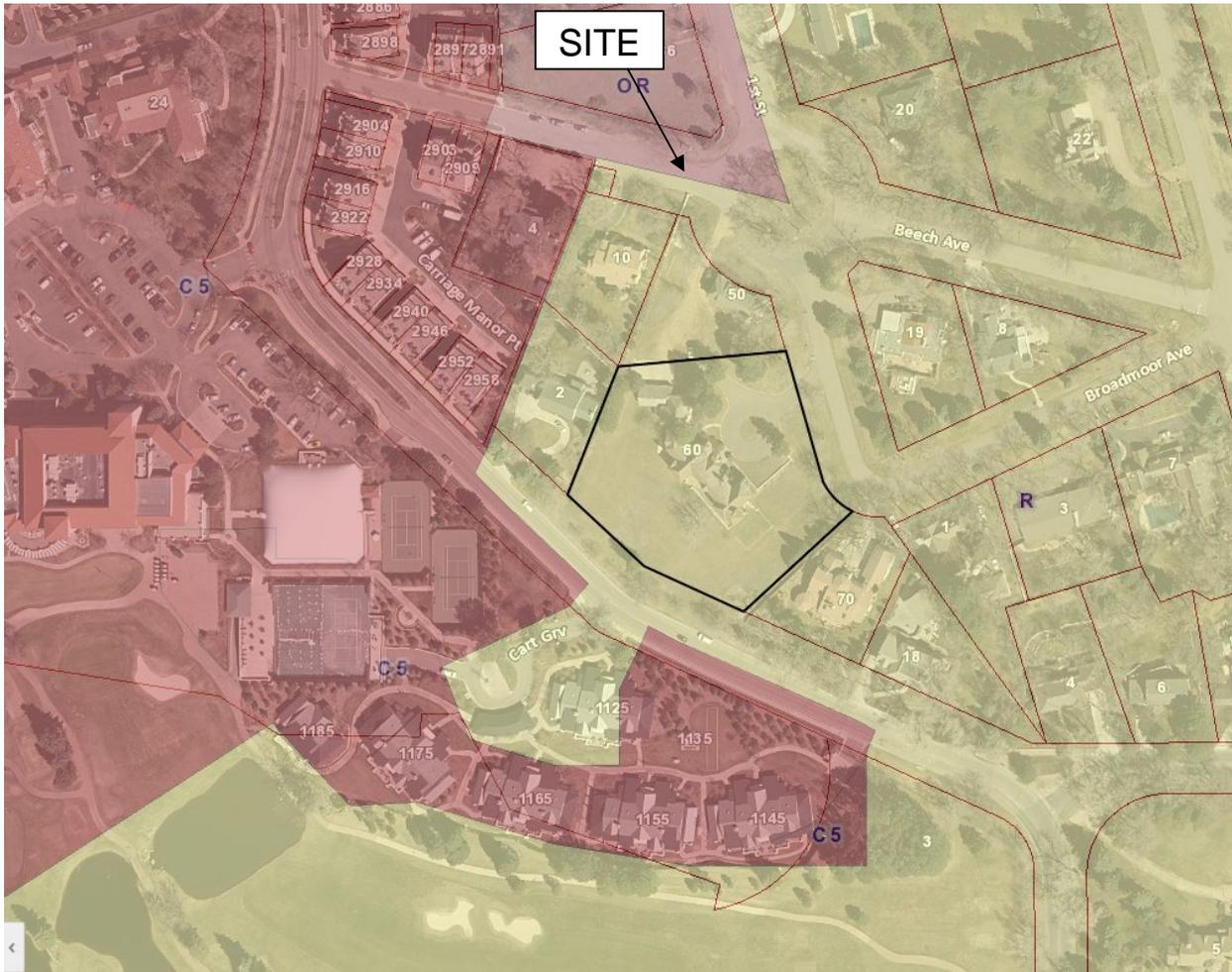
1. Receive approval of the Final Landscape Plan.

CITY PLANNING COMMISSION AGENDA

STAFF: LONNA THELEN

FILE NO(S):
CPC UV 16-00009 – QUASI-JUDICIAL

PROJECT: 60 FIRST STREET
APPLICANT: URBAN STRATEGIES INC.
OWNER: BROADMOOR HOTEL INC.



PROJECT SUMMARY:

1. Project Description: This project is an application for a use variance to allow a bed and breakfast in a R (Estate Residential) Zone District. The site is 1.7 acres and is located at 60 First Street. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Staff recommends approval of the applications, subject to the listed modifications.

BACKGROUND:

1. Site Address: 60 First Street
2. Existing Zoning/Land Use: R / Single-Family Residential
3. Surrounding Zoning/Land Use: North: R / Single-Family Residential
South: C-5 / Broadmoor Hotel
East: R / Single-Family Residential
West: R / Single-Family Residential
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Re-annexation of the Southwest Annexation Area, 1980
6. Master Plan/Designated Master Plan Land Use: There is not a master plan for this site.
7. Subdivision: Fox Hollow Subdivision
8. Zoning Enforcement Action: No enforcement cases are active.
9. Physical Characteristics: The site has an existing 11,562 square foot single-family home built in 1930.

STAKEHOLDER PROCESS AND INVOLVEMENT: The Broadmoor Hotel held an initial neighborhood meeting to discuss the proposal with the neighbors on January 14, 2016. There were 38 people in attendance at the neighborhood meeting. Concerns about parking, use of the structure, and outdoor venues were voiced by the neighborhood.

After a submittal was received, the public process included posting of the site and sending postcards to 24 property owners to invite them to a neighborhood meeting sponsored by the City on February 18, 2016. There were 9 people that attended the neighborhood meeting. The only concern raised at that time was on street parking regulations. City Traffic was present at the meeting and provided an option for limiting on street parking in the future and will continue to work with the neighborhood on this concern as a separate project. Eleven public comments in support of the project were received. No public comments in opposition to the project were received. **(FIGURE 3)** The site was posted and postcards were sent for the City Planning Commission meeting.

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

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

1. Review Criteria / Design & Development Issues:
The property at 60 First Street was originally built in 1930 as a single-family home. The Broadmoor Hotel purchased the property in 2015 and is proposing to use the site as an extension of the Broadmoor accommodations. This site will be used to serve family and corporate guests that seek a luxurious and more private environment. Typical ancillary uses would include, but are not limited to: indoor function (such as cocktail parties, dinners, meetings and dances) and outdoor activities (such as croquet, garden parties, receptions, dinners or weddings.) The site will be rented as a whole unit for a nightly rate.

The Broadmoor is not proposing any structural additions to the site, but is proposing to add landscaping, a sidewalk connection to Pourtales Road, a croquet area, and remodel the existing structure.

The discussions at the neighborhood meeting addressed parking and access to the site, outdoor events, and restrictions on outdoor music. The neighbors stressed that they had some existing concerns about parking in the neighborhood by citizens not living in the neighborhood and wanted to ensure that the proposed use for 60 First Street did not cause additional on street parking. The applicant has added a note to the plans that ensures that parking for the use will be accommodated on site or at the Broadmoor Hotel. If users of the facility park at the Broadmoor, they will be either shuttled to the site or would be able to walk to the site via Pourtales Road and access the property from the south entrance.

The users of the site would be allowed to have outdoor events to utilize the large outdoor space on the east and south sides of the property. Outdoor events would be allowed only in conjunction with the rental of the facility as a whole. If there are outdoor events and music is involved, the outdoor music must end at 10 pm.

A use variance has been proposed instead of a zone change and development plan because staff wanted to ensure the character of the neighborhood was not changed and that future use of the property would be restricted to the Bed and Breakfast use or resort back to a single-family home as allowed by the R zone district. The use variance criteria, listed below, have been met. The neighbors to the property have provided support of the project and believe it will be a welcome upgrade to the existing structure. The site is located directly across the street from the Broadmoor Hotel and is a logical extension of the hotel use. The Broadmoor Hotel has been careful to respect the existing single-family homes and rent this as a whole unit. The check-in process and potential shuttling will be handled by the Broadmoor Hotel main location, which will allow this site to primarily function as a single-family home that may have private events.

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss; and
2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner; and also
3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

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

4. Conformance with the City Comprehensive Plan:

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

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

Objective LU 4: Encourage Infill and Redevelopment

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

The 60 First Street project is an infill and redevelopment project that takes an existing home and broadens the use while still being compatible with the surrounding single-family uses. This project is in compliance with and supports the comprehensive plan.

5. Conformance with the Area's Master Plan:
This property is not part of a master plan.

STAFF RECOMMENDATION:

CPC UV 16-00009 – USE VARIANCE DEVELOPMENT PLAN

Approve the 60 First Street Use Variance Development Plan, based upon the finding that development plan complies with the use variance and development plan review criteria in City Code Section 7.5.803.B and 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Development Plan:

1. Receive approval of the Final Landscape Plan.

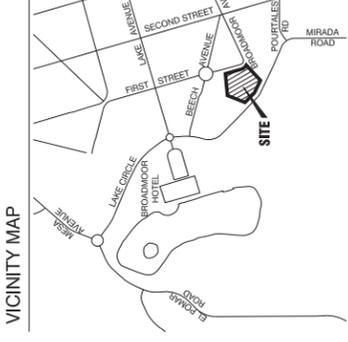
BROADMOOR ESTATE HOME

CITY OF COLORADO SPRINGS, STATE OF COLORADO

BED & BREAKFAST USE VARIANCE DEVELOPMENT PLAN



N.E.S. Inc.
 619 N. Cascade Avenue, Suite 200
 Colorado Springs, CO 80903
 Tel: 719.471.0073
 Fax: 719.471.0267
 www.nescolorado.com
 © 2012. All Rights Reserved.



SITE DATA

Owner: Broadmoor Hotel Inc.
 1 Lake Circle
 Colorado Springs, CO 80906

Applicant: Urban Strategies, Inc.
 6 S. Tejon St, Suite 550
 Colorado Springs, CO 80903

Landscape Design: Timberline Landscaping, Inc.
 2480 N. Powers Blvd.
 Colorado Springs, CO 80915

Site Address: 60 First Street
 Colorado Springs, CO 80906

Legal Description: Lot 4 Fox Hollow Subdivision No 1
 Tax ID Number: 7456222034
 Site Acreage: 2.06 AC
 Current Zoning: R - Estate
 Single-Family Residential

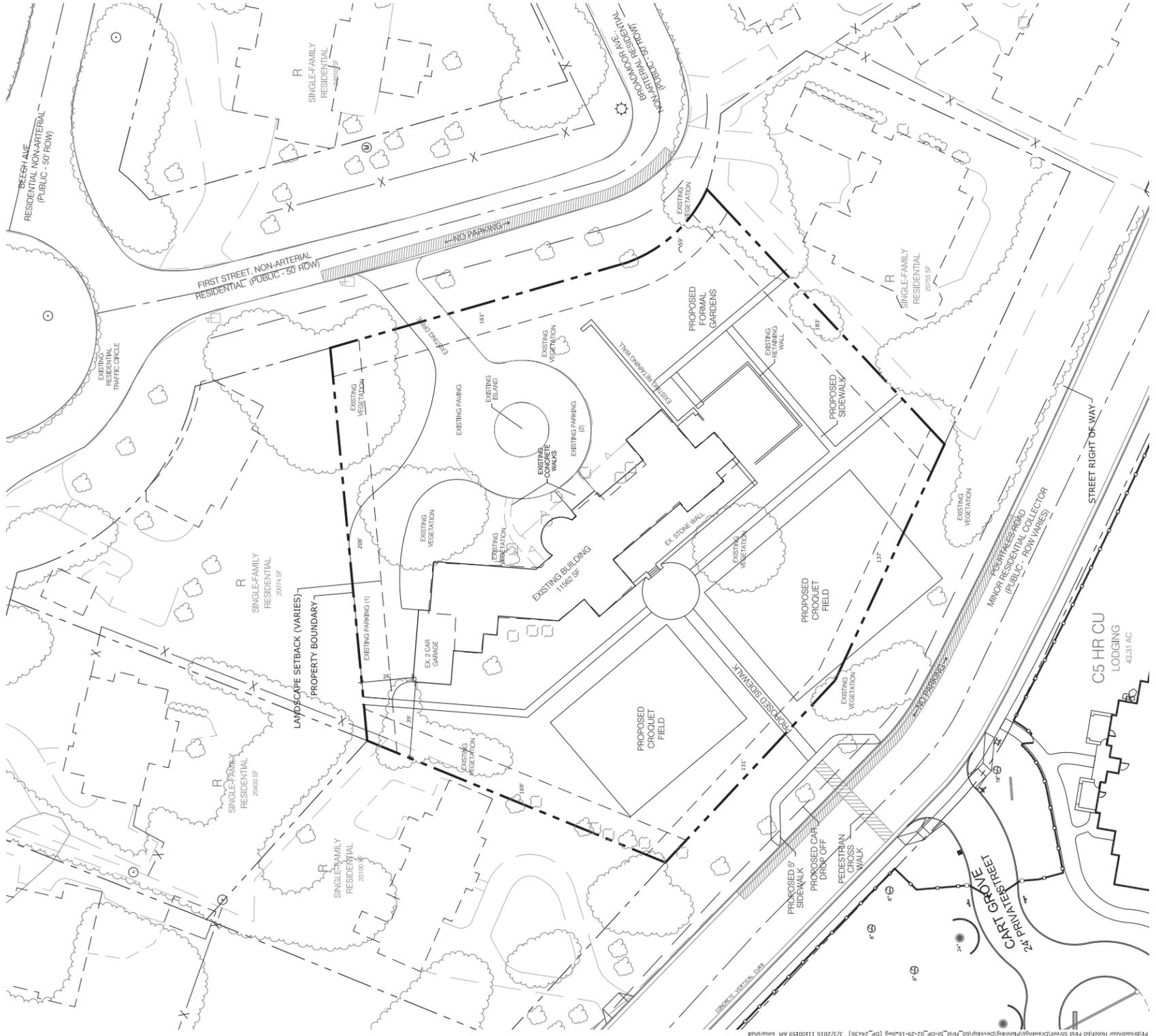
Proposed Land Use: Two-story with Attached Garage
 Building Size: 11,562 SF
 Building Height: 8'
 Impervious Lot Coverage: 37%

Proposed Use: Bed and Breakfast
Use Variance: Allow a Bed & Breakfast Use in a R zone district

Development Schedule: Spring 2016

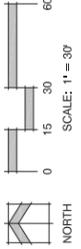
GENERAL NOTES

1. FLOODPLAIN STATEMENT: THIS SITE, 60 FIRST STREET, IS NOT WITHIN A DESIGNATED F.E.M.A. FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 08041C0736F, EFFECTIVE MARCH 17, 1997.
2. NO OUTDOOR MUSIC PERMITTED AFTER 10:00 PM.
3. EVERGREEN LANDSCAPE TREATMENT ALONG THE ADJOINING RESIDENTIAL LOTS TO THE NORTH AND SOUTH SHALL BE PROVIDED.
4. OUTDOOR EVENTS ARE ALLOWED IN CONJUNCTION WITH THE USE OF THE FACILITY.
5. PARKING BY USERS AT THE BED AND BREAKFAST IS ALLOWED ONSITE; HOWEVER, NO ON-STREET PARKING IS ALLOWED. IF ADDITIONAL PARKING IS NEEDED, THE BROADMOOR HOTEL MUST ACCOMMODATE THE ADDITIONAL PARKING.



SHEET INDEX

- Sheet 1 of 3: Development Plan
- Sheet 2 of 3: Landscape Details
- Sheet 3 of 3: Final Landscape Plan



COVER SHEET

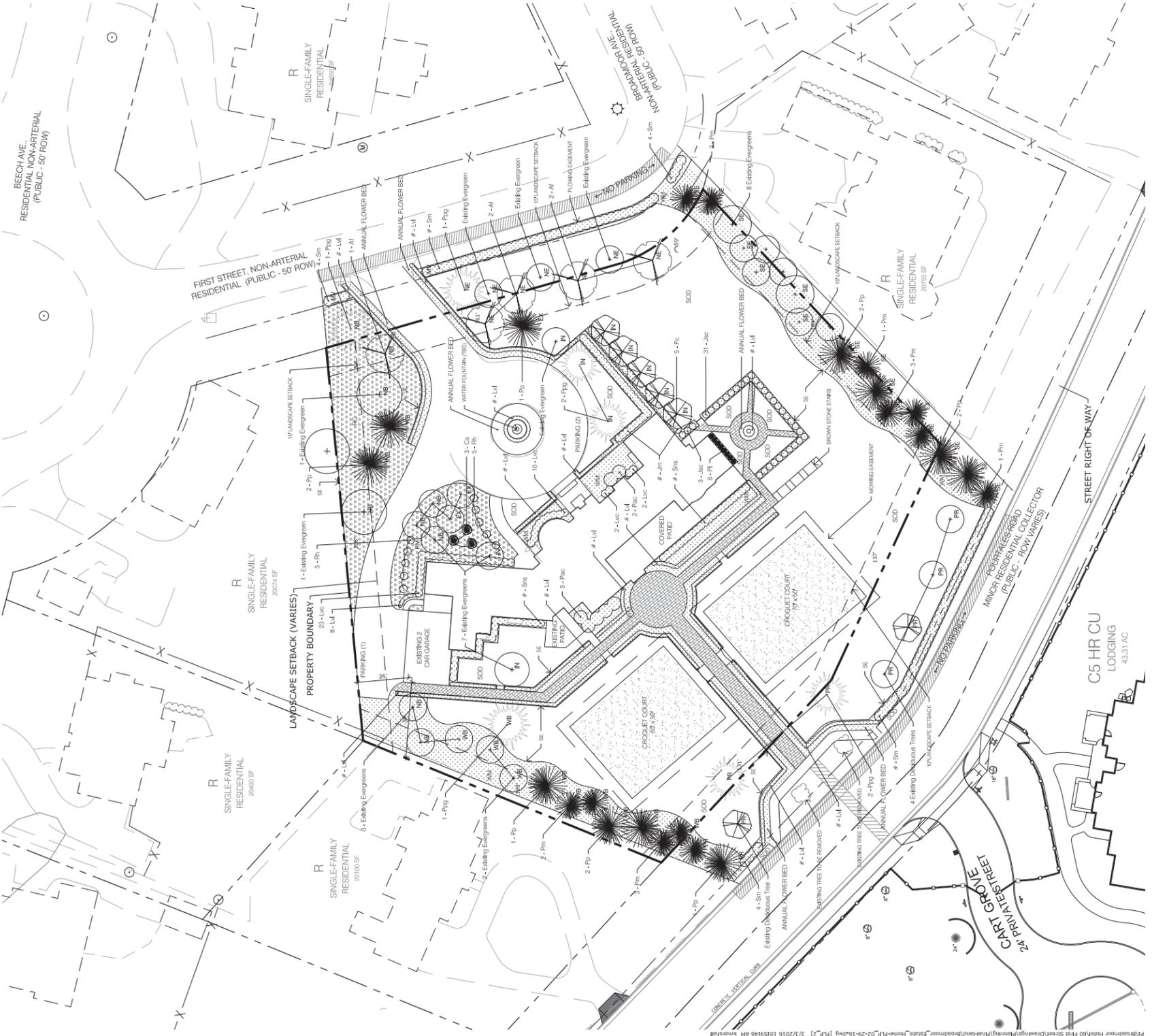
1 OF 3

FIGURE 1

BROADMOOR ESTATE HOME

CITY OF COLORADO SPRINGS, STATE OF COLORADO

BED & BREAKFAST USE VARIANCE DEVELOPMENT PLAN



PLANT SCHEDULE

QTY.	SYM.	Scientific Name	Common Name	Size	Appendix Key	Mature Width	Notes
DECIDUOUS TREES							
5	Af	Acer x freemanii 'Jeffersred'	Autumn Blaze Maple	2.5" cal.	S	30'-40'	BBB
ORNAMENTAL TREES							
5	Pc	Pyrus calleryana 'Stone Hill'	Stonemill Pear Tree	2" cal.	A	20'	BBB
EVERGREEN TREES							
34	Jsc	Juniperus scopulorum 'Colopreen'	Colopreen Juniper	7 GAL	1,2,5,6,7,8,D	6'-8'	BBB
7	Pbc	Pinus abies 'Cupressata'	Norway Cupressata Spruce	8" ht.	7,8,S	4'-6'	BBB
7	Ppg	Pinus pungens glauca	Colorado Blue Spruce	8" ht.	6,7,8,S	20'-30'	BBB
11	Pp	Pinus ponderosa	Ponderosa Pine	1.6' ht.	2,6,7,8,D	30'-40'	BBB
12	Pm	Pseudotsuga menziesii	Douglas Fir	8" ht.	4,6,7,8,S	15'-25'	BBB
71		TOTAL					
Percent Signature Trees: 11% (60% minimum = 79/711.3K)							
Signature Trees: 81 = 100% Signature Trees							
Total No. of Trees: 81 = 100% Signature Trees							
EVERGREEN SHRUBS							
27	Jm	Juniperus x media 'Sea Green'	Sea Green Juniper	5 GAL	DA	6'-8'	CONT.
DECIDUOUS SHRUBS							
3	Cs	Cornus sericea 'Cardinal'	Redtwig Dogwood	5 GAL	4,5,7,5	6'-10'	CONT.
63	Lvc	Ligustrum vulgare 'Chrysanthe'	Cheyenne Privet	5 GAL	A	3'-4'	CONT.
645	Lvl	Ligustrum vulgare 'Lodense'	Lodense Privet	5 GAL	A	3'-4'	CONT.
10	Rh	Rhododendron specios	Azalea	2 GAL	-	3'-6'	CONT.
46	Sns	Spiraea nipponica 'Snowmound'	Snowmound Spirea	5 GAL	SA	2'-3'	CONT.
89	Sm	Syringa meyeri 'Palibari'	Dwarf Korean Lilac	5 GAL	5,6,8A	4'-6'	CONT.
855		TOTAL					
Percent Signature Shrubs: 11% (60% minimum = 93/855)							
Signature Shrubs: 93 = 99% Signature Shrubs							
Total No. of Shrubs: 873 = 99% Signature Shrubs							
PERENNIALS							
8	Pt	Paeonia lactiflora 'Francis Miles'	Francis Penny	1 GAL	S	2.5'-3'	2.5' o.c.

GROUND PLANE TREATMENTS

SE	Steel Edging	See Notes	...S.F.
SOD	Kentucky Bluegrass Sod	See Notes	...S.F.
	Dwarf Kentucky Bluegrass Sod with Pioneer Bunker Sand	See Notes	...L.F.
	Rock Mulch	See Notes	...S.F.
	Wood Mulch	See Notes	...S.F.
	Pavestone Pavers w/ Soldier Course	See Notes	...S.F.

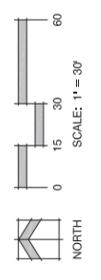


FIGURE 1

BROADMOOR ESTATE HOME DEVELOPMENT PLAN

60 FIRST STREET
 COLORADO SPRINGS,
 CO 80906

DATE: 03-03-2016
 PROJECT MGR: T. SEBERT
 PREPARED BY: K. MARSHALL

FINAL LANDSCAPE PLAN

3 OF 3

Broadmoor Hotel 06 First Street (Drawing/Planning/Initial/Landscape/Estimate/Forms/FR-02-29-16.dwg [FR_2]) 3/17/2016 10:59:46 AM KMarshall

Thelen, Lonna

From: Les Gruen <urbanstrategies@msn.com>
Sent: Monday, February 22, 2016 9:23 AM
To: Thelen, Lonna
Cc: Jack Damioli; Terry McHale; ASLA Timothy W. Seibert
Subject: 60 First Street Follow-Up

Good morning Lonna -

As a follow-up to how we left things after the neighborhood meeting this past Thursday night, there were three outstanding items we were planning to get to you today:

Pursuant to Kathleen's suggestion, Tim Seibert is revising the site plan to show the crosswalk to the property across Pourtales Road. We are also showing the northbound lane of Pourtales Road *in front of the subject property* to be signed as No Parking. Finally, Lonna, you mentioned you wanted us to show potential uses for the property beyond what were presented in the submittal's project statement. We would like to supplement our project statement with the following and seek your advice on whether this should be included on the plan or in an amended project statement?

The Broadmoor Estate Home has been conceived as a Bed and Breakfast-like facility that will serve as an extension and will compliment The Broadmoor's already existing large suite format accommodations. The Estate Home is intended to serve family and corporate guests that seek a luxurious and more private environment offered by this historic mansion. Anticipated ancillary uses would be similar to those expected to be hosted by any resident of a home of this significance and would include, but not be limited to: indoor functions (such as cocktail parties, dinners, meetings and dances) and outdoor activities (such as croquet, garden parties, receptions, dinners or weddings). The applicant agrees to restrict outdoor music after 10:00 PM and no off-street parking will be permitted by Estate Home guests.

Once we have clarification we will forward amended materials. Thanks for your help,

Les

Les Gruen



60 First Street Project Statement

Description: Describe the project and/or land uses proposed.

The home that stands at 60 First Street is among the grandest ever to be built in Colorado Springs. Completed in 1930, this 11,562 square foot mansion was designed by well known Colorado Springs architect Thomas MacLaren. Successive owners have been unable to properly maintain the property and it has fallen into disrepair and become a blight on the surrounding neighborhood. The Broadmoor has recently acquired the property out of foreclosure.

The new owner intends to renovate this property and make it available for family and corporate use, consistent with how two hotel-owned brownstones are currently utilized. Based on historic levels of occupancy of these units, it is expected the 60 First Street property will be occupied approximately 80+/- nights per year and will rent at \$8,500 per night. Plans call for the property to have 5 bedrooms. In addition to extensive interior renovations, major landscaping improvements are anticipated including the addition of two croquet lawns. (Photographs showing the current condition of the property and renderings of how it will look when renovations are completed accompany this application.)

This parcel is currently zoned Residential-Estate. The uses proposed are consistent with existing zoning. (By way of comparison, the Cheyenne Mountain Country Club and Colorado Springs School – both higher intensity uses – are also zoned residential.)

The applicant believes that the proposed use is a “use by right” that is allowable under the current zone. Nevertheless, in meetings with both neighbors and the city it was determined that it would be prudent to formalize the anticipated use of this property by applying for a use variance.

Justification: Justify the approval of the project and address the review criteria that must be met in order for a Use Variance (*italicized below*) to be granted.

Were the subject property owned by the previous owner or any other entity and that owner chose to offer the property for rent through Airbnb or similar vehicle, the applicant believes it would be their right to do so under existing zoning and city codes. Approval of this use variance request is justified on the grounds that the proposed use is consistent with the city’s comprehensive plan, zoning code and the use variance criteria that follow.



That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss.

The subject is the largest home in the area and because of its size and level of finish, very few individuals or entities have the financial capacity to undertake normal maintenance, much less renovation of this property. The property had fallen into disrepair and foreclosure becoming a blight on the surrounding neighborhood.

Denial of this use variance would result not only in undue property loss to the applicant, but to surrounding property values, as well, since the property is likely to continue to deteriorate.

That such variance is necessary for the preservation and enjoyment of a property right of the petitioner.

The subject property has deteriorated to the point where it requires renovation or demolition. This use variance is necessary for the petitioner's preservation and enjoyment of its property right.

That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

Approval of this use variance will enhance the public welfare and will not be injurious to the property or improvements of surrounding property owners. If approved, this proposal will be a benefit to the neighbors by substantially beautifying a blighted property and be a benefit to the community as a whole on account of the additional tax revenues generated by this property once it has been renovated.

Issues: Explain how the issues identified during the pre-application process have been addressed or mitigated.

On January 14, 2016 the applicant hosted a neighborhood meeting to discuss its plans and entertain questions from nearby neighbors. (Invitees are shown on the accompanying aerial photograph and spreadsheet.) Approximately two-dozen neighbors were in attendance (many of whom had previously been briefed on the hotel's plans). Lonna Thelen of the Colorado Springs Planning Department; was also in attendance.



Jack Damioli, President of The Broadmoor, explained how the Estate Home concept is modeled after a similar program at the Greenbrier Resort and is a natural extension of the already existing brownstones and cottages that are located across Pourtales Road from the subject property. Guests would register at the main hotel and would typically walk or be shuttled to the property. If driving to the Estate House, guests would be provided with parking instructions. There is a 3-car garage and long drive on the property to accommodate those guests that have vehicles. No staff parking would be permitted, except for maintenance vehicles used to service the property. Since the neighborhood meeting, The Broadmoor has worked with the neighborhood to define a route for service vehicles and shuttles to and from the subject property.

Neighborhood concerns or comments included:

- Amplified Music - Mr. Damioli stated that outside amplified music - beyond what is typically utilized for acoustical or string ensembles - would not be permitted and that music would not extend past 10:00 PM.
- Design Issues - Neighbors voiced interest in rebuilding an old stone wall that had been demolished by previous owners and in reversing the entrance from where it currently exists to apparently how it once was. Both of these suggestions were rejected as being well beyond an already huge renovation budget. A suggestion to include some evergreen buffering along the south and north property boundaries was well received.
- Tours for the general public were requested by one audience member - Tours for the public would not be practical or considered, however, an open house for neighbors is planned.
- On-site parking would be minimal and could accommodate guests that drove to the hotel. It is envisioned that most guests would be shuttled or walk to the property. In response to neighbor concerns, the hotel would plan on providing parking instructions to Estate guests upon check-in at the main hotel.
- A substantial number of neighbors, maybe a majority, were upset about Broadmoor employees or guests parking in front of their homes. These concerns have existed for many years. In response to these comments The Broadmoor redoubled efforts to remind employees of policies requiring parking in specific areas and not in the neighborhoods surrounding the hotel (See attached email to employees). The larger issue is people parking on public streets. On account of the neighborhood meeting, discussions have already started with city traffic representatives on steps that can be taken to ameliorate neighborhood parking problems. The Broadmoor is supportive if neighbors want areas of Pourtales Road, 1st Street, Beech and Broadmoor Avenues designated as no parking, including along the 1st Street and Pourtales Road frontages of the subject property.



The accompanying aerial photograph illustrates the extent to which adjacent neighbors received invitations to a briefing on the applicant's plans to renovate the subject property. As can be seen from the worksheet that is keyed to the aerial photo, nearly three-quarters of nearby residents attended the neighborhood meeting that took place on January 14th. Letters of support that have been received by over 25% of the adjacent residents are included as part of this application.

Jack Damioli
President
The Broadmoor
1 Lake Avenue
Colorado Springs, CO 80906

November 30, 2015

RE: 60 First Street

Dear Sir,

We reside at 70 First Street and were recently informed by Terry McHale of The Broadmoor, concerning their intention to purchase 60 First Street.

Terry informed us that they plan to commit significant resources into this neglected property. This would include the installation of extensive landscaping to include formal gardens, exterior enhancements, and interior modifications.

We were told that The Broadmoor will utilize this property as upscale rooming accommodations that can also host gatherings, receptions, dinners, and retreats. Once interior modifications are complete, it is our understanding the home would have 4-6 guest rooms.

Having lived next to 60 First Street for 16 years, we have seen firsthand how it has remained distressed and neglected through several owners. We would be relieved to know 60 First Street is in good hands, should the Broadmoor purchase it and proceed with the upgrades as part of their resort operation.

Our only concern is noise. If operation of 50-60 First Street can be kept quiet which we think is a part of the plan of an English manor house, we welcome the Broadmoor ownership and operation. If operation turns into wedding or other parties with loud intoxicated people and loud music we will be very disappointed. While the property has been neglected for 16 years, it has been very quiet.

Sincerely,


Wayne Uhrman


Betty Uhrman

70 First Street
Colorado Springs, CO 80906

From the Desk of:

Michael D. Allred
2 Pourtales Road
Colorado Springs, CO 80906

Mr. Jack Damioli, President
The Broadmoor
1 Lake Avenue
Colorado Springs, CO 80906

RE: 60 First Street

Dear Jack,

As a follow up to our earlier conversation regarding The Broadmoor's intention to purchase the home located at 60 First Street, which is located immediately next to my home on Pourtales Road, I would simply like to express my approval of your venture.

As we discussed, you stated that The Broadmoor plans to commit significant resources into this highly neglected property. This would include the installation of extensive landscaping, to include formal gardens and exterior enhancements, and interior modifications. With that, the property will be used as upscale rooming accommodations that can also host gatherings, receptions, dinners and retreats. Once the interior modifications are complete, it is my understanding that the home will have 4 to 6 guest rooms.

Having lived next to 60 First Street for many years, I have seen firsthand how it has remained distressed and neglected. I would certainly be relieved to know this historic property is in good hands, should The Broadmoor purchase it and proceed with the upgrades and incorporate it into its operation.

Sincerely,


Michael D. Allred



T O R C H
P R O D U C T I O N C O M P A N Y , L L C

A Subsidiary of Torch Energy Advisors

December 18, 2015

Ms. Ann Alba
Resident Manager
The Broadmoor
1 Lake Avenue
Colorado Springs, CO 80906

Dear Ann,

My wife, Mary Jon and I want to put our full and enthusiastic endorsement behind the purchase, by the Broadmoor Hotel, of the house at 60 1st Street, Colorado Springs, CO 80906. For more than 15 years, from our residence of 19 Beech Avenue, we have watched and endured the deterioration of the beautiful structure built on that site and the unkempt grounds which were a blight and embarrassment to the entire neighborhood.

I know the Broadmoor ownership can only bode well for the property and all the surrounding neighbors. The desire to maintain its residential status is most refreshing, but whatever purpose the Broadmoor management ordains for the building, I am confident it will be a wonderful enhancement to be enjoyed by visitors and neighbors, and passersby alike.

We thankfully applaud your endeavors to bring such a significant restoration to our city.

Gratefully yours,

J. P. Bryan
Mary Jon Bryan

Christine Wambach

From: Michael Hassell <michaelshassell@yahoo.com>
Sent: Thursday, February 04, 2016 12:46 PM
To: Jack Damioli
Cc: Susan Wilson
Subject: 60 First Street

Jack Damioli
President
The Broadmoor
1 Lake Avenue
Colorado Springs, CO 80906

RE: 60 First Street

Dear Mr. Damioli,

We reside at 22 Beech Avenue, and are writing to express our support for your renovation of 60 First Street for use as The Broadmoor Estate House.

We look forward to seeing this stately and historic residence brought back to life after many years of steady decline.

Per our discussions and neighborhood meetings, our understanding is that the property will be used by The Broadmoor as upscale rooming accommodations that can also host gatherings, receptions, dinners, and retreats. It is, also, our understanding that once interior modifications are complete the home will have 4-6 guest rooms.

Having lived near 60 First Street for 26 years, we look forward to seeing this increasingly distressed property receive The Broadmoor's gifted touch, as it is integrated into your resort operations. The extensive landscaping, formal gardens, and exterior enhancements, you described, will be a most welcome addition to our neighborhood.

We truly respect your efforts and investment, and we also appreciate your continued sensitivity and commitment to our neighborhood.

Sincerely,

Mike Hassell
Carla Hassell

Jack Damioli
President
The Broadmoor
1 Lake Avenue
Colorado Springs, CO 80906

RE: 60 First Street

Dear Mr. Damioli,

We reside at 10 Beech Avenue and had previously spoken with you about The Broadmoor's purchase of 60 First Street. As adjacent neighbors to your newly acquired property we are excited by your plans. This purpose of this letter is to express our approval of those plans.

As discussed, you stated that The Broadmoor plans to commit significant resources into this neglected property. This would include the installation of extensive landscaping to include formal gardens, exterior enhancements, and interior modifications. We understand the property will be used as upscale rooming accommodations that can also host gatherings, receptions, dinners, and retreats. Once interior modifications are complete, it is our understanding the home would have between 4-6 guest rooms. You have the utmost support your plans.

While we have lived next to 60 First Street for less than a year, we have seen that this neglected property as an eyesore and, we suspect, criminal activity. We are relieved to know 60 First Street is in now good hands, and with the Broadmoor purchase pleased that the upgrades will incorporate the property as part of your resort operation. We are in full support of your plans and your very gracious cooperation with us and our neighbors.

Very Truly Yours,

Richard A. Ehrich and Dr. Kelley R. Lockhart
952 381 7437
10 Beech Avenue
Colorado Springs, CO 80906

2/12 TO: LES GRUEN
LES - FBI - ONE MORE FOR THE FILE.
Jack

Feb. 8

Dear Jack,

I reside at 3 Lake Ave.
and I am very excited about
60 First Street. I have lived
in my house for almost
all my life. The return of
this estate to the original
grandure will be fantastic.

Signature
Ann W. 12/15/16

FIGURE 8

James M. Johnson
7 Lake Avenue
Colorado Springs, Colorado 80906
(719) 473-5321

January 21, 2016

Planning Commission
City of Colorado Springs
107 North Nevada Avenue
Colorado Springs, Colorado 80903

RE: 60 First Street
Colorado Springs, Colorado

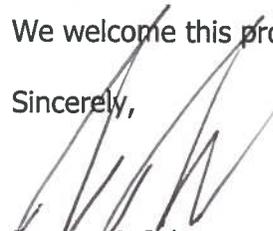
To Whom It May Concern:

James M. and Laura E. Johnson, owners of property at 5 and 7 Lake Avenue would like to offer their support for the requested changes under consideration as submitted by The Broadmoor Hotel for changes to the residence at 60 First Street in Colorado Springs.

We were able to attend the recent meeting in which The Broadmoor Hotel outlined their intended use and plans for the structure at 60 First Street and want to offer our support in permitting this change. On a further note, as long time property owners near The Broadmoor Hotel and as a neighbor of theirs, we have found all of their developments to not only be of the highest quality but also take into consideration the existing neighborhood and traffic patterns. The Broadmoor has not only completed these projects but maintained additions and changes to the property over the years to the highest quality.

We welcome this proposed change and it has our full support.

Sincerely,



James M. Johnson

grounds, and create a 4 or 5 bed rm
Estate House. This will be a great
plus to the neighborhood!

My hope is that the carriage house
can also be purchased and restored!

Fondly,

Billy Watt

Tom Watt

December 12, 2015

Dear Mr. Damoli,

We are building a home at 36 1st Street.
We are pleased to see that the Broadmoor
has acquired 60 1st Street. One of our
biggest concerns about building on our
lot (our home is presently under construction,
was the terrible condition of that once
great residence. As neighbors, we are
supportive of the Broadmoor's concept to
do major renovation to the home and

R. THAYER TUTT, JR.
10 LAKE CIRCLE
COLORADO SPRINGS, COLORADO
80906

January 21, 2016

Jack Damioli, President
The Broadmoor Hotel
1 Lake Avenue
Colorado Springs, CO 80906

Re: 60 First Street acquisition by the Broadmoor Hotel, Inc.

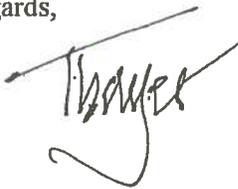
Dear Jack,

My family resides at 8 Broadmoor Avenue and I had previously spoken with you about The Broadmoor's intention to purchase 60 First Street. This letter is to express my support of the purchase, zone change, and improvements.

As discussed, you stated that The Broadmoor plans to commit significant resources into this neglected property. This would include the installation of extensive landscaping to include formal gardens, exterior enhancements, and interior modifications. With that, the property will be used as upscale rooming accommodations that can also host gatherings, receptions, dinners, and retreats. Once interior modifications are complete, it is our understanding the home would have between four to six guest rooms.

Having lived next to 60 First Street for 27 years, I have seen firsthand how it has remained distressed and neglected through several owners. Congratulations on your project and I look forward to hearing from you.

Regards,

A handwritten signature in black ink, appearing to read "Thayer", with a long horizontal line above it and a large, stylized flourish below.

James M. Johnson
7 Lake Avenue
Colorado Springs, Colorado 80906
(719) 473-5321

January 21, 2016

Planning Commission
City of Colorado Springs
107 North Nevada Avenue
Colorado Springs, Colorado 80903

RE: 60 First Street
Colorado Springs, Colorado

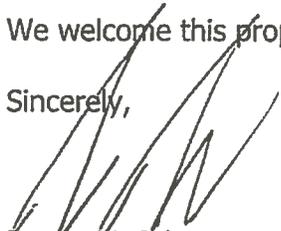
To Whom It May Concern:

James M. and Laura E. Johnson, owners of property at 5 and 7 Lake Avenue would like to offer their support for the requested changes under consideration as submitted by The Broadmoor Hotel for changes to the residence at 60 First Street in Colorado Springs.

We were able to attend the recent meeting in which The Broadmoor Hotel outlined their intended use and plans for the structure at 60 First Street and want to offer our support in permitting this change. On a further note, as long time property owners near The Broadmoor Hotel and as a neighbor of theirs, we have found all of their developments to not only be of the highest quality but also take into consideration the existing neighborhood and traffic patterns. The Broadmoor has not only completed these projects but maintained additions and changes to the property over the years to the highest quality.

We welcome this proposed change and it has our full support.

Sincerely,



James M. Johnson



FIGURE 3



FIGURE 3



FIGURE 3

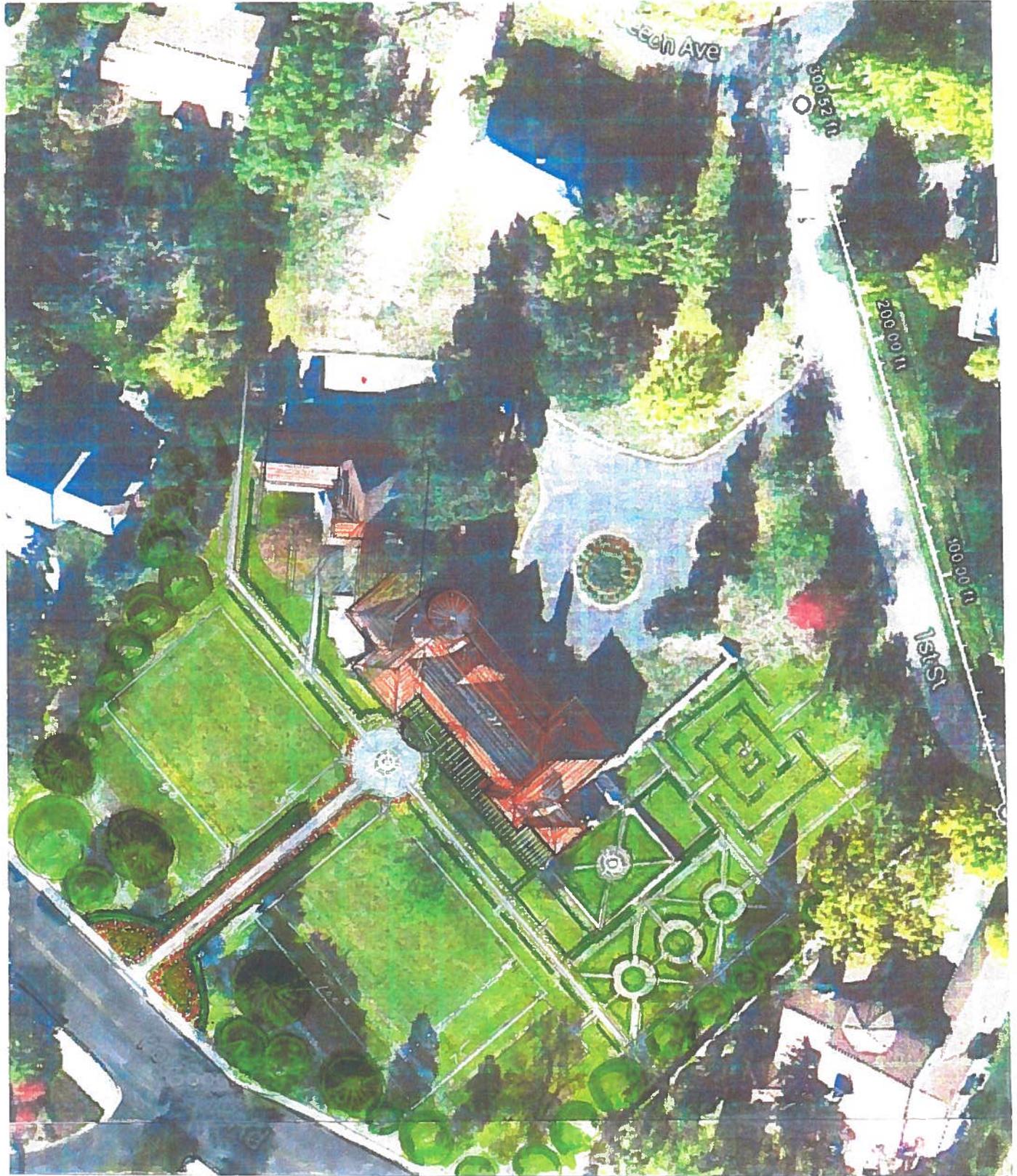


FIGURE 3

Susan Wilson

From: Betty Watt <ebwatt@gmail.com>
Sent: Friday, December 11, 2015 9:01 AM
To: Susan Wilson
Subject: Re: manor house illustrations

12/11
* Jack Damioli
Lisa Graham
B

Thank you so much for sending me these renderings. It looks beautiful. Can't wait to see the finished product.

Sent from my iPhone

On Dec 10, 2015, at 1:44 PM, <SWILSON@broadmoor.com> <SWILSON@broadmoor.com> wrote:

Good afternoon, Ms. Watt,

Mr. Bartolin asked that I send a couple of draft renderings as it relates to the estate house at 60 1st Street (attached). We are grateful for your support. Following is a brief draft letter that would be addressed to Jack Damioli, President and CEO, The Broadmoor, 1 Lake Avenue, CSC 80906.

We are building a home at 36 1st Street. We are pleased to see that The Broadmoor has acquired 60 1st Street. One of our biggest concerns about building on our lot (our home is presently under construction) was the terrible condition of that once great residence. As neighbors, we are supportive of The Broadmoor's concept to do major renovation to the home and grounds, and create a 4 or 5 bedroom estate house. This will be a great plus to the neighborhood.

Thanks so much, Mrs. Watt.

Sincerely,

Susan

<1 manor house south lawn view.pdf>

<2 manor house lawns and gardens diagram.pdf>

From: SWILSON@broadmoor.com
Subject: FW: Employee Parking
Date: February 2, 2016 at 10:22 AM
To: urbanstrategies@msn.com



Jack Damioli

From: Wayne Hoskins
Sent: Monday, January 18, 2016 3:13 PM
To: All Users Dlist
Subject: Employee Parking

Just a reminder as we go into a busy time that all employees are to park in designated employee parking areas only. Employee parking is only permitted in the following areas:

- Parking garage – P3
- Gravel lot
- East lot (when Seven Falls is not open)
- West employee lot
- Engineering lot
- First Street north of Lake Avenue (other than reserved parking areas)

Employees are not permitted to park in the neighborhood including Pourtales Road (tennis courts), Beech Street by the Brownstones and First Street south of Lake Avenue.

Also as a reminder all employees need to register their cars with Security.

Thank you for your cooperation.

USE VARIANCE REVIEW CRITERIA:

7.5.803 (B): CRITERIA FOR GRANTING A USE VARIANCE:

The following criteria must be met in order for a use variance to be granted:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to the property or class of uses in the same zone so that a denial of the petition would result in undue property loss; and
2. That such variance is necessary for the preservation and enjoyment of a property right of the petitioner; and also
3. That such variance will not be detrimental to the public welfare or convenience nor injurious to the property or improvements of other owners of property.

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

- E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.
1. Will the project design be harmonious with the surrounding land uses and neighborhood?
 2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
 3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
 4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
 5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
 6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
 8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
 9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
 10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?

11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)



City of Colorado Springs

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

Memorandum

File #: CPC CA 16-00008, **Version:** 1

An Ordinance repealing and reordaining section 906 (appeals) of part 9 (notice, hearings and appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the code of the City of Colorado Springs 2001, as amended, pertaining to appeals. - Legislative

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Proposed Motion:

ITEM NO: -- CPC CA 16-00008 - Appeals Code Change

Recommend adoption to City Council of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of Colorado Springs 2001, as amended, pertaining to appeals.

CITY PLANNING COMMISSION AGENDA

STAFF: CARL SCHUELER

FILE NO:
CPC CA 16-00008 – LEGISLATIVE

PROJECT: APPEALS CODE CHANGE

ORDINANCE REPEALING AND REORDAINING SECTION 906 (APPEALS) OF PART 9 (NOTICE, HEARINGS AND APPEALS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO APPEALS

APPLICANT: CITY OF COLORADO SPRINGS – PLANNING AND DEVELOPMENT DEPARTMENT

PROJECT SUMMARY:

1. Code Change Description: This proposal is to amend City Code Section 7.5.906 pertaining to zoning and other land use-related appeals and to make other limited conforming amendments in other areas of Chapter 7. The draft Ordinance is attached as **(FIGURE 1)**. The most significant changes involve the parties that may appeal. The current Code allows “any aggrieved person” to be the appellant for any appealable administrative or hearing-based decisions as currently allowed under this section of Code. The revised Code section limits appellants to “parties-in-interest” that are defined based on whether the otherwise final decision is administrative or hearing-based. The amendment would also limit the one “automatic continuance” now available to both the applicant and the appellant, to only the applicant (although the applicant could also be the appellant in some cases). Both the applicant and appellant (if different) would continue to have the ability to request and potentially be granted a continuance by the applicable hearing body, and the hearing bodies would continue to have their existing discretion act on, continue or remand back to a lower decision making body, as applicable. The revised ordinance would also remove the option to appeal any decision until it has proceeded through the otherwise final decision-making process. The Code revision also clarifies and formalizes the standards to be applied by City Council for certain appeals, and clarifies the content of appeals. The revision also adds a definition for a “*legally constituted and active homeowners, property owners or neighborhood association the boundaries of which include the subject property*” as a party in interest (see discussion below)

The proposed amendment also includes a change to the period in which an appeal may be filed extending the current ten (10) day period to fourteen (14) days. The method for computation of days (as calendar days) would remain the same.

In conjunction with these changes, the content of Section 7.5.906 has also been substantially re-organized. Organizational changes include moving separately listed references of appealable decisions into one table. Altogether, the extent of the

reorganization dictated a “repeal and reordaining” of the Section rather than using a “strike and replace” approach.

The proposed ordinance also establishes appeal criteria for the City Council that are the same that currently apply to the Planning Commission. The lack of appeal criteria for the City Council was noted in the recent District Court decision on the Dublin Terrace Townhome project appeal of entitlements forfeiture.

Finally, in addition to changes to Section 7.5.906, the Ordinance includes several conforming amendments elsewhere in the Code. These are technical in nature, and are necessary to maintain consistency within the overall Code.

As currently drafted, this particular Code amendment would not substantively change the types of decisions that can be appealed, the order and precedence of appeals, the standards and criteria to be used in deciding appeals, nor does it limit the current discretion of City Council to hear appeals *de novo* versus limiting the appeal hearing specifically to the matter(s) being appealed.

2. Planning & Development Department’s Recommendation: Approval of the proposed code change ordinance.

BACKGROUND

One impetus for this recommended Code change has been the City’s Infill Steering Committee and the Infill Supplement to the Comprehensive Plan along with an associated Infill Action Plan (IAP). Both document have been recommended for approval by the Planning Commission and are in the process of being adopted by City Council. One of the specific recommendations in the IAP is as follows:

“Revise appeals section of the Code (7.5.906) to more clearly limit the standing of parties who can appeal and the basis for appeals”

Under “Problem Statement/ Justification” the IAP there is the following additional language:

“As currently written the land use appeals section of the Code allows “any aggrieved person” to appeal almost any administrative or hearing-based decision for reasons that maybe tied to fairly open-ended criteria. For property owners and developers, this creates an extra measure of uncertainty and potential delay. “Tightening up” the appeals process could preserve the appeal rights and options of the most impacted parties, while at the same time reducing the potential for the appeals process to result in delay in getting to final decisions”

The IAP goes on to recommend that this code change should be a near term priority and should be processed through the Code Scrub Committee.

Staff drafted the general content of this ordinance and then presented it to the Code Scrub Committee beginning at a meeting on November 4, 2015. Revisions were presented and discussed at a meeting on November 18, 2016. An initial codified version was presented to the Committee on January 6, 2016, followed by additional input and discussion on January 20, 2016. Additional discussion occurred at the February 17, 2016 meeting.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Standard notification is not utilized for legislative code changes, as the proposed application affects all City residents and property owners. However, adequate public outreach and input was achieved principally through the City's Code Scrub Committee ("Committee"). This topic and proposed change have been discussed at several Committee meetings in late 2015 and early 2016. A listing of Code Scrub Committee members is attached as **(FIGURE 2)**. The Committee includes staff of Planning & Development Department and City Attorney's Office as well as community members representing stakeholder interests including Council of Neighbors and Organizations (CONO), the Housing and Building Association (HBA), architects, planning consultants and engineers. The process ultimately relies on staff putting forward and carrying forward the code changes with Committee input, and the opportunity for the individual Committee members and other stakeholders to continue to represent their perspectives throughout the process.

Key topics and elements of stakeholder input (primarily via the Committee) are highlighted under "Analysis and Major Issues" below.

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

1. Parties that may appeal

The current Code (7.5.906.A.1) allows "any person aggrieved" to be a party that may appeal any otherwise appealable administrative or hearing-based decisions related to decisions and applications covered under this section. Staff and some Committee members have a concern that this broad a definition could allow an individual with little or no direct or property-related interest in the outcome to appeal. This, in combination with some of the generally worded standards in the Code (e.g. current Development Plan Review Criteria in 7.5.502.E, or Comprehensive Plan language), at least creates the potential for appeal of almost any decision by any party. With an open-ended approach to standing for appeals, there can also be a concern with a member of participating or later decision-making body

Across the State of Colorado, local governments have a wide range of approaches to standing for appeal. **(FIGURE 3)** provides a summary of some of these approaches. (It should be noted that the content of this table is based on high level review of documents of discussion with those staff, so its contents are not represented as being fully complete and accurate). However, it is clear that the continuum of approaches to standing varies from the same essentially unlimited approach used by the City to very limited approaches used some other communities. If this Code change were approved, it would bring the City more in line with communities that use a more restrictive approach. However, it should also be noted that some jurisdictions (including El Paso County) vest very little authority in their Planning Commission as the final decision-making authority. Some communities are much narrower in defining which decisions are appealable and on what basis.

This Code change provides for essentially a two-stage definition for "parties in interest" that have standing to appeal. A more narrow definition applies to administrative decisions beginning with the applicant and including any owner of lessee of property within five hundred (500) feet. Standing in this category is also extended to any other property owner that was mailed official notice. Additionally, "legally constituted and active" home owners associations and similar entities also have standing if they include the subject property.

For hearing-based decisions, the definition of parties in interest is inclusive of all of the above, but also includes parties that provided comments or appeared at the applicable hearing.

The opinions of stakeholder participants in the Code Scrub Committee vary on this topic. Generally, the industry and planning professional representatives concur with the proposed changes, whereas neighborhood representatives prefer few if any restrictions as to parties that may appeal.

2. Neighborhood association issue

A “legally constituted and active homeowners, property owners or neighborhood association the boundaries of which include the subject property” has standing to file an appeal. This provision was added in particular to allow an association with a direct interest in the decision (e.g. due to its maintenance or enforcement roles) to formally participate in appeals. This topic engendered a lot of discussion at the Committee level, especially on the part of Council of Neighbors and Organizations (CONO) representatives. Staff are concerned that more ad hoc or unofficial neighborhood groups might not be in a position to formally, legally present an appeal representing the concerns of the most impacted property owners. This said, there is nothing that would prevent these groups from paying the cost of, supporting, or participating in an appeal filed by a qualifying party-in-interest

3. Automatic continuance

The current Code allows either the applicant or the appellant (if different) one postponement of the scheduled City Council appeal hearing “as a matter of course” without a requirement to demonstrate cause. The premise behind this provision is it can efficiently allow the parties to either better prepare or potentially work out an agreed-upon solution prior to the hearing. However these automatic continuances can also be used as a form of delay by a project opponent. The revised Code would continue to allow the applicant to have one automatic postponement, but would not allow this for the appellant (if not the applicant). However, Council (and bodies such as the Planning Commission) would continue to have the discretion to continue their hearings for reasons that could include an argument for such continuance, made by the appellant.

4. Allowable period within which to appeal

The current Code allows ten (10) days within which to file an appeal of either an administrative or hearing-based final decision. Days are interpreted as calendar days rather than business days, consistent with appeal provisions in most of the rest of City Code as well as with the typical approach in State statutes. Days are calculated beginning on the day after the decision, and the final deadline day has to fall on a day that City offices are open to accept the appeal. Therefore, in the case of the Planning Commission which ordinarily meets on Thursdays, the appeals “clock” starts on a Friday. Because the 10th day falls on a Sunday, the deadline is close-of-business on the following Monday, effectively allowing 11 calendar days during which to file. Once an appeal is filed there is then a minimum number of days required (usually 20) between the date of filing of the appeal and the next available hearing.

There has been interest and request by Council Member Knight in extending the appeal filing period in order to allow concerned parties more time to consider, prepare for and organize an appeal. Conversely, there is a counterbalancing concern with limiting the appeal period, in part because, during this period, the applicant has some risk associated with relying on a decision that could be overturned.

Options for a further extension of time could involve allowing for either 14 calendar days or 10 business days. The agreed-upon staff preference is to continue with calendar days because this approach is most consistently used in Statute.

The impact of extending the appeal period will vary depending on the date filed and nature of the appeal. However, Planning Commission and City Council should be aware that in the case of an administrative appeal, there will be some instances where the extra few days will result in a full month delay because the Planning Commission ordinarily meets only monthly. In the case of an appeal of a Planning Commission decision, there will be some months in which the effect will be to extend the time it takes to get to City Council by as much as three full weeks. In other months there will be no difference if ultimate scheduling.

(FIGURE 4) is a 2016 calendar that tracks out and depicts the scheduling and potential delay associated with an example of a Planning Commission being appealed to City Council on the last available day of a 10 versus 14- day maximum allowable appeal period. For the 11 months evaluated, a change to 14 from 10 days would have no scheduling impact for six of the 11 months. For one of the months the delay would be two weeks (14 days), and for four of the months, the delay would be three weeks (21 days). The 21-day scenario occurs when a 5th Tuesday extends the period between City Council meetings from two to three weeks.

It should also be noted that, with many administrative decisions, there are two different opportunities to appeal, first to the Planning Commission and then to City Council.

Regardless of the exact length of a relatively limited appeal period, it is assumed to be in the best interest of the community and the process to reduce any potential for miscommunication. Staff suggests the best approach is to very clearly communicate the appeals deadlines both in conjunction with applicable hearings and using other means such as notifications and the City web site. As part of the Planning Commission process, clear appeals instructions are already provided at the conclusion of their decision process. For potentially appealable decisions, the communications process is often more challenging because of the wide variety of decisions and because, oftentimes not all the neighboring property owners are notified that of the final decisions. Nevertheless, there are additional options to assure information on appeals rights and deadlines is reasonably available.

5. Cost to file an appeal

Currently, the cost to file an appeal under 7.5.906 is \$176.00. In conjunction with the overall topic of appeals there has been interest in the question of the appropriateness this fee from the perspective of balancing the interest of maintaining affordable access to the public process, while also keeping the bar high enough to limit the potential for frivolous or nuisance motivated appeals. A change to the current fee structure is **not** being considered in association with this Code change. It is expected that this topic will be considered in conjunction with a future comprehensive review of land use-related fees.

STAFF RECOMMENDATION:

ITEM NO: -- CPC CA 16-00008 – Appeals Code Change

Recommend adoption to City Council of an ordinance repealing and reordaining Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development

and Building) of the Code of Colorado Springs 2001, as amended, pertaining to appeals.

ORDINANCE NO. 16-_____

AN ORDINANCE REPEALING AND REORDAINING SECTION 906 (APPEALS) OF PART 9 (NOTICE, HEARINGS AND APPEALS) OF ARTICLE 5 (ADMINISTRATION AND PROCEDURES) OF CHAPTER 7 (PLANNING, DEVELOPMENT AND BUILDING) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO APPEALS

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

Section 1. Section 906 (Appeals) of Part 9 (Notice, Hearings and Appeals) of Article 5 (Administration and Procedures) of Chapter 7 (Planning, Development and Building) of the Code of the City of Colorado Springs 2001, as amended, is repealed and reordained to read as follows:

7.5.906: Appeals

A. Parties That May Appeal:

1. Administrative Decisions:

Any party-in-interest may appeal to the Planning Commission or an FBZ Review Board any appealable final administrative decision made by the Manager. For purposes of appealing an administrative decision, a "party-in-interest" shall be defined as one (1) of the following:

a. The applicant and owners of the property or properties directly subject to the decision, including any party holding a legal or equitable interest in the subject property;

b. Persons or organizations who own or reside within or lease a real property any part of which is located within five hundred (500) feet of the specific real property which is the subject of the decision, or the board of any legally constituted and active homeowners, property owners or neighborhood association the boundaries of which include the subject property. For purposes of this section "legally constituted" shall mean:

i. A unit owners' association currently registered with the Colorado HOA Information and Resource Center under the

Colorado Common Interest Ownership Act (C.R.S. §§ 38-33.3-101, et seq.), as amended; and/or

ii. An association registered to do business in the State of Colorado and in good standing with the Colorado Secretary of State;

c. Any other property owner or the board of any legally constituted and active homeowners, property owners or neighborhood association the boundaries of which include the subject property, to whom the City mailed notice in accord with section 7.5.902.C.3 of this article.

2. Hearing Based Decisions:

Any party-in-interest may appeal to the City Council any final decision of the Planning Commission, an FBZ Review Board or the Historic Preservation Board to City Council. For purposes of an appeal of a decision of the Planning Commission, an FBZ Review Board or the Historic Preservation Board, a "party-in-interest" shall be defined as one (1) of the following:

a. Any party-in-interest identified in A.1.a-c above;

b. Any person or organization that provided written comments, including by email, to the appropriate City staff for delivery to the Planning Commission, an FBZ Review Board, or the Historic Preservation Board prior to or at the hearing on the decision being appealed. Signing a petition, in and of itself, shall not be considered providing written comment for purposes of this provision;

c. Any person or organization that appeared and provided testimony before the Planning Commission, an FBZ Review Board, or the Historic Preservation Board at the hearing on the decision being appealed;

d. The City of Colorado Springs.

B. Criteria and Contents of Appeals:

In the written notice, the appellant must substantiate the following:

1. Provide full contact information for the party-in-interest appealing, and the impacted properties, if applicable.

2. Identify the specific grounds for the appeal along with explicit ordinance provisions which are in dispute.

3. Show that the decision is incorrect because of one or more of the following criteria:

a. It was against the express language of this Chapter, or

b. It was against the express intent of this Chapter, or

- c. It is unreasonable, or
- d. It is erroneous, or
- e. It is clearly contrary to law.

4. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.

5. Identify the specific paragraph in Section A above under which the appellant claims to be a "party-in-interest". If the appellant is a "legally constituted and active homeowners, property owners or neighborhood association the boundaries of which include the subject property" the appellant must provide documentation from either the Colorado HOA Information and Resource Center or the Colorado Secretary of State, or both, showing that it is currently registered with that agency; a map of the association's boundaries; and documentation of the association's board authorizing the association to file the appeal.

C. Appeals of Administrative Decisions:

1. Appealable Decisions:

The following administrative decisions are appealable:

- a. Appeals from all notice and orders alleging violations associated with Chapter 6, Article 3 or Chapter 7 of this Code, which are appealable to the Planning Commission.
- b. Decisions Appealable to FBZ Review Board: Administrative decisions are appealable to an FBZ Review Board in accord with an approved FBZ regulating plan.
- c. Decisions Appealable to the Historic Preservation Board or its Minor Works Committee.
- d. Appeals to the Planning Commission from otherwise final administrative decisions relating to the following sections and articles of this Code as outlined in the following table:

Code Sections Applicable to Appealable Administrative Decisions	
CODE SECTION:	TOPIC:
7.2.108	Similar Use Determinations
7.3.504	Hillside Grading Plan
7.4.308	Landscape Plan
7.5.302.C	Site Plan
7.5.501	Concept Plans
7.5.502	Development Plans

7.5.503	Concept and Development Plan Application Review Procedures (minor amendments)
7.5.802	Nonuse Variances
7.5.1101-1107	Administrative Relief
7.5.1201-1208	Nonconforming Development
7.5.1301-1304	Sexually Oriented Business
7.5.1401-1405	Temporary Uses
7.5.1501-1506*	Home Occupations
7.7.304	Modifications (plat)
7.7.201-205	Preliminary Platting Procedures
7.7.301-306	Final Platting Procedures
7.7.501	Property Boundary (Lot Line) Adjustments
7.7.502	Preservation Area Boundary Amendments
7.7.503	Resolutions for Amending Plat Restrictions
7.7.504	Issuance of Building Permits to Unplatted Lands
7.7.505	Issuance of Building Permits to Previously Platted Lands or Waiver of Replat
7.7.506	Issuance of Building Permits Prior to Platting

2. Scheduling:

A party-in-interest must file a formal appeal application with the Department within fourteen (14) days from the date of the final decision. The Department shall place the appeal on the agenda of the next regularly scheduled meeting of the Planning Commission or an FBZ Review Board occurring a minimum of twenty (20) days and a maximum of forty eight (48) days thereafter.

3. Action on the Appeal:

After a public hearing, the Planning Commission or an FBZ Review Board shall have the power to affirm, reverse, or modify these decisions. The applicable body shall decide the appeal based on the applicable standards contained or referenced in this Chapter. The scope of the hearing may be limited to matters raised on appeal.

4. Stays of Administrative Decisions:

A perfected appeal shall operate as a stay of the administrative decision unless the Manager certifies in writing that a stay would cause or result in an imminent hazard to the public health, safety, and welfare or the violation is of such a short

term nature that by the time an appeal hearing is held, the violation will have been terminated or moved to another site. The time frame in which violations of this nature operate is such that a stay of proceedings will make the enforcement process ineffective. Examples of short term violations include, but are not limited to, temporary vendors, promotional events, and temporary signs.

5. Filing Fees:

Any person pursuing an appeal pursuant to this subsection A shall be responsible for the payment of all fees and for the completion of all forms which may be prescribed by the Manager. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal; provided however, that if the City of Colorado Springs is the party-in-interest any fees shall be waived.

D. Appeals of Planning Commission, an FBZ Review Board and Historic Preservation Board Decisions:

1. Appealable Decisions:

All final actions of the Planning Commission, an FBZ Review Board or the Historic Preservation Board may be appealed to City Council.

2. Scheduling, Postponement:

a. Scheduling: An appellant must file a formal appeal application with the City Clerk within [fourteen (14)] days from the date of the hearing at which the final decision is made. The City Clerk shall place the appeal on the agenda of the next regularly scheduled City Council meeting occurring a minimum of twenty (20) days after the appeal has been filed.

b. Postponement of Items on Appeal to the City Council: As a matter of course, the applicant may postpone the first scheduled Council hearing or consideration of an appeal from a decision of the Planning Commission, an FBZ Review Board or Historic Preservation Board, made in accord with this subsection, to the next following regular Council meeting. Any other requests for postponement shall be granted only for good cause shown to and found by the City Council. If new or additional evidence is set forth as the grounds for a request for a postponement, the appeal may be referred to the Planning Commission, an FBZ Review Board or Historic Preservation Board for further hearing and recommendations.

3. Action on the Appeal:

a. The Manager shall prepare a staff report including relevant facts and the record of the decision of the hearing body.

b. The City Council shall hold a public hearing. Before the public hearing is commenced, the City Council may entertain a motion to

uphold the action of the Planning Commission, an FBZ Review Board or Historic Preservation Board or refer the matter back to the appropriate body with direction for further consideration and recommendation.

c. After a public hearing, City Council shall have the power to affirm, reverse, or modify the prior decisions. City Council may hear the appeal de novo, or may limit the hearing to matters raised on appeal.

City Council shall make findings to support their decision based on the applicable standards contained or referenced in this Chapter.

4. Failure to Appeal: The failure to appeal the decision of the Planning Commission, or an FBZ Review Board or Historic Preservation Board within the fourteen (14) day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the courts under Rule 106 of the Colorado Rules of Civil Procedure for failure to exhaust administrative remedies.

5. Final Decision; Court Review: On such appeals, the decision of the City Council shall be final agency action, and shall be subject to review by the courts pursuant to applicable rules and statutes, unless the matter is remanded to the Planning Commission, or an FBZ Review Board or Historic Preservation Board.

6. Filing Fee: The filing fee shall be borne by the appellant; provided however, that if the City of Colorado Springs is the party-in-interest the fee shall be waived.

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 be available for inspection and acquisition in the office of the City Clerk.

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

Finally passed: _____
Council President

Mayor's Action:

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

Mayor

Council Action After Disapproval:

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

Council President

ATTEST:

Sarah B. Johnson, City Clerk

DRAFT

2015-2016 Code Scrub Committee			
2/10/2016			
Name	Representing	Comments	
Peter Wysocki	Planning	Director	pwyssocki@springsgov.com
Meggan Herington	Planning	City PM for Committee	mherington@springsgov.com
Marc Smith	City Attorney's Office	attorney	msmith@springsgov.com
Robert Shonkwiler	Planning Commission		rtcsprings@gmail.com
Jan Doran	CONO		jdoran1003@aol.com
Rick Hoover	CONO		rhuover.cos@comcast.net
Dave Munger	CONO		dave@cscono.org
John Goodloe	AIA	Architects	jpg@csnaarchitects.com
Andrea Barlow	NES, planning consultants	planning	abarlow@nescolorado.com
Tim McConnell	engineering consultants		tmccconnell@drexelbarrell.com
Jim Nass	design; landscape architecture	design	jim@nassdesign.net
Kyle Campbell	engineering consultants		Kcampbell@classicconsulting.net
Jenny Elliott	infill developer		elliottproperties@gmail.com
Additional Staff Resources			
Ryan Tefertiller	Urban Planning		rtefertiller@springsgov.com
Carl Schueler	Comprehensive Planning	Infill Plan and strategies	cschueler@springsgov.com
Connie Perry	Planning and Parks	landscape and streetscape	cperry@springsgov.com
Mike Schultz	Planning	parking and microbreweries	
Hannah Van Nimwegan	Planning	ADUs	
Reneee Congdon	City Attorney's Office		
David Andrews	City Attorney's Office		
Kari Volarie	Paralegal	codification	

FIGURE 2

Standing for Appeals for Land Used Decisions by Colorado and Other Jurisdictions										
last revised 10/27/15										
Sources: Combination of reviews of Web-based codes and conversations with planning officials										
Disclaimer: Not represented as being entirely, complete, accurate or up-to-date; intended to present the range of approaches										
	Colorado Springs	El Paso County	Aurora	Denver	Fort Collins	Arvada	Pueblo	Boulder	Centennial	Greeley
Standing for Appeals of Administrative Decisions										
Applicant	Inclusive	Inclusive	Yes	Inclusive	Yes	Yes	inclusive	Yes	Inclusive	Yes
Property Interest in Subject Property	Inclusive	Inclusive	?	Inclusive	Yes	Yes	inclusive	inclusive	Inclusive	No
Directly abutting property owner	Inclusive	Inclusive	Yes	Inclusive	inclusive	?	inclusive	inclusive	Inclusive	No
Property owner with a given distance (e.g. 500 feet)	Inclusive	Inclusive	Not specifically	Inclusive	Yes	?	inclusive	inclusive	Inclusive	No
Notified property owner or organization	Inclusive	Inclusive	Not specifically	Inclusive	No	?	inclusive	inclusive	Inclusive	No
Provided written comments	Inclusive	Inclusive	Not specifically	Inclusive	No	?	inclusive	inclusive	Inclusive	No
Impacted property owner	Inclusive	Inclusive	Yes?	Inclusive	No	?	inclusive	inclusive	Inclusive	No
"any person with standing under Colorado law"	Inclusive	Inclusive	No	Inclusive	No	Yes	inclusive	inclusive	Inclusive	No
PC/Planning Board member	No	?	No	?	No		?	Yes	?	No
Any single City Council member or Commissioner	Inclusive	No?	No	?	No	?	?	?	?	No
"Department or officer"	Inclusive?	?	No	Yes	No	?	Yes	?	?	No
"Affected party"	Inclusive	Inclusive	No	Inclusive	No	Inclusive	Inclusive	Inclusive	Yes	No
"Any aggrieved ("interested") person"	Yes	No limit on standing	No	Yes	No	?	Yes	Yes-interested	Inclusive	No

FIGURE 3

Standing for Appeals of Hearing-based Decisions										
Applicant	Inclusive	N/A	Yes		Yes	Yes	N/A	?	Inclusive	Yes
Property Interest in Subject Property	Inclusive	N/A	?		Yes	Yes	N/A	?	Inclusive	No
Directly abutting property owner	Inclusive	N/A	Yes		Inclusive	Inclusive	N/A	?	Inclusive	No
Property owner with a given distance (e.g. 500 feet)	Inclusive	N/A	No		Possibly	Inclusive	N/A	?	Inclusive	No
Notified property owner	Inclusive	N/A	No		Yes	Inclusive	N/A	?	Inclusive	No
Provided written comments	Inclusive	N/A	No		Yes		N/A	?	Inclusive	Yes
Testified at original hearing	Inclusive	N/A	No		Yes		N/A	?	Inclusive	Yes
Impacted property owner	Inclusive	N/A	No		?		N/A	?	Inclusive	No
"any person with standing under Colorado law"	Inclusive	N/A	No		No	Yes	N/A	?	?	No
Any single City Council members	Inclusive	N/A	No		Yes		N/A	Majority of Council	?	No
"Affected party"	Inclusive	Inclusive	No	Inclusive	No	Inclusive	Inclusive	Inclusive	Yes	No
"Any agrieved person"	Yes	N/A	No		No	?	N/A	?	Inclusive	No
Notes:										
1) Essentially no final decisions made by Planning Commission in El Paso County, Pueblo and Parker										
2) In Greeley, a number of administrative decisions (e.g. development approvals and non-use variances) cannot be appealed w/in City process on assumption authority is vetoed in staff										
3) In Centennial, most appeals go directly to City Council										
4) In Parker the range of administrative decisions that can be appealed is										
5) In Denver administrative decisions are appealed to the Board of Adjustment										

FIGURE 3

2016



- = Planning Commission
- = City Council
- = Holiday

- = 10 Days (Calendar)
- = 10 Business Days / 14 Calendar Days
- △ = 12 Calendar Days
- → = Minimum 20 Days to CC

FIGURE 4



City of Colorado Springs

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

Memorandum

File #: CPC LUM 16-00003, **Version:** 1

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

Presenter:

Carl Schueler, Comprehensive Planning Manager, Planning and Community Development

Proposed Motion:

CPC LUM 16-00003 COMPREHENSIVE PLAN 2020 LAND USE MAP AMENDMENT

Move to recommend adoption of an ordinance to the City Council, amending the Comprehensive Plan 2020 Land Use Map by reflecting the land use map amendments adopted by the City from July 1, 2013 through June 30, 2015.

CITY PLANNING COMMISSION AGENDA

STAFF: CARL SCHUELER

FILE NO(S):
CPC LUM 16-00003 – LEGISLATIVE

PROJECT: ORDINANCE AMENDING THE COMPREHENSIVE PLAN 2020 LAND USE MAP REFLECTING CHANGES FROM JULY 1, 2013 THROUGH JUNE 30, 2015

APPLICANT: CITY OF COLORADO SPRINGS

(Legislative)

PROJECT SUMMARY:

1. Project Description: A recommendation for adoption, by ordinance, of an updated 2020 Land Use Map within the existing City of Colorado Springs 2001 Comprehensive Plan. The ordinance is provided as **(FIGURE 1)** and the updated Map is provided as **(FIGURE 2)**

An electronic version of the current (circa 2013) 2020 Land Use Map is available at the following link:

<https://coloradosprings.gov/resident-services/planning-development/land-use-zoning/planning-maps>

2. Planning and Development Team's Recommendation: Staff recommends approval.

BACKGROUND:

This is a limited recurring “housekeeping” exercise. The Comprehensive Plan was approved in 2001 with no substantial amendments to the text of the parent document since that time. However, Comprehensive Plan Policy LUM 105 and Strategy 105a directs a maintenance and updating process for its accompanying 2020 Land Use Map (Map) in order to keep it current. This process is set to occur on a July 1 to June 30th schedule.

This Map classifies all properties within City limits into one of twelve generalized land use categories. In most cases these categories are structured and intended to be relatively permissive and encompassing, often with several different general designations allowing the same particular use. For example the “General Residential” category allows all but the lowest density residential uses but also allows neighborhood parks, minor public assembly and neighborhood commercial uses. Comparatively, the “New Developing Corridor” designation is more permissive. It allows most of what is allowed in General Residential, but also a full suite of business and commercial uses. Therefore, the detailed business and process of land use change (including many rezonings) can often occur in many areas without a need to change the

2020 Land Use Map. **FIGURE 3** is the Matrix from the 2001 Comprehensive Plan establishing the allowable master plan land uses by 2020 Land Use Map designation.

Changes to the Map do need to occur when new properties are annexed with a master plan, or occasionally when the amendments of master plans in existing areas of the City trigger enough of a change to alter these broad classifications. Some smaller properties are annexed into the City without an accompanying master plan and they need to have potential land use designations assigned by staff. In conjunction with this process, staff also determines whether there are any other in-City properties that have lost their 2020 LUM designation for any reason. All parcels with a recommended change have been analyzed individually. Although intended to be an annual process, this update encompasses two years due to a combination of limited staff resources and limited accumulated changes during this period. This is predominantly a technical maintenance and updating process, with no other impact on the overall content and applicability of the Comprehensive Plan as previously adopted.

Altogether, about 1,427 acres will be impacted (out of about 125,000 total acres in the City). **FIGURES 4.1 to 4.7-** include and index and inset maps highlighting areas of the City with the most significant change.

This item supports the City's strategic goal relating to building community and collaborative relationships, by keeping the 2020 Land Use Map fully consistent with annexations and other land use approvals.

STAKEHOLDER PROCESS AND INVOLVEMENT:

N/A

STAFF RECOMMENDATION: Recommend approval

CPC LUM 16-00003 COMPREHENSIVE PLAN 2020 LAND USE MAP AMENDMENT

Move to recommend adoption of an ordinance to the City Council, amending the Comprehensive Plan 2020 Land Use Map by reflecting the land use map amendments adopted by the City from July 1, 2013 through June 30, 2015.

ORDINANCE NO. 16-_____

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN 2020 LAND USE
MAP REFLECTING CHANGES FROM JULY 1, 2013 THROUGH JUNE 30, 2015

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

Section 1. That the 2001 Comprehensive Plan 2020 Land Use Map, as amended in 2013 by Ordinance 13-80, is hereby amended, as depicted in Exhibit A, attached hereto and made a part hereof by reference, to reflect changes previously approved by the City Council and pursuant to recorded annexation plats and master plan amendments.

Section 2. That this amendment to the 2001 Comprehensive Plan 2020 Land Use Map shall become immediately effective and that this amendment shall be incorporated into the annually revised map.

Section 3 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, and passed on first reading and ordered published this _____
day of _____, 2016.

Finally passed _____

Council President

ATTEST:

Sarah B. Johnson, City Clerk

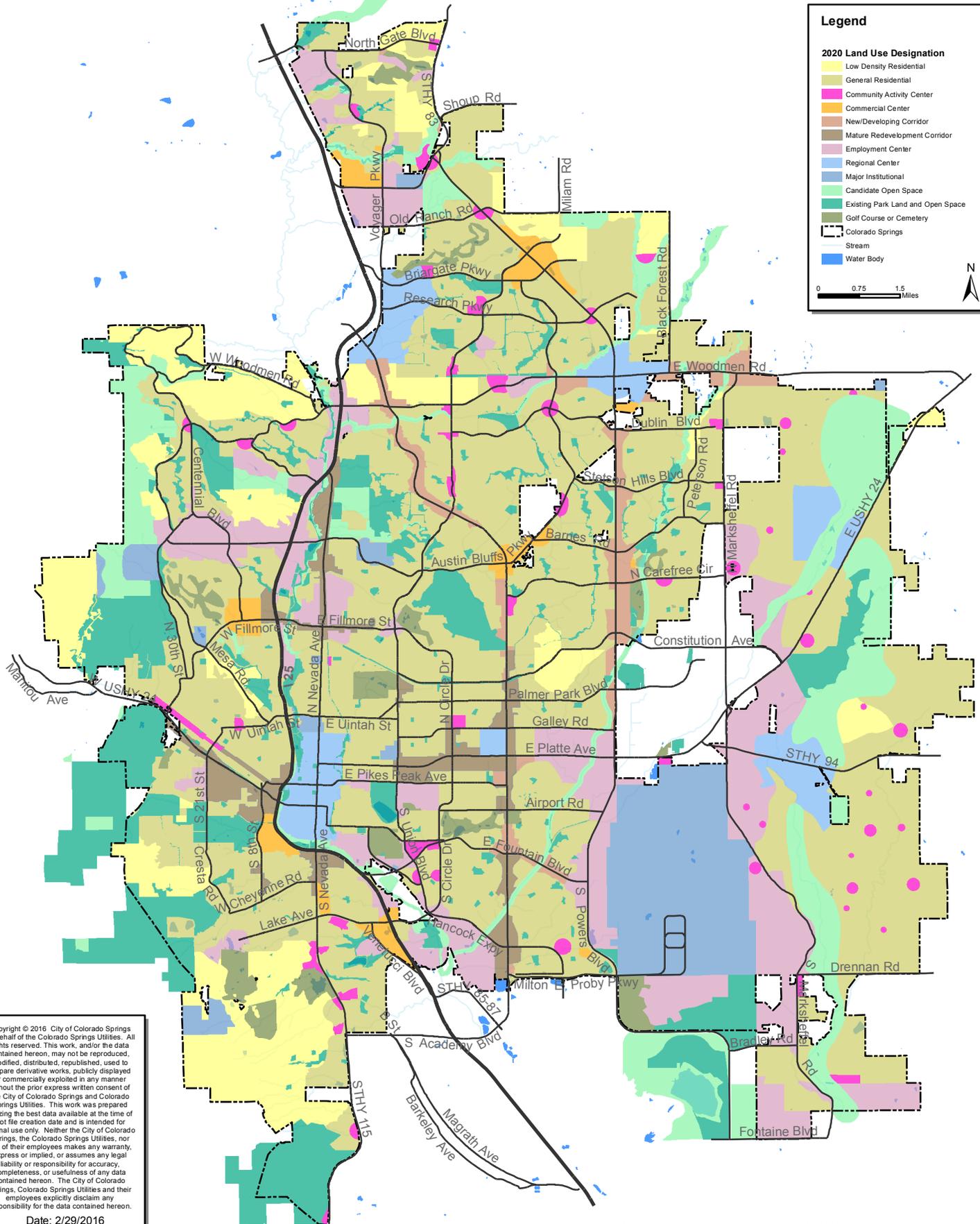
City of Colorado Springs 2020 Land Use

Legend

2020 Land Use Designation

- Low Density Residential
- General Residential
- Community Activity Center
- Commercial Center
- New/Developing Corridor
- Mature Redevelopment Corridor
- Employment Center
- Regional Center
- Major Institutional
- Candidate Open Space
- Existing Park Land and Open Space
- Golf Course or Cemetery
- Colorado Springs
- Stream
- Water Body

0 0.75 1.5 Miles



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Date: 2/29/2016

FIGURE 2

2020 Land Use Map and Master Plan Matrix

The table below is a reference. It generally matches the 35 adopted master plan designations with the 13 broad categories used for the 2020 Land Use Map. Please see the policies and strategies in the 2020 Land Use Map Chapter for guidance on map amendments.

Master Plan Classifications	City Use Code	Low Residential	General Residential	Community Activity Center	Commercial Center	New/Dev. Corridor	Mature/Redev. Corridor	Employ. Center	Regional Center	Major Institutional	Candidate Open Space	Existing Park Land & Open Space	Existing Golf Course or Cemetery	Potential Annexation Area
0-1.99 du/acre	11	X									X			X
2-3.49 du/acre	12	X												X
3.5-7.99 du/acre	13		X											X
8-11.99 du/acre	14		X	X	X	X	X	X	X					X
12-24.99 du/acre	15		X	X	X	X	X	X	X					X
25+ du/acre	16		X	X	X	X	X	X	X					X
Office	21		X	X	X	X	X	X	X					X
Neighborhood Commercial	25	X	X	X	X	X	X	X	X					X
Community Commercial	26			X	X	X	X	X	X					X
Regional Commercial	27					X	X	X	X					X
Highway-Oriented Commercial	28				X	X	X	X	X					X
General Industrial	31				X	X	X	X	X					X
Warehouse/Wholesale	32				X	X	X	X	X					X
Office-Industrial Park/R&D	33				X	X	X	X	X					X
Open Space	41										X	X		X
Trail	42	X	X	X	X	X	X	X	X		X	X		X
Golf Course	43	X	X	X	X	X	X	X	X				X	X
Neighborhood Park	44	X	X	X	X	X	X	X	X		X	X		X
Community Park	45	X	X	X	X	X	X	X	X		X	X		X
Regional Park	46										X	X		X
Agriculture	51													X
Mining	52													X
Arterial Street ROW	61		X	X	X	X	X	X	X	X	X	X		X
Collector Street ROW	62	X	X	X	X	X	X	X	X	X	X	X		X
Other Public Street ROW	63	X	X	X	X	X	X	X	X	X	X	X		X
Private Street ROW	64	X	X	X	X	X	X	X	X	X	X	X		X
Utility Easement/ROW/Facility	65	X	X	X	X	X	X	X	X	X	X	X		X
Drainage Easement, etc.	66	X	X	X	X	X	X	X	X	X	X	X		X
University/Conference Center	71				X	X	X	X	X	X				X
Primary/Secondary School	72	Primary	X	X	X	X	X	X	X	X	Primary			X
Hospital/Long-term Care	73	Long-term Care	Long-term Care	X	X	X	X	X	X	X				X
Public Safety	74		X	X	X	X	X	X	X	X				X
Minor Public Assembly	75	X	X	X	X	X	X	X	X	X				X

FIGURE 3

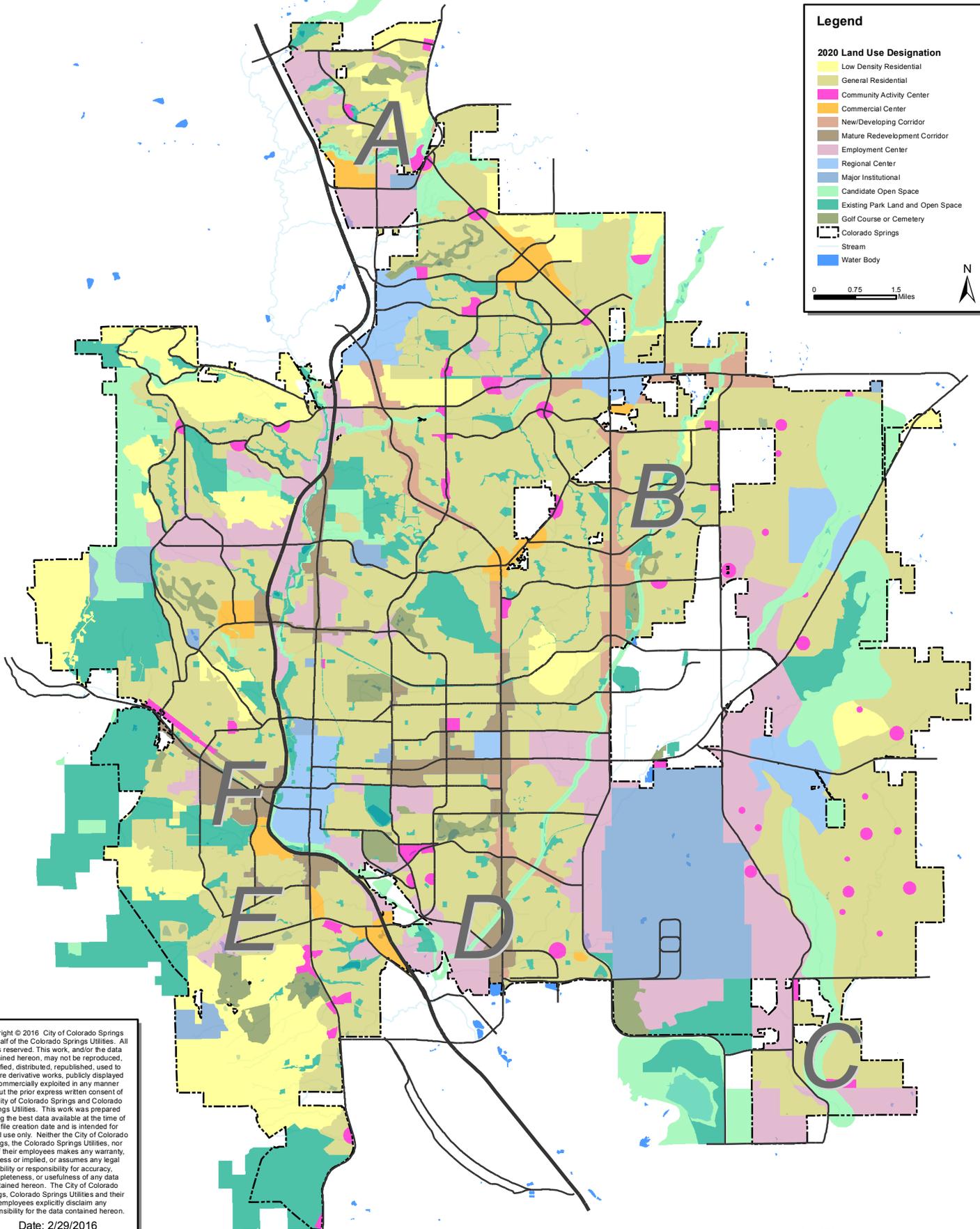
2020 Land Use Designation Change Regions

Legend

2020 Land Use Designation

- Low Density Residential
- General Residential
- Community Activity Center
- Commercial Center
- New/Developing Corridor
- Mature Redevelopment Corridor
- Employment Center
- Regional Center
- Major Institutional
- Candidate Open Space
- Existing Park Land and Open Space
- Golf Course or Cemetery
- Colorado Springs
- Stream
- Water Body

0 0.75 1.5 Miles

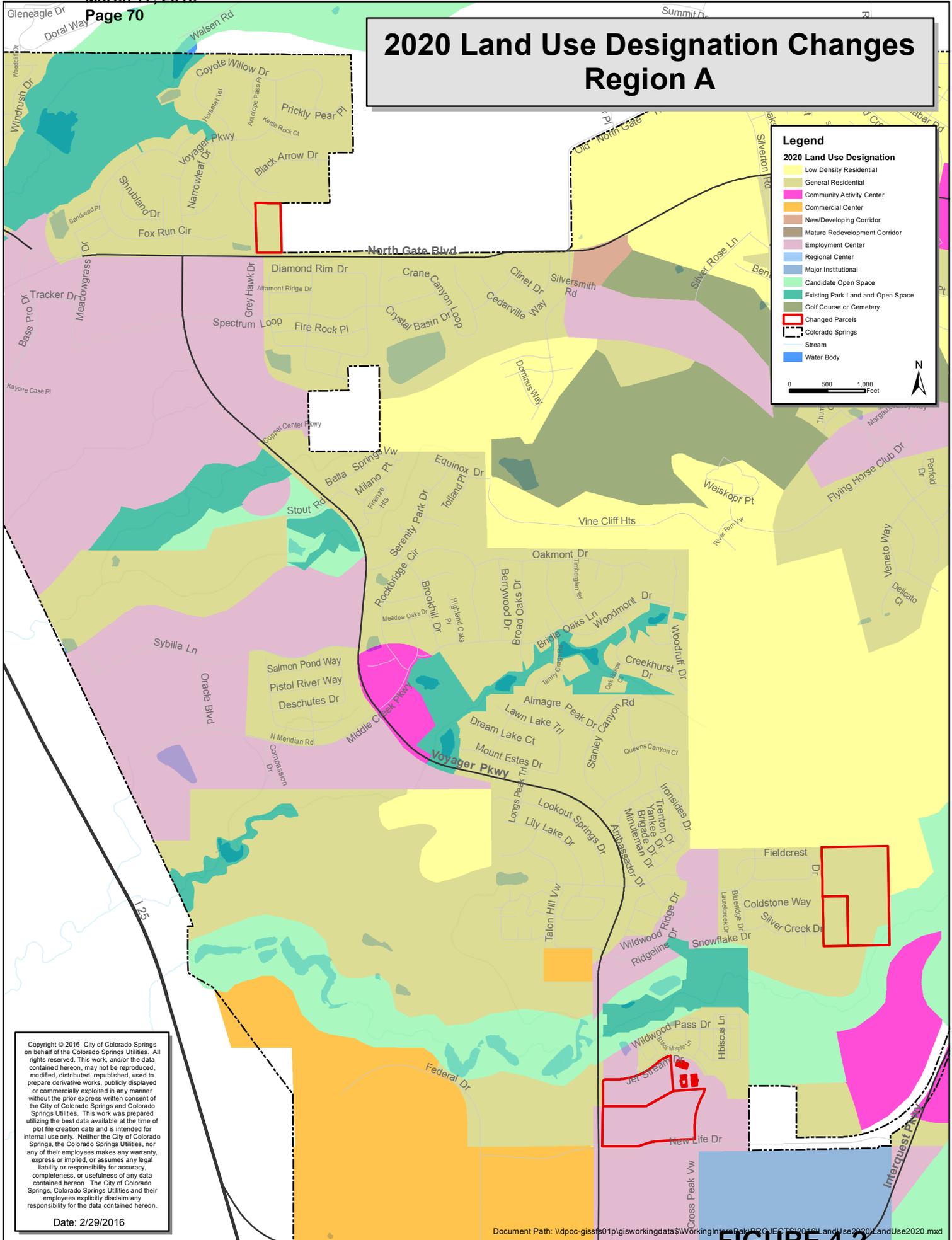


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Date: 2/29/2016

FIGURE 4.1

2020 Land Use Designation Changes Region A



Legend

2020 Land Use Designation

- Low Density Residential
- General Residential
- Community Activity Center
- Commercial Center
- New/Developing Corridor
- Mature Redevelopment Corridor
- Employment Center
- Regional Center
- Major Institutional
- Candidate Open Space
- Existing Park Land and Open Space
- Golf Course or Cemetery
- Changed Parcels
- Colorado Springs
- Stream
- Water Body

0 500 1,000 Feet

N

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Date: 2/29/2016

FIGURE 4.2

2020 Land Use Designation Region B

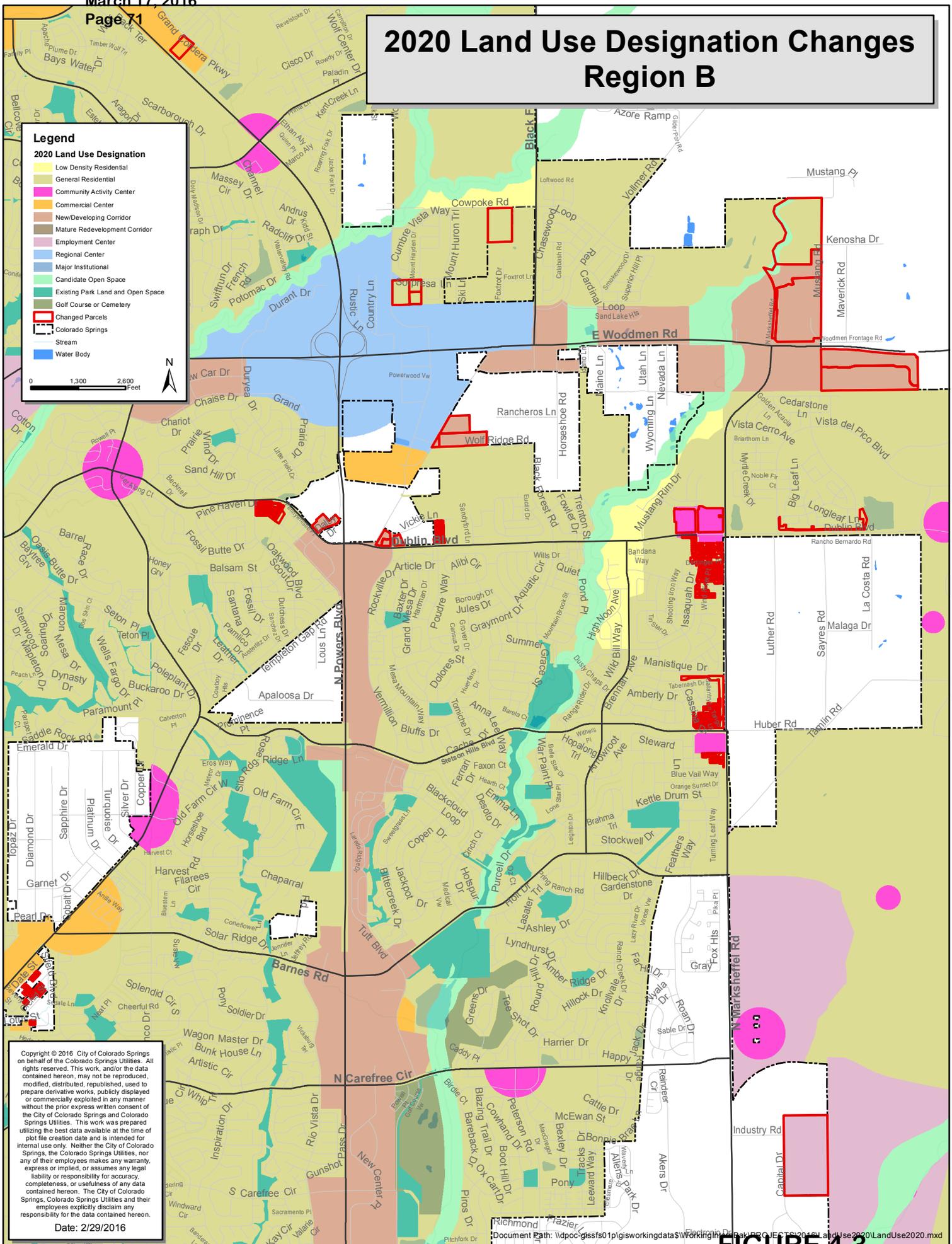
Legend

2020 Land Use Designation

- Low Density Residential
- General Residential
- Community Activity Center
- Commercial Center
- New/Developing Corridor
- Mature Redevelopment Corridor
- Employment Center
- Regional Center
- Major Institutional
- Candidate Open Space
- Existing Park Land and Open Space
- Golf Course or Cemetery
- Changed Parcels
- Colorado Springs
- Stream
- Water Body



0 1,300 2,600 Feet

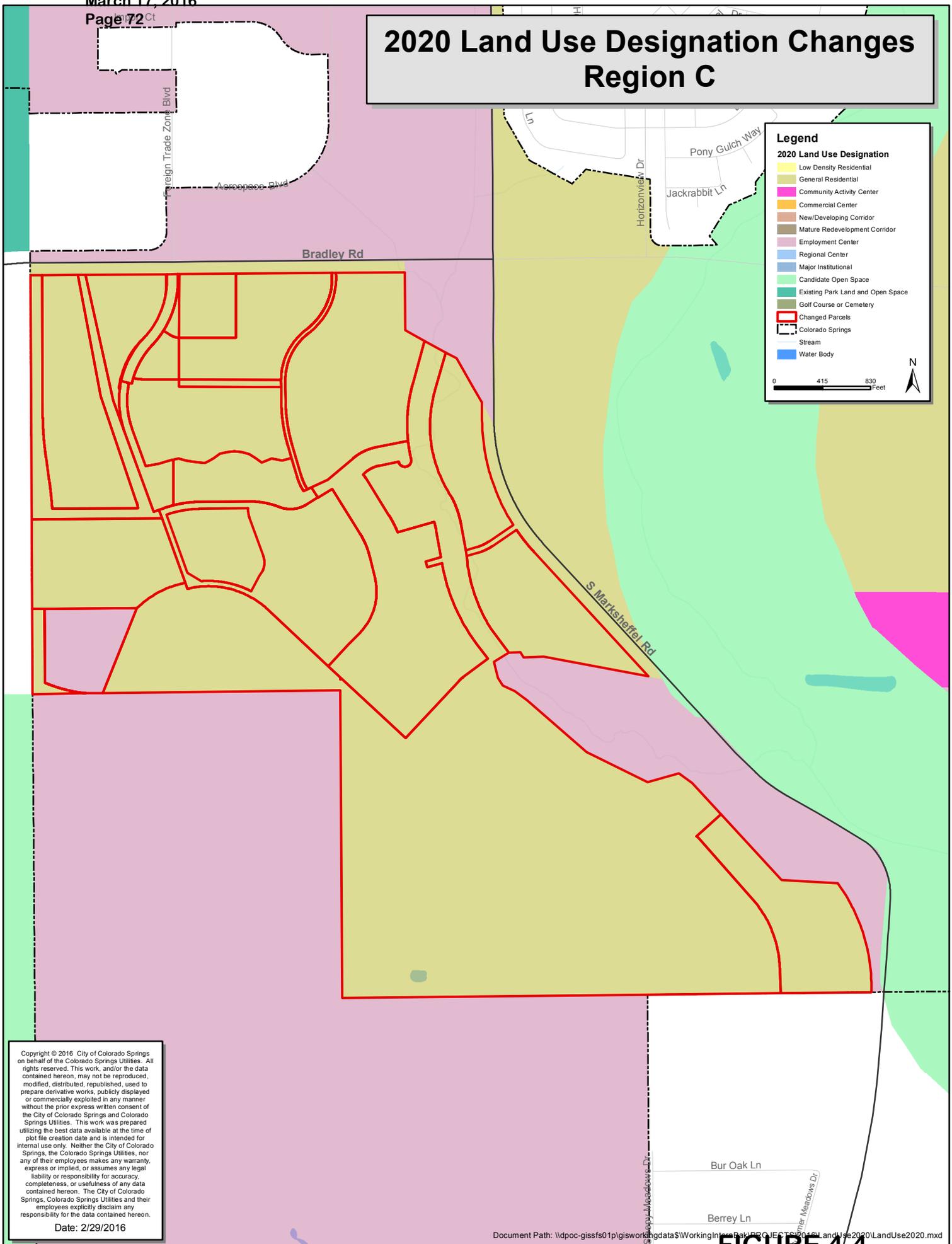


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Date: 2/29/2016

FIGURE 4.3

2020 Land Use Designation Changes Region C

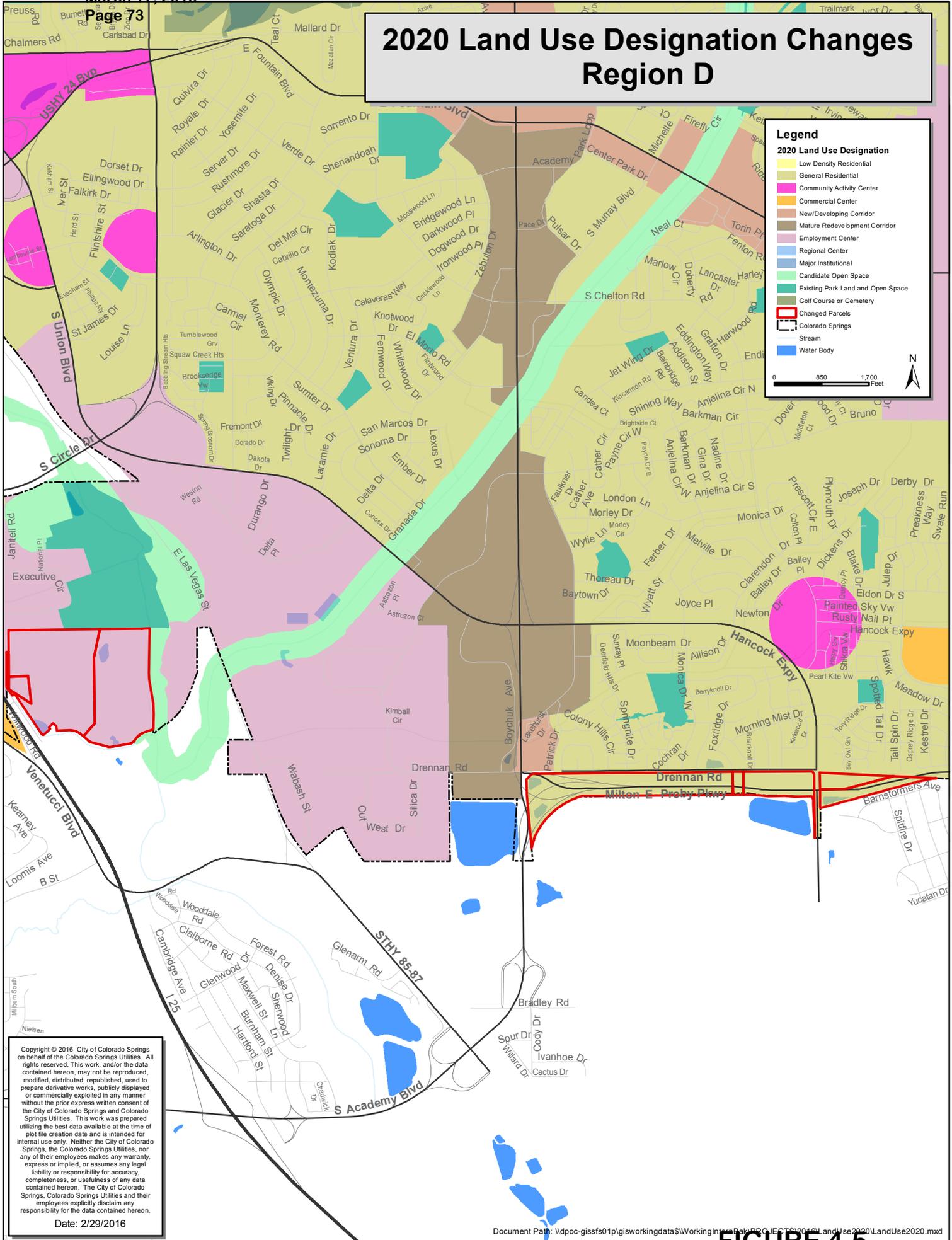


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FIGURE 4.4

2020 Land Use Designation Changes Region D



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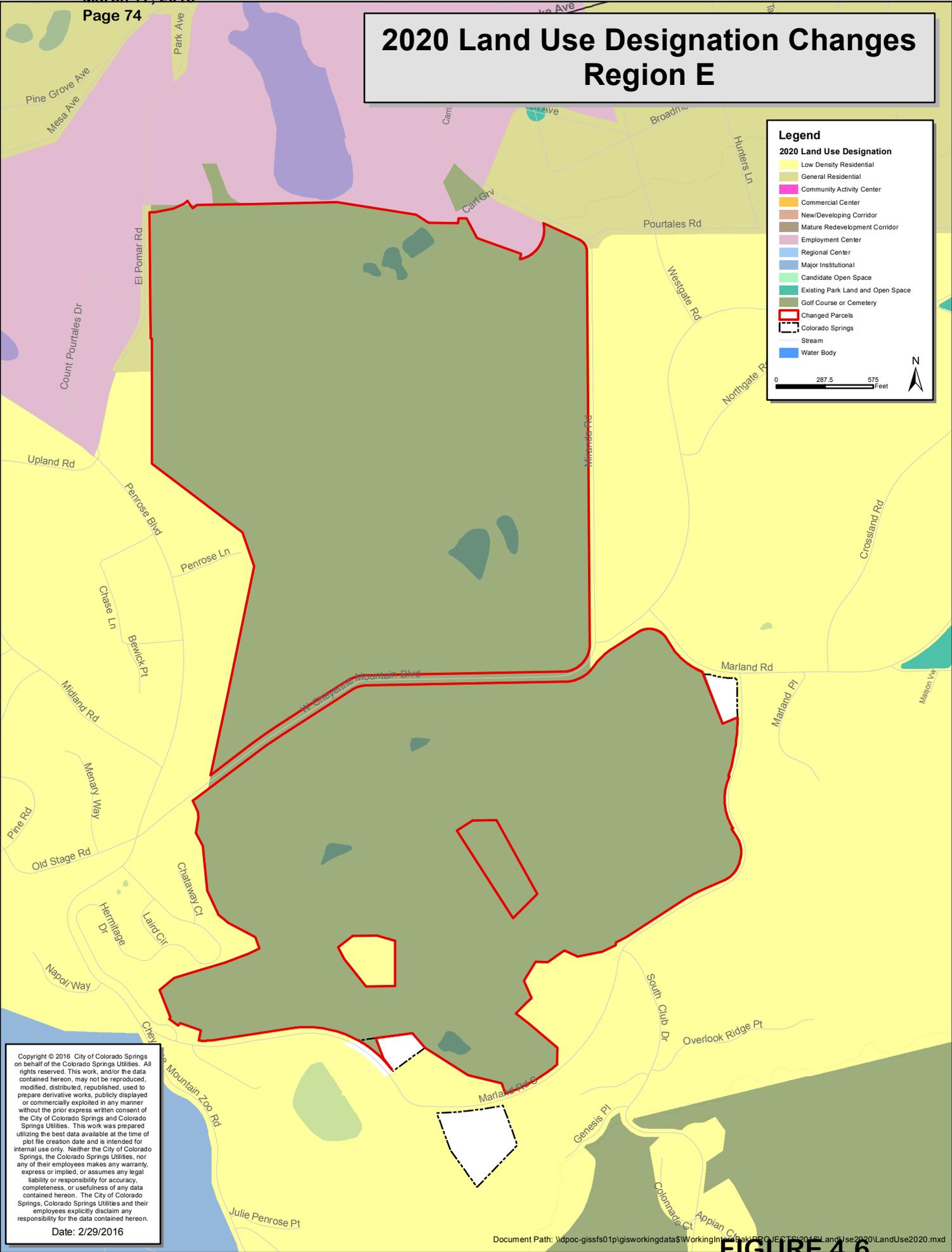
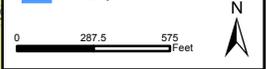
FIGURE 4.5

2020 Land Use Designation Changes Region E

Legend

2020 Land Use Designation

- Low Density Residential
- General Residential
- Community Activity Center
- Commercial Center
- New/Developing Corridor
- Mature Redevelopment Corridor
- Employment Center
- Regional Center
- Major Institutional
- Candidate Open Space
- Existing Park Land and Open Space
- Golf Course or Cemetery
- Changed Parcels
- Colorado Springs
- Stream
- Water Body

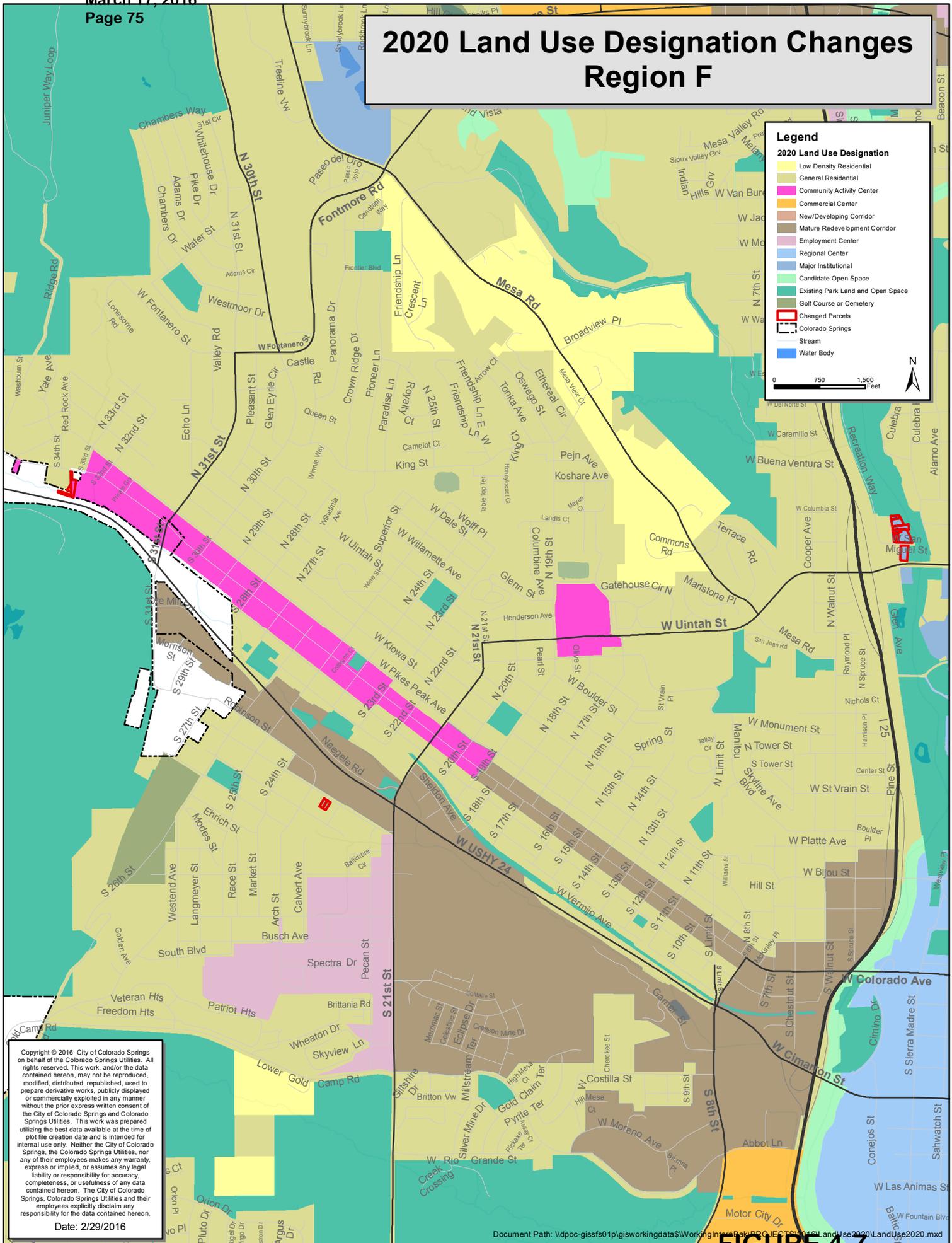


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Date: 2/29/2016

FIGURE 4.6

2020 Land Use Designation Changes Region F



Legend

2020 Land Use Designation

- Low Density Residential
- General Residential
- Community Activity Center
- Commercial Center
- New/Developing Corridor
- Mature Redevelopment Corridor
- Employment Center
- Regional Center
- Major Institutional
- Candidate Open Space
- Existing Park Land and Open Space
- Golf Course or Cemetery
- Changed Parcels
- Colorado Springs
- Stream
- Water Body

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Date: 2/29/2016

FIGURE 4.7