



CITY PLANNING COMMISSION AGENDA

**THURSDAY, FEBRUARY 20, 2014
8:30 A.M.**

**CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COLORADO SPRINGS, CO 80903**

CITY PLANNING COMMISSION MEETING PROCEDURES

MEETING ORDER:

The City Planning Commission will hold its regular meeting on **Thursday, February 20, 2014 at 8:30 a.m.** in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

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

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

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

VIEW LIVE MEETINGS:

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

CITY PLANNING COMMISSION

COMPREHENSIVE PLAN AND REVIEW CRITERIA

COMPREHENSIVE PLAN:

The City Planning Commission uses the Comprehensive Plan as a guide in all land use matters. The Plan is available for review in the Land Use Review Office, located at 30 S. Nevada Avenue, Suite 105. The following lists the elements of the Comprehensive Plan:

- Introduction and Background
- Land Use
- Neighborhood
- Transportation
- Natural Environment
- Community Character and Appearance
- 2020 Land Use Map
- Implementation

The Comprehensive Plan contains a land use map known as the 2020 Land Use Map. This map represents a framework for future city growth through the year 2020, and is intended to be used with the Comprehensive Plan's goals, policies, objectives and strategies. It illustrates a desired pattern of growth in conformance with Comprehensive Plan policies, and should be used as a guide in city land use decisions. The Comprehensive Plan, including the Land Use Map, may be amended from time to time as an update to city policies.

APPLICATION REVIEW CRITERIA:

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

CITY PLANNING COMMISSION APPEAL INSTRUCTIONS

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

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

Monday, March 3, 2014

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

CITY PLANNING COMMISSION MEETING AGENDA THURSDAY, FEBRUARY 20, 2014

1. Approval of the Record of Decision (minutes) for the January 16, 2014 City Planning Commission Meeting
2. Communications
3. Consent Calendar (Items A-C) Page 7
4. Unfinished Business Calendar (Item 4)..... Page 45
 New Business Calendar (Items 5-6)..... Page 57
 Appendix – Review Criteria Page 100

CONSENT CALENDAR		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM: A CPC CU 13-00134 (Quasi-Judicial)</p> <p>PARCEL NO.: 6327209031</p> <p>PLANNER: Lonna Thelen</p>	<p>Request by NES Inc. on behalf of Front Row Properties LLC for A conditional use to allow a fast food restaurant in an OC (Office Complex) zone district located at 3230 Austin Bluffs Parkway, contains 1.57 acres and is zoned OC (Office Complex).</p>	7
<p>ITEM: B.1 CPC ZC 13-00122</p> <p>ITEM: B.2 CPC PUD 06-00108-A5MJ13 (Quasi-Judicial)</p> <p>PARCEL NOS.: 5307002005, 5307002014, 5307002018, & 5307002020</p> <p>PLANNER: Larry Larsen</p>	<p>Request by Guman and Associates on behalf of Apaloosa Investments, LLC for the following development applications:</p> <ol style="list-style-type: none"> 1. A change of zoning from Agricultural with Airport Overlay (A/AO) to Planned Unit Development with Airport Overlay (PUD/AO). This would provide for single-family detached residential use with a maximum density of 5.86 dwelling units per acre and maximum building height of 30 feet. 2. A major amendment to the approved Dublin North Development Plan. This application would allow for an additional 23 lots and new City streets. <p>The property is located north of the Dublin Boulevard and Sandy Ford Lane intersection and it consists of 47 acres.</p>	17

<p>ITEM: C CPC CU 13-00110 (Quasi-Judicial)</p> <p>PARCEL NO.: 6418111056</p> <p>PLANNER: Ryan Tefertiller</p>	<p>Request by Dean Mabe on behalf of Dianna Sanchez for approval of the 550 E Kiowa St. conditional use development plan to allow the property to be used for auto repair. The plan illustrates the use of the existing building for auto repair, and the construction of a 190 square-foot attached lean-to and a 208 square-foot detached shed. The property is located at 550 E. Kiowa St., is roughly 0.78 acre, is zoned C6/SS (General Business with the Streamside Overlay Zone) and is located between E. Kiowa St. and E. Bijou St. just west of N. El Paso St.</p>	<p>29</p>
---	--	-----------

UNFINISHED BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 4 CPC AP 14-00002 (Quasi-Judicial)</p> <p>PARCEL NO.: 6418119015</p> <p>PLANNER: Peter Wysocki</p>	<p style="text-align: center;"><i>(Postponed from the January 16 meeting)</i></p> <p>An appeal by Studio A 64 LLC and K.C. Stark of an administrative determination that a marijuana smoking facility is not a permissible land use within the Form-Based Zoning. The subject property is located at 332 East Colorado Avenue.</p>	<p>45</p>

NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 5 CPC DP 05-00092-A4MN13 (Quasi-Judicial)</p> <p>PARCEL NO.: 5306000007</p> <p>PLANNER: Larry Larsen</p>	<p>Appeal by Bill and Maureen Marchant and others regarding the administrative approval of an application requested by Nine Design, Ltd. on behalf of KF103-CV, LLC for a minor amendment to the approved Cumbre Vista Development Plan. This application would allow for a change in the phasing sequence, street and lot layout, an extension of the proposed City street, De Anza Peak Trail to Sorpresa Lane and a reduction in the number of lots. The property is located between Cowpoke Road and Sorpresa Lane, east of Tutt Boulevard and it consists of 113 acres.</p>	<p>57</p>
<p>ITEM NO.: 6 CPC UV 13-00129 (Quasi-Judicial)</p> <p>PARCEL NO.: 7412415003</p> <p>PLANNER: Mike Schultz</p>	<p>Request by Oliver E. Watts Consulting Engineer, Inc. on behalf of the Helen Collier Trust for a Use Variance to allow a tri-plex in an R-2 (Two-Family Residential) Zone District. The property consists of 0.17 acre and is located at 623 N. Spruce Street.</p>	<p>87</p>

CITY PLANNING COMMISSION AGENDA

ITEM NO: A

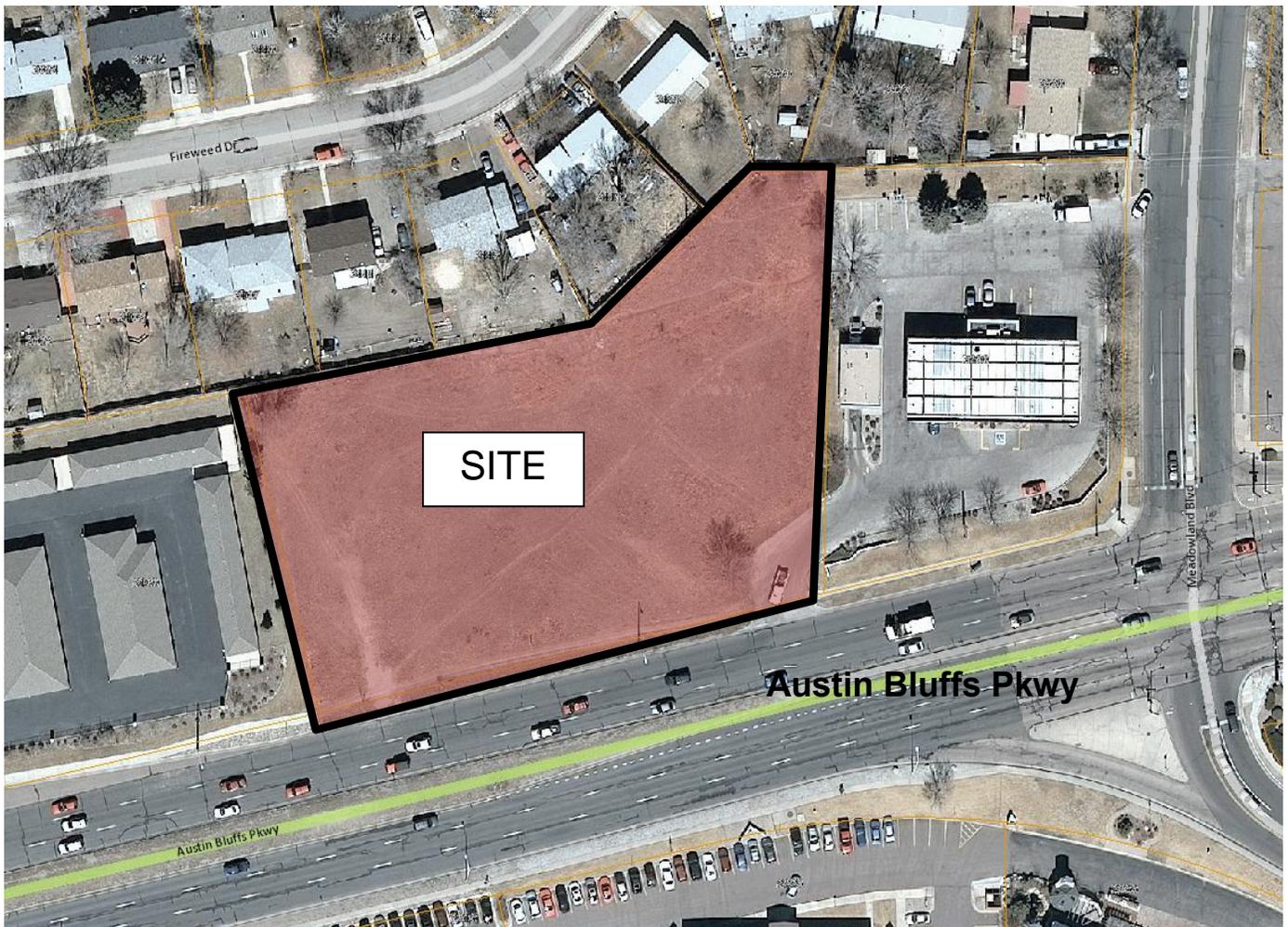
STAFF: LONNA THELEN

FILE NO:
CPC CU 13-00134- QUASI-JUDICIAL

PROJECT: AUSTIN MEADOWS BUSINESS CENTER

APPLICANT: NES INC

OWNER: FRONT ROW PROPERTIES, LLC



PROJECT SUMMARY:

1. Project Description: This project includes concurrent applications for a conditional use development plan for a 1.57-acre site located north of Austin Bluffs Parkway and west of Meadowland Boulevard.

The applicant is requesting a conditional use for a fast food restaurant in the OC (Office Complex) zone district. The remaining lot is conceptually planned for a sit down restaurant. The applicant has also submitted a final plat to subdivide the property into two lots, one for the fast food restaurant and the other for the sit down restaurant. The final plat is being reviewed administratively. **(FIGURE 1)**

2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Department's Recommendation: Approval of the applications, subject to modifications.

BACKGROUND:

1. Site Address: 3230 Austin Bluffs Parkway
2. Existing Zoning/Land Use: OC / vacant
3. Surrounding Zoning/Land Use:
North: R1-6 / single-family residential
South: PBC / commercial
East: C-5 / gas station
West: OC / mini-warehouse
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Garden Ranch Addition #3, 1963
6. Master Plan/Designated Master Plan Land Use: No master plan for this site.
7. Subdivision: Austin Meadows Business Center
8. Zoning Enforcement Action: No enforcement actions.
9. Physical Characteristics: The site is currently vacant with little slope on the site and no significant vegetation.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of these applications included posting of the site and sending of postcards on two separate occasions to 80 property owners within 500 feet. Comment from one neighbor was received. **(FIGURE 3)** The concern of this neighborhood member was primarily traffic from the site and buffering light and sound from the site. All applicable agencies and departments were asked to review and comment. No significant concerns were identified. All issues and concerns were incorporated into the development plan or provided as conditions of approval. Prior to the City Planning Commission hearing, the site will be posted and postcards mailed once again.

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

1. Review Criteria / Design & Development Issues:
The applicant is proposing to use the site for two restaurants (one fast food and one sit down). The fast food restaurant requires a conditional use prior to approval. The sit down restaurant is a permitted use with an approved development plan and is shown conceptually on the plans; it will require an amendment to this development plan prior to building permit to finalize the site design and building elevations. The site will also be platted into two lots with this application.

The site is located within a strip of office/commercial uses north of Austin Bluffs Parkway. The office/commercial strip backs up to single-family residential. In order to buffer the single-family residential from the proposed use, the applicant has included a

15 foot landscape buffer that includes vegetation and a six-foot wooden fence. In addition, the fast food building is located closer to Austin Bluffs and has landscape along the north side of the building. There is a sidewalk connection to the building from Austin Bluffs Parkway.

The traffic created by the fast food restaurant was reviewed and no additional traffic improvements were required for the site. Cross access easements allow the site to be accessed from Meadowland Boulevard or Austin Bluffs Parkway. An additional driveway is proposed off Austin Bluffs to access the sit down restaurant site. This driveway will utilize an existing curb cut.

The conditional use review criteria and findings are in city code section 7.5.704. Subject to the recommended technical modifications, staff believes the project meets the required findings.

Staff has determined that the project meets the development plan criteria found in city code section 7.5.502.

2. Conformance with the City Comprehensive Plan:

The Comprehensive Plan designates this site as General Residential. Within the general residential designation a secondary use is neighborhood center that serves the neighborhood. The restaurants proposed with this application will serve the residences surrounding the site.

Policy LUM 202: General Residential

Utilize the General Residential designation for the vast majority of existing and future residential areas. This designation includes a wide variety of residential uses, as well as uses that serve and support individual neighborhoods.

Strategy LUM 202c: General Residential Secondary Uses

Include supporting uses such as neighborhood centers with pedestrian-oriented, low-impact shops and services, parks and recreation areas, religious institutions, and schools. Neighborhood centers may range up to 5 acres in size. Consider proposed secondary uses that individually or cumulatively exceed five acres, as proposed Map amendments from General Residential to a more intense Map designation to allow significant land use changes to be analyzed on a neighborhood and citywide basis.

3. Conformance with the Area's Master Plan:

No master plan exists for this site.

STAFF RECOMMENDATION:

Item: A CPC CU 13-00134 – Conditional Use

Approve the conditional use for Austin Meadows Business Center, based upon the finding that the conditional use complies with the review criteria in City Code Section 7.5.704 and 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications:

Technical and Informational Modifications to the Conditional Use:

1. Under building use in the site data change “Lot 2 Site Down Restaurant” to “Lot 2 Sit Down Restaurant”.
 2. Label all four elevations of the trash enclosure with north, south, east or west.
 3. Call out the light fixtures on the building as full cut-off.
 4. Reception numbers need to be included on the plan for existing public easements. Also, label the proposed public easement for the new onsite mains.
 5. All electric and gas lines need to be shown and labeled on the plan. Please add and label the missing items, including showing/labeling the two onsite transformers (one is shown), two high pressure gas mains along Austin Bluffs and north of existing public wastewater main, one gas distribution main along Austin Bluffs and north of existing public wastewater main. There is a UG and UE labeled but staff is not sure which of these listed relates to the UG and UE.
 6. The grease interceptor for lot 2 is shown on the water service line. Please move to wastewater service line. Also, show domestic wastewater services coming out of the buildings that connect to the wastewater service line after the grease interceptor. Two lines out of each building are needed to separate the domestic waste from the waste that needs to go to the interceptor. Please correct on DP.
 7. Utilities were added to the Landscape Plan; however, the additional utilities being requested above are also need to be added to the Landscape Plan. Several of the proposed trees need to be moved so that they are not within 15 feet from the existing or proposed public utility mains. Also, trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable Natural Gas Codes or Colorado Springs Utilities’ policies, which require a minimum clearance of 10 feet from gas mains rated at 150 psi. Correct the Landscape Plan to ensure all separation criteria are met for gas, electric, water and wastewater.
-



N.E.S., Inc.
 508 South Tejon Street
 Colorado Springs, CO 80903
 Tel: 719-471-0033
 Fax: 719-471-0037
 www.neslandscape.com
 © 2014, All Rights Reserved.

AUSTIN MEADOWS
 BUSINESS CENTER

MILLENNIUM DEVELOPMENT
 DATE: 11/20/13
 PROJECT: 11/20/13
 PREPARED BY: [Signature]

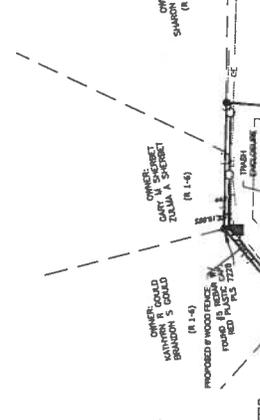
DEVELOPMENT PLAN

DP1
 1 of 6

CPC CU 13-00134



- SHEET INDEX**
- Development Plan
 - Grading Plan
 - Preliminary Utility Plan
 - Final Landscape Plan
 - Final Landscape Details
 - Elevations



LEGAL DESCRIPTION
 LOT 1 AUSTIN MEADOWS BUSINESS CENTER COLORADO SPRINGS TO BE PLATTED AS LOT 1 AND 2 OF FRONT ROW SUBDIVISION NO. 1.

NOTES

- FLOODPLAIN STATEMENT: THIS SITE, 3230 AUSTIN BLUFFS PKWY IS NOT WITHIN A DESIGNATED F.E.M.A. FLOODPLAIN AS DETERMINED BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 0804103619F, EFFECTIVE MARCH 17, 1997
- DEVELOPMENT PLAN REQUIRED PRIOR TO ISSUANCE OF BUILDING PERMIT FOR LOT 2
- THIS PROJECT WILL BE PHASED INTO TWO PHASES. PHASE I INCLUDES DEVELOPMENT OF LOT 1 TO INCLUDE A 6' BARRIER TO BE PLACED AT THE WEST SIDE OF LOT 1 TO ENSURE TRAFFIC DOES NOT USE LOT 2. PHASE II INCLUDES DEVELOPMENT OF LOT 2.
- THE CONDITIONAL USE REQUESTED IS FOR A FAST FOOD RESTAURANT ON LOT 1.
- ONE-WAY SIGNS WILL BE INSTALLED BY THE OWNER/DEVELOPER AND WILL MEET MUTCD/TRAFFIC ENGINEERING DESIGN/INSTALLATION STANDARDS.
- STOP SIGNS WILL BE INSTALLED BY THE OWNER/DEVELOPER AND WILL MEET MUTCD/TRAFFIC ENGINEERING DESIGN/INSTALLATION STANDARDS.

SITE DATA

Site Address:	3230 Austin Bluffs Pkwy
Text ID Number:	1377
Lot Area:	1.37 acre Lot 1: 2,301 S.F. (0.053 ac) Lot 2: 3,500 S.F. (0.080 ac)
Master Plan:	SpringWater 2014
Current Zoning:	NA
Development Schedule:	DC
Building Use:	Lot 1 - Fast Food Restaurant Lot 2 - Site Down Restaurant
Building Size:	Lot 1 - 2,301 S.F. Lot 2 - 3,500 S.F.
Lot Coverage:	Lot 1 - 8.0% Lot 2 - 8.0%
Building Heights:	Lot 1 - 20' Lot 2 - 27'
Building Setbacks:	20' along Austin Bluffs Pkwy 20' 20'
Front:	
Side:	
Back:	
Landscaping Setbacks:	Austin Bluffs Pkwy:
Parking Count:	Provided
Required:	28 including 2 HC
Lot 1 - 24	33 including 2 HC
Lot 2 - 25	

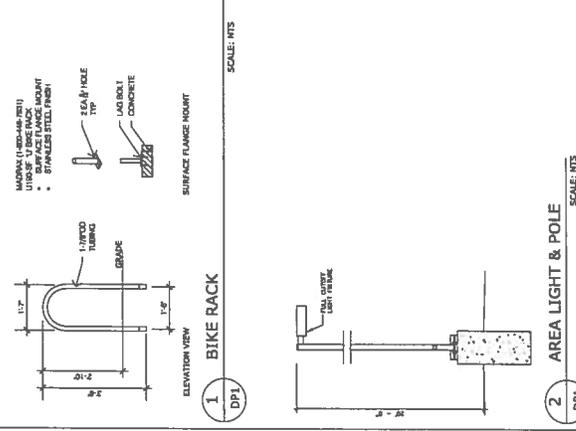
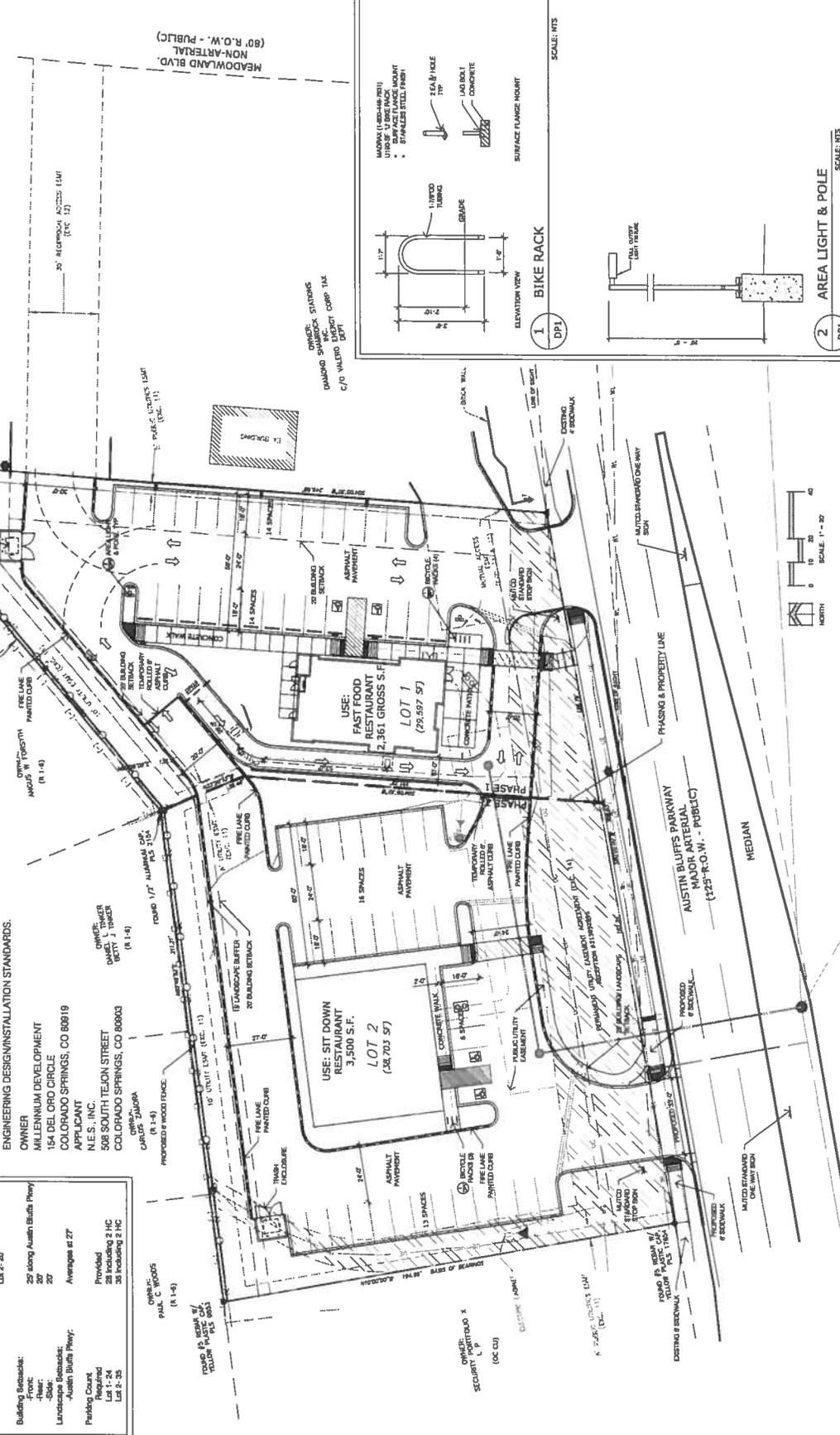


FIGURE 1



NES, Inc.
 509 South Tejon Street
 Colorado Springs, CO 80903
 Tel: 719-471-0821
 Fax: 719-471-0387
 www.neslandscape.com
 © 2014 All Rights Reserved

AUSTIN MEADOWS
 BUSINESS CENTER

MILLERBORN DEVELOPMENT

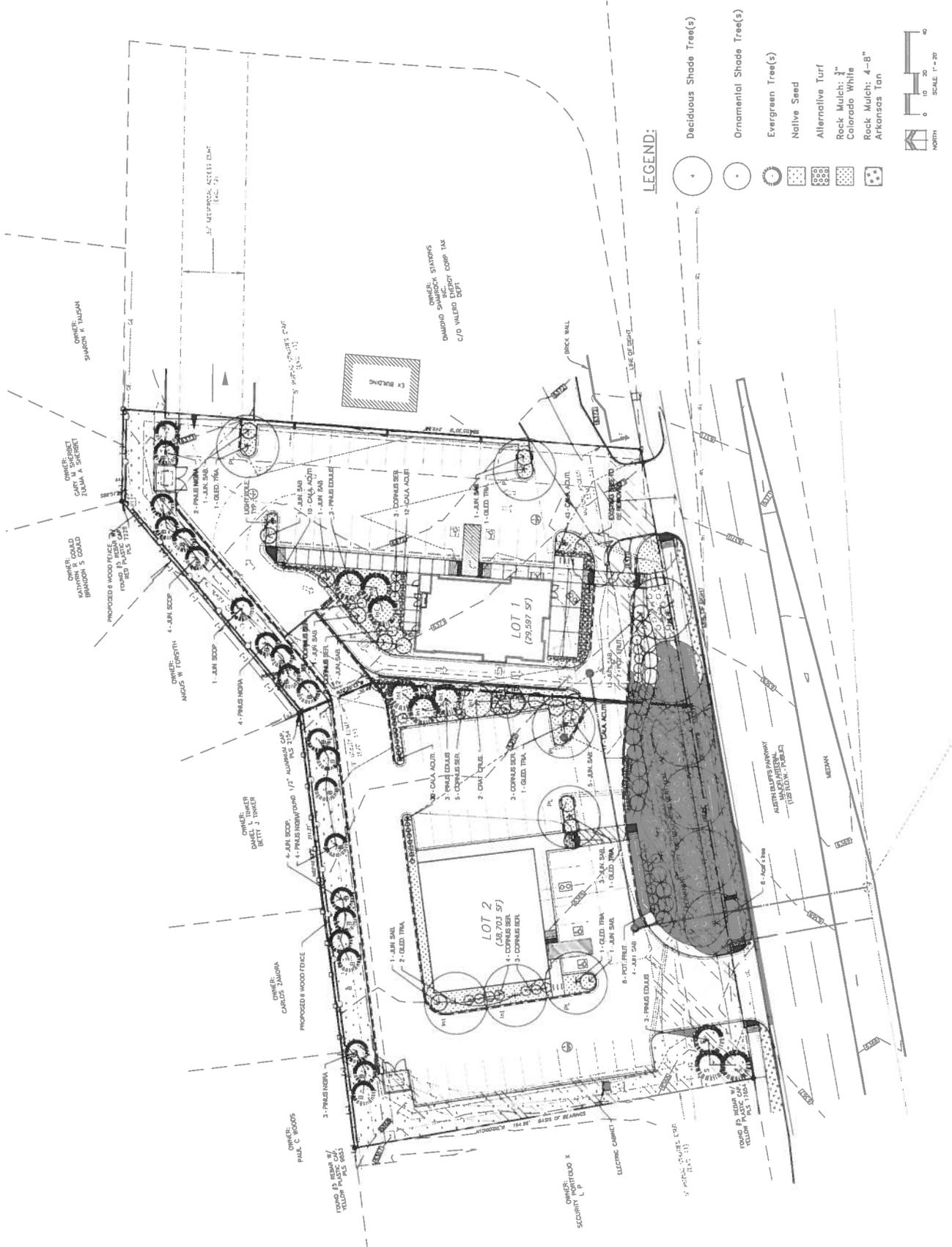
PROJECT MANAGER

FINAL
 LANDSCAPE PLAN

DP4

4 of 6

CPC CU13-00134



LEGEND:

- Deciduous Shade Tree(s)
- Ornamental Shade Tree(s)
- Evergreen Tree(s)
- Native Seed
- Allernative Turf
- Rock Mulch: 3"
- Colorado White
- Rock Mulch: 4-8"
- Arkansas Tan



FIGURE 1

**Project Statement
Austin Meadows Business Center
November 2013**

This OC Zoned property is located one lot west of the intersection of Austin Bluffs Parkway and Meadowland Blvd. The site is bounded on the south by Austin Bluffs Parkway; on the east by a Convenience store with car wash; on the north by single family residents; on the west by ministorage. The site shares access with the convenience store via an access easement to meadowland Blvd., and by a common drive to Austin Bluffs Parkway located on the subject site. A second right in/right out access to the site is located just east of the west property boundary. No changes are proposed to the existing access points.

The proposed land use for the site is for a Quick Serve Restaurant on the easterly of two proposed lots, and a restaurant without drive through service on the westerly of the two proposed lots. The Quick Serve Restaurant requires a Conditional Use in the OC Zone. A Development Plan for both uses is included in the application package.

This site and the proposed uses transition from east to west from highest intensity (convenience store and car wash) to lower intensity (ministorage). Screen fencing and landscape buffers will protect the existing residences to the north from impacts of this use. Non-residential use is permitted in the current zone. Development of buildings on this site will provide some noise protection to residents by blocking noise from Austin Bluffs Parkway.

Development Plan Review Criteria

1. Will the project design be harmonious with the surrounding land uses and neighborhood? ***Yes. The proposed uses create an east to west transition from higher intensity to lower intensity. The boundary between residential and non-residential land use has already been established by zoning.***
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? ***Yes. This is an infill project where infrastructure has been put in place in anticipation of non-residential development. Buffering along the north property line provides compatibility with the residential properties to the north.***
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties? ***Yes. One story buildings are proposed where 45 foot tall buildings are permitted by zone.***
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development? ***Yes. Buffering along the north property line provides compatibility with the residential properties to the north.***

5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption? ***Access points to and from the site have been previously established and are not proposed to be changed.***
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? Yes. ***Access points to and from the site have been previously established and are not proposed to be changed.***
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? ***Access points to and from the site have been previously established and are not proposed to be changed.***
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities? ***Yes. Parking meets or exceeds Code requirements.***
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? ***Handicap parking and access to buildings has been provided.***
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt? ***Yes.***
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? ***Yes. Pedestrian circulation has been provided on site.***
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? ***This criterion does not apply. There are no significant natural features on this site.***

Conditional Use Review Criteria

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured. ***The property is zoned for non-residential use. The Conditional Use application is for the drive through component of the restaurant. The adjacent convenience store use has a drive through component (car wash), therefore a neighborhood standard has been set for the drive through component of the restaurant.***
- 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 proposed restaurant use is permitted in the current zone. The drive through component, for which the Conditional Use is required, is consistent with the intent and purpose of the OC Zone and with the adjacent use. Access to the site is fixed and tied to the adjacent convenience store use.***
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City. ***The Land Use Map component of the Comprehensive Plan generally shows this site as a Commercial Center, therefore the proposed use is consistent with the Plan.***

December 21, 2013

To Mrs. Thelen,

This is a comment letter for the property a 3230 Austin Bluffs Parkway file number CPC CU 13-00134.

1. Merge or traffic lane coming out on Austin Bluffs for the business exit/west bound entrance. We do not know if that 3rd lane will continue all the way or if traffic will have to merge to the two lanes after Goldenrod Road.
2. Also concerned about traffic going through the residential areas located behind this lot.
3. Entering and exiting for the shared entrance of Meadowland Blvd. for the Diamond Shamrock and two other business's (Dunkin Donuts and Restaurant?). This could put a bottleneck of traffic onto and off of Meadowland Blvd and the shared entrance. Duncan Donuts is planned to have a drive thru which would also create more traffic behind residential homes. Cars idling create more pollution close to residence homes.
4. This also brings up deliveries and time of deliveries with commercial vehicles. Diamond Shamrock currently uses the reciprocal access area for some of their delivery trucks to unload. And I do not know how sharing this area with commercial vehicles may work with regular traffic and/or customers for these three businesses. Also delivery times for these new businesses, what times will these deliveries be taking place, when they are so close to residential homes?
5. Lighting, landscaping and stormwater: Will the lighting be similar to the lights used at the Security Storage units. We do know, because of the closeness to resident's home the Storage unit's lowered the height and wattage of the lights used, changed the color of the lights and added hoods to some lights. The fences shown on the plans, being right up next to existing fences does not allow for similar fencing (approximate 10 ft.) with locked access and a small green belt as the storage units have. Maintaining trash and stormwater areas have a concern similar as to the trash and stormwater up by the Popeye's and the residents. Also with food waste comes more skunks and raccoons. Who will maintain and be responsible that the stormwater pond is working?
6. What will be the business hours for these businesses? True working hours.
7. What about signage, street side or on a pole?
8. We feel the OC zoning here at this location is not being used properly as to the residential location being so close. OC zone used to mean Office Complex. When did OC become zoned for restaurants?
9. We have been under the impression that the OC zoning for that lot was to be used, as one lot not two lots not two lots.
10. We were not happy to receive this notice so close to the Christmas Holidays when we feel like this notice was trying to be "snuck" through before the end of the year.

Thank you for addressing our concerns with this development.

Sincerely,
John Bolt and Jenny Marolf

FIGURE 3

CITY PLANNING COMMISSION AGENDA

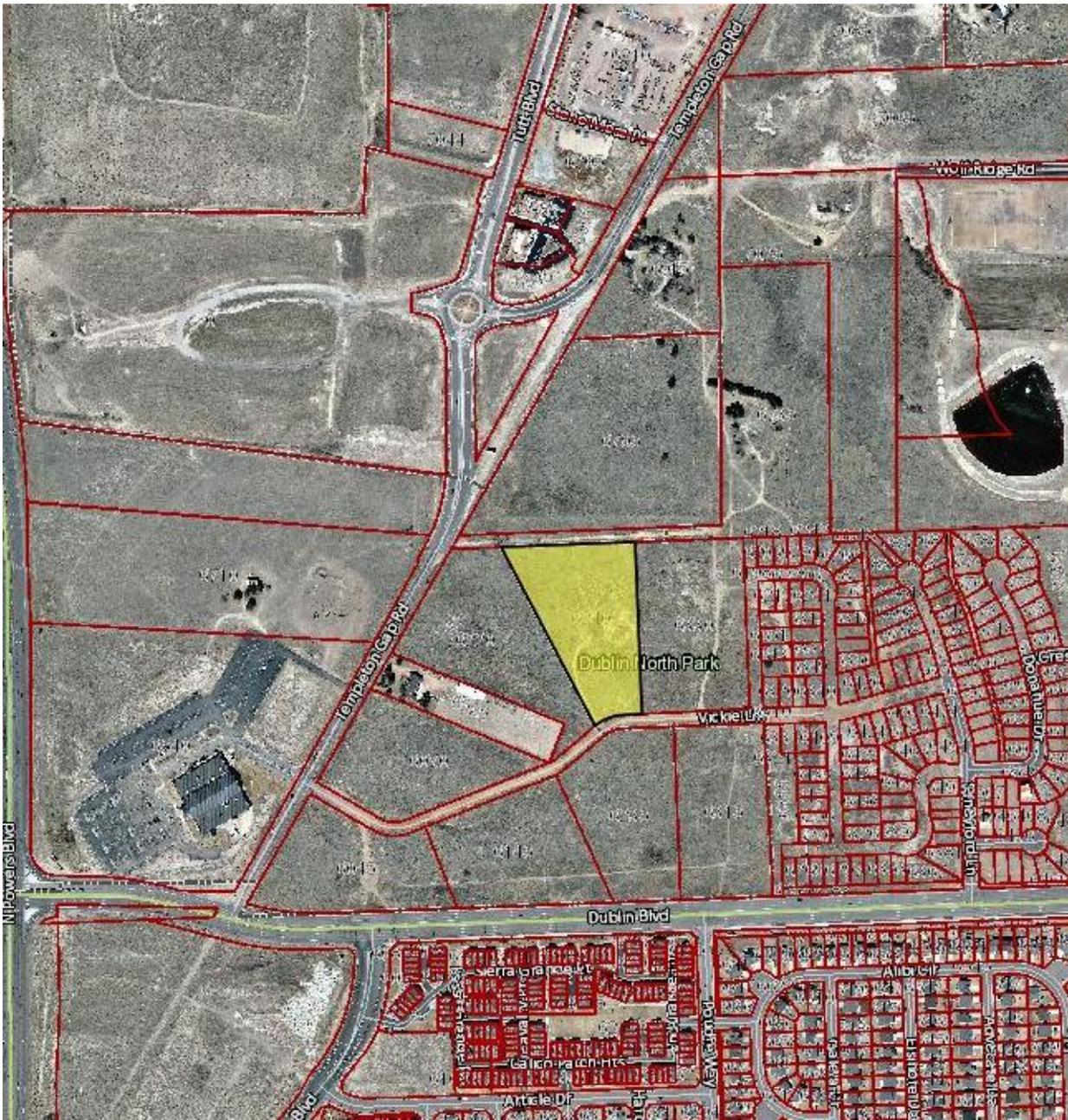
ITEMS: B.1, B.2

STAFF: LARRY LARSEN

FILE NOS.:

CPC ZC 13-00122 – QUASI-JUDICIAL
CPC PUD 06-00108-A5MJ13 - QUASI-JUDICIAL

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



PROJECT SUMMARY:

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

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

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

BACKGROUND:

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

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

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

All applicable agencies and departments were asked to review and comment. No significant concerns were identified. All issues and concerns were incorporated into the development plan. Final compliance will be verified and confirmed prior to issuance of a building permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STAFF RECOMMENDATIONS:

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

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

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

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

Dublin North
 Development Plan Major Amendment

NORTHEAST OF DUBLIN BLVD. AND POURDE WAY

<p>Wills Green</p> <p>73A BARRINGTON STREET, DUBLIN 4 TEL: 01 454 4444 FAX: 01 454 4445 EMAIL: info@willsgreen.com</p>	<p>DATE: 9/18/2013 DRAWN: JPA CHECKED: WFB</p>
--	--

NO.	REV.	DESCRIPTION

SITE PLAN

2

DATE: 9/18/2013
 DRAWN: JPA
 CHECKED: WFB

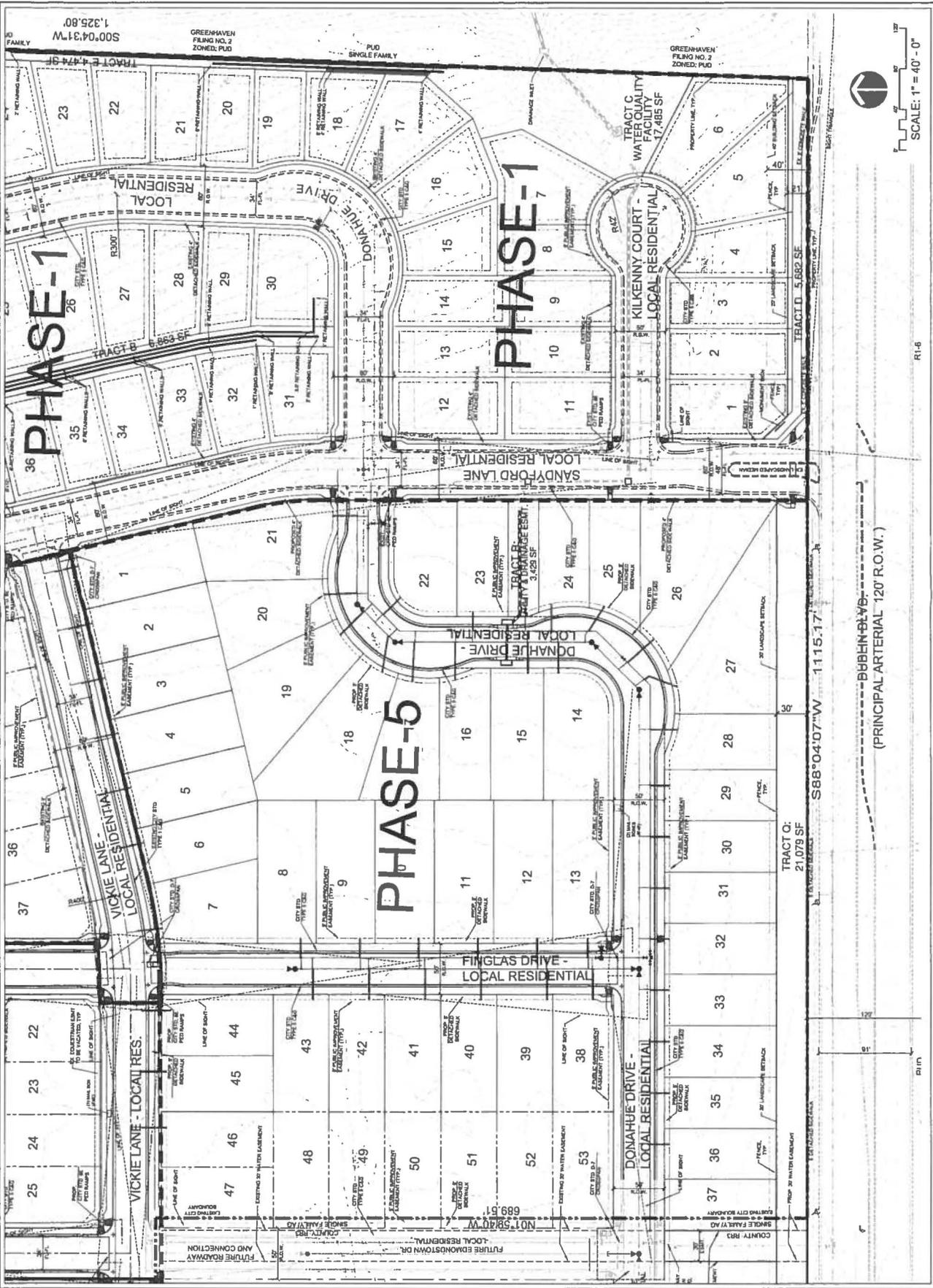


FIGURE 1

Development Plan Major Amendment
Dublin North

NORTHEAST OF DUBLIN BLVD. AND POWDER WAY

DATE: 01.16.2013
 DRAWN: J.P.A.
 CHECKED: W.F.D.

NO.	DATE	BY	COMMENTS

SITE PLAN

3

CPC PUD
 DR-001 (07/25/11) 1.3

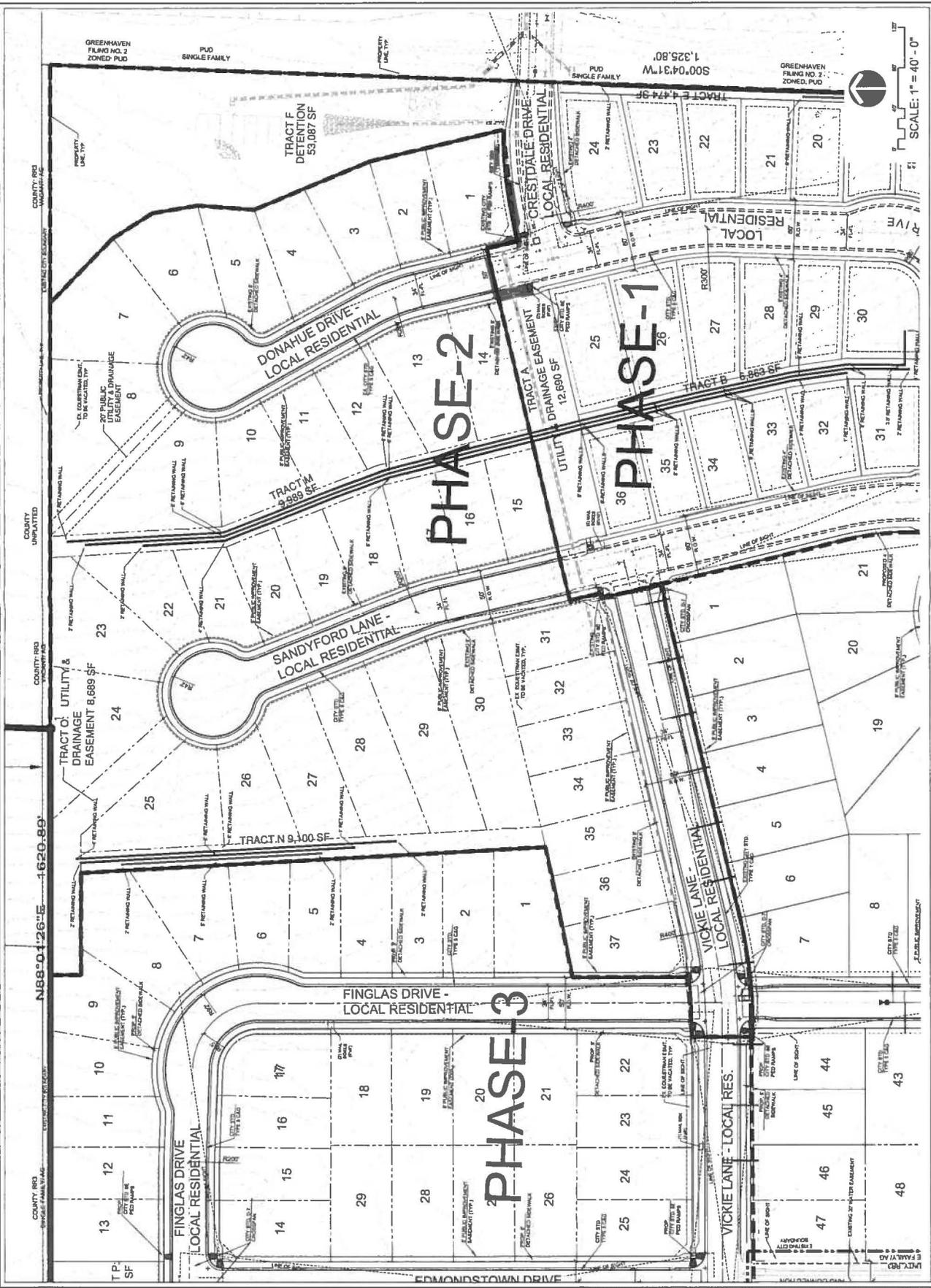


FIGURE 1

Willis Green
 20000 Wexford Drive, Suite 100
 Dublin, VA 22026
 Phone: (703) 499-1100
 Fax: (703) 499-1101
 www.willisgreen.com

Dublin North
 Development Plan Major Amendment
 NORTHEAST OF DUBLIN BLVD. AND POUDRE WAY

DATE: 8.11.2013	DRAWN: J.P.A.	CHECKED: W.P.F.											
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>NO.</th> <th>DATE</th> <th>BY</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>						NO.	DATE	BY	REVISION				
NO.	DATE	BY	REVISION										

4
 SITE PLAN
 SHEET NO.

CPC PUD
 DP-001 DP-A311.13

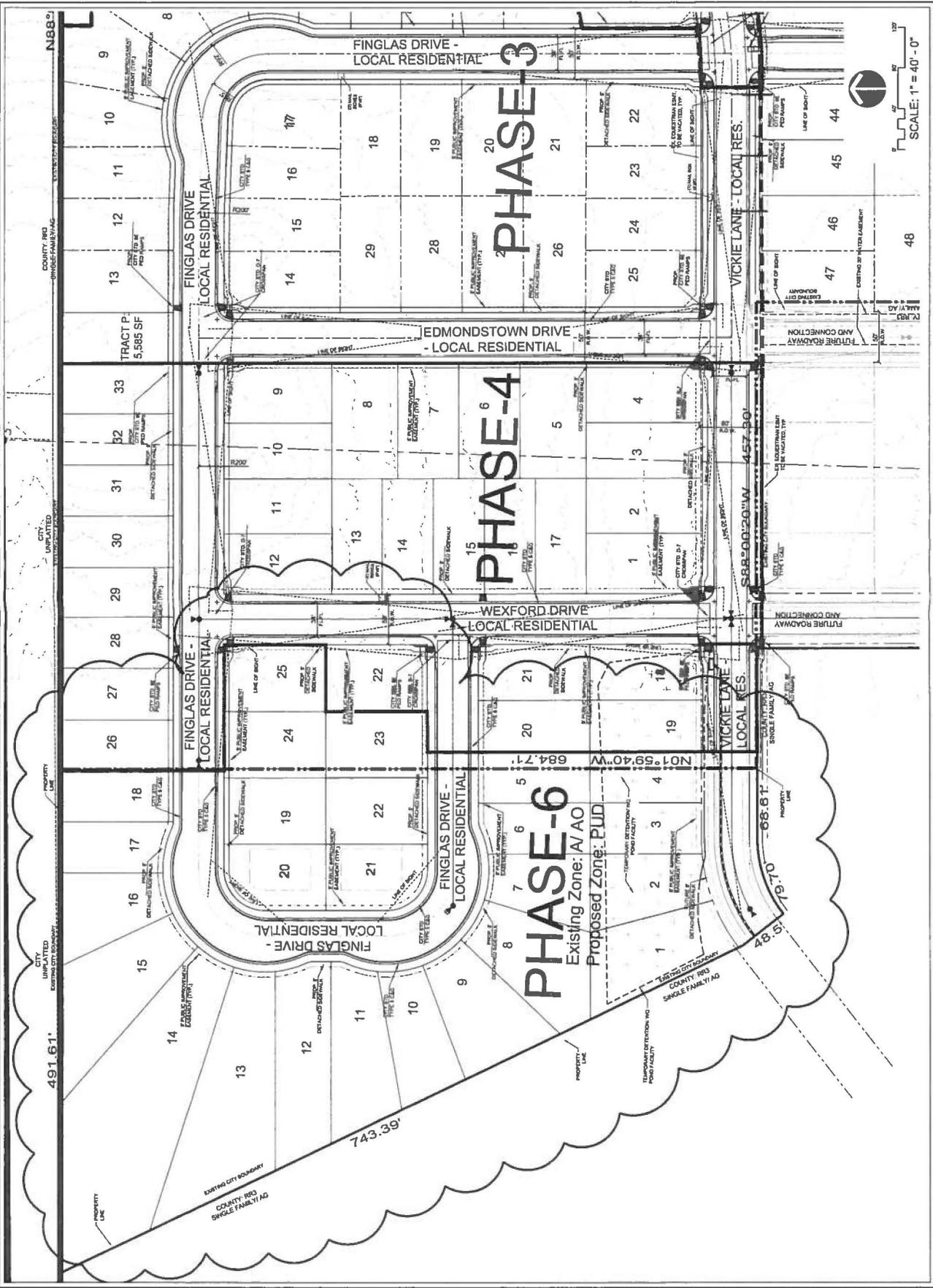


FIGURE 1



William Guman
& Associates, Ltd.

URBAN PLANNING | COMMUNITY DESIGN | LANDSCAPE ARCHITECTURE

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

October 15, 2013

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

RE: Dublin North Major Amendment Project Statement

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

Sincerely,

Jason Alwine, RLA, ASLA

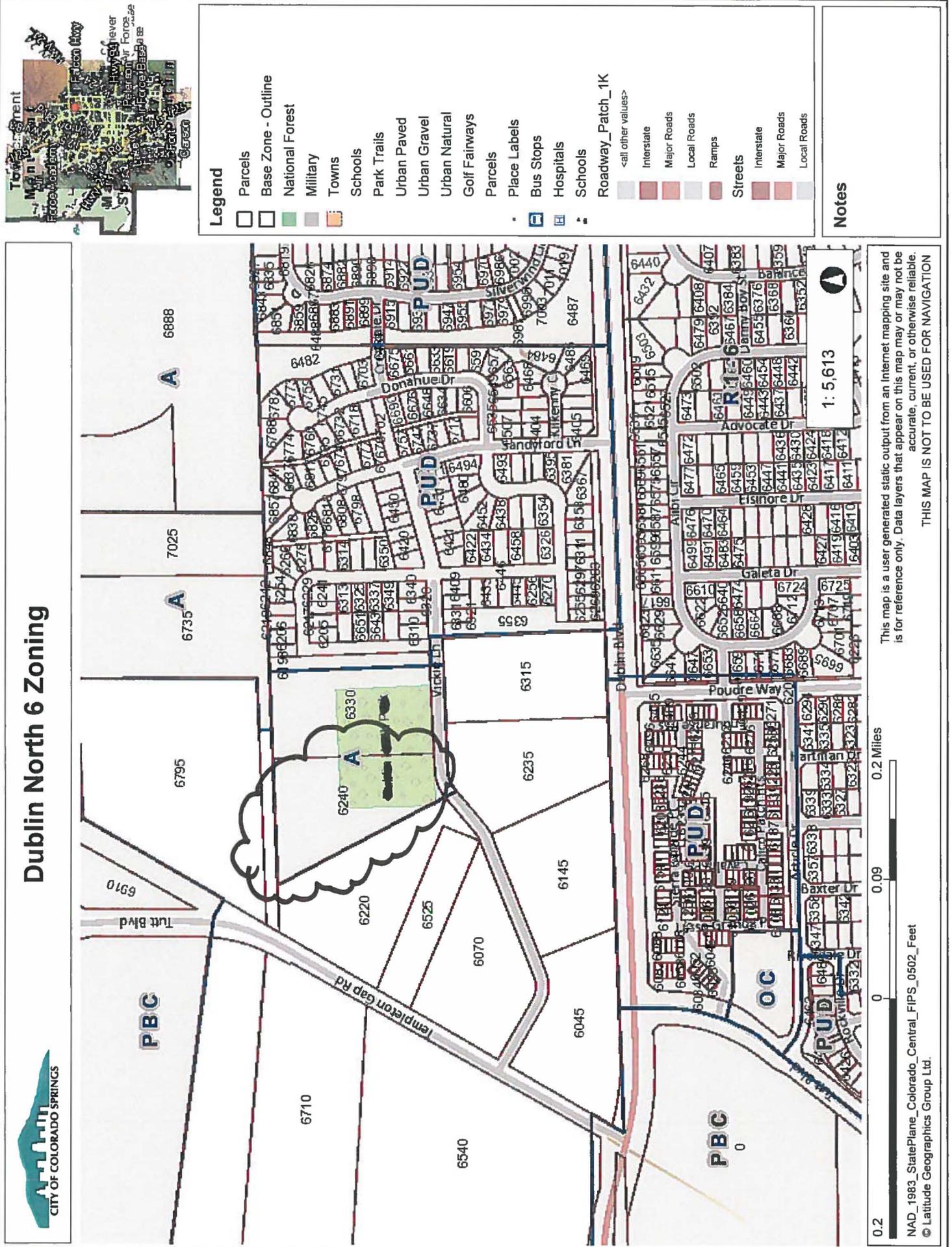


FIGURE 3

CITY PLANNING COMMISSION AGENDA

ITEM: C

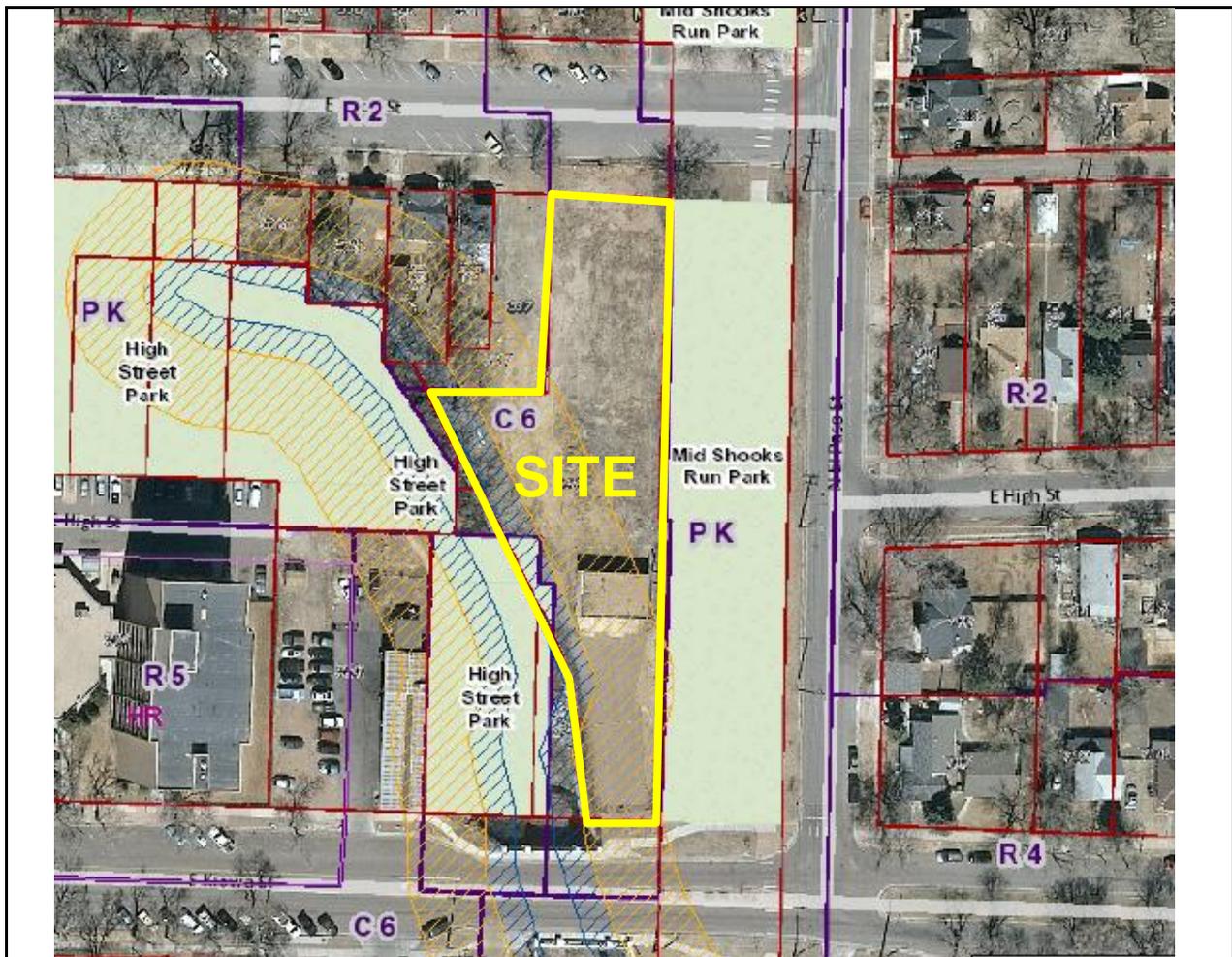
STAFF:
RYAN TEFERTILLER

FILE NO:
CPC CU 13-00110 – QUASI-JUDICIAL

PROJECT: 550 E. KIOWA STREET AUTO REPAIR

APPLICANT: DEAN MABE

OWNER: DIANNA SANCHEZ



PROJECT SUMMARY:

1. Project Description: The application is for a conditional use to allow for auto repair within the C6/SS (General Business with Streamside Overlay) zone district. The conditional use development plan would allow the 34,087 square-foot site and the existing 1,342 square foot structure to be used for auto repair. The site is zoned C6 (General Business) which allows auto repair as a permitted use, but the presence of the Streamside Overlay along Shooks Run to the west necessitates the approval of a conditional use.
2. Applicant's Project Statements: **(FIGURE 1)**
3. Planning and Development Department's Recommendation: **Approval of the conditional use application with technical modifications.**

BACKGROUND:

1. Site Address: 550 E. Kiowa St.
2. Existing Zoning/Land Use: C6/SS (General Business with Streamside Overlay) / the site contains a vacant commercial building that was previously used for auto repair but has been empty for numerous years **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
North: C6 (General Business) / vacant warehouse
South: PK (Public Park) / open space and trail
East: PK, R2 & R4 (Public Park, Two-Family Residential, & Multi-Family Residential) / open space, trail, and residential
West: PK, C6 & R2 (Public Park, General Commercial & Two-Family Residential) / stream corridor, open space, auto repair, and residential
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: Town of Colorado Springs (1871)
6. Master Plan/Designated Master Plan Land Use: Imagine Downtown Master Plan (2009) / General Residential
7. Subdivision: Shooks Run No. 5 (2009)
8. Zoning Enforcement Action: No current enforcement actions are present.
9. Physical Characteristics: The property contains a 1,342 square-foot commercial building and an asphalt parking area; the majority of the property is vacant.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The standard City notification and posting process was used with 103 property owners within 500 feet of the project notified during the pre-application stage and at the time of submittal. Staff received feedback from one neighboring property owner who supports the request as the vacant property has been a nuisance due to loitering and the homeless. All applicable City agencies and departments were asked to review and comment; the majority of departmental comments were addressed within the applicant's revised plans. Those issues that are still not completely resolved appear below as technical and informational modifications to the conditional use development plan. Prior to the City Planning Commission hearing, the site will be posted and postcards mailed once again.

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

1. Review Criteria / Design & Development Issues:

The existing building was constructed in 1956 and was utilized for many years as an auto battery and repair shop. The Polk directory indicates that this use was terminated sometime in the mid-1990s. In 2007, plans were initiated to develop the property with a new multi-family residential apartment project. However, after significant neighborhood input, the developer withdrew the application; the property has sat idle for the past 6+ years. The current owners of the property purchased the property in 2012 with the intentions of operating an auto repair business; however, the need for a conditional use due to the Streamside Overlay zone has delayed the operation of the business.

The application and plan submitted to staff reflects minimal change to the site (**FIGURE 3**). Had the auto-oriented business of the 1990s remained in operation, the proposed business use would be considered as permitted via Code Section 7.5.1203.H, which allows legally established uses that require approval of a conditional use under our current zoning regulations to “be presumed to have the required conditional use approval.” This provision is applicable due to the adoption of the Streamside Overlay in 2002. The “presumed conditional use” status is considerably more advantageous than being a legal non-conforming use in that the use can be expanded, intensified or even rebuilt in the case of damage or destruction. However, Code Section 7.5.707.B discusses the abandonment of an approved conditional use and states that if a conditional use “is discontinued for a period of one consecutive year or more, then the conditional use shall automatically expire.” Hence the need for the proposed conditional use approval on a property that was historically used in a very similar fashion.

Only minor improvements are proposed on the site including a 190 square-foot lean-to attached to the back of the existing building and a 208 square-foot detached storage shed located roughly 15 feet north of the existing building. Additionally, the applicant has been working with staff to design and install landscape improvements at the Kiowa St. driveway to help improve the site’s aesthetics and mitigate any real or perceived impact to neighboring properties. While additional effort is needed to address staff’s comments, once the technical modifications are resolved, staff finds that the proposed use will meet the required criteria and be a benefit to the neighborhood.

Given that the Streamside Overlay triggered the need for Conditional Use approval, the focus of staff’s analysis has been on conformance with the Streamside Overlay standards and criteria. Although auto-related uses are generally discouraged from streamside properties, the presence of the existing structure and the site’s history as an auto-oriented use affect staff’s analysis. Additionally, Shooks Run immediately to the west of the site is relatively disconnected from the site. The stream has significant vertical separation in the form of a roughly 10-foot high wall serving as the stream’s east bank. While vegetation is present at the top and bottom of the wall, the riparian characteristics are marginal. Furthermore, recent storms have damaged the integrity of the wall forcing City Engineering to begin the assessment of the structure and the design of a new engineering treatment to better manage stormwater in this area. There is a realistic possibility that the new stream cross section will be significantly different than existing conditions and could even qualify for the “functionally separated” exemption described in Section 7.3.508.F.3.b of City Code.

After considerable review and analysis staff concludes that the proposed use together with the proposed landscape improvements illustrated on the conditional use development plan meet the required review criteria.

2. Conformance with the City Comprehensive Plan: This project is consistent with the City's Comprehensive Plan objectives, policies and strategies. Those statements that support the proposed project include:

Policy LU 301: Promote a Mixed Land Use Pattern.

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

Strategy LU 302c: Promote Compatibility between Land Uses of Differing Intensities.

Design and develop mixed land uses to ensure compatibility and appropriate transitions between land uses that vary in intensity and scale.

Strategy LU 703e: Encourage the Redevelopment of Obsolete Community Activity Centers and Redevelopment Corridors as Mixed-use Activity Centers.

Support the redevelopment of aging local commercial centers and redevelopment corridors as mixed-use activity centers.

It is the finding of the Planning Staff that this request complies with these specified City Comprehensive Plan goals, objectives and policies.

3. Conformance with the Area's Master Plan: The subject property is on the periphery of the Imagine Downtown Master Plan (the trail corridor to the east is the boundary of the plan). The subject property is within an area identified as "General Residential" on the Future Land Use Map within the plan (**FIGURE 4**). The plan describes this area as "primarily intended to serve a range of residential use types and densities. However, a select number of non-residential uses may also be acceptable in General Residential areas, these include: low-impact shops and services, small offices, parks and recreational areas, religious institutions, and schools."

It is the finding of the Planning Staff that this request complies with the Imagine Downtown Master Plan.

STAFF RECOMMENDATIONS:

Item : C CPC CU 13-00110 – Conditional Use Development Plan

Approve the proposed conditional use development plan based upon the finding that the plan complies with the criteria in City Code Sections 7.5.704, 7.5.502.E, and 7.3.508.C and is subject to compliance with the following technical and informational plan modifications:

Technical and Informational Modifications to the Conditional Use Development Plan:

1. Clarify the proposed use and the size of the subject property.
 2. Correct the number of proposed parking stalls taking into account the required ADA stall.
 3. Correct the Streamside and floodplain sheets to correctly document the buffer requirements, impervious surface calculations, and all other streamside-specific information.
 4. Improve the landscape plan specific to the property's E. Kiowa frontage to meet the landscape plan and plant material requirements of the City's landscape architect.
 5. Provide data and dimensions regarding driveway dimension/design, curb, gutter, ROW, and sidewalk along both Kiowa and Bijou.
 6. Add the General Utility Notes on the Preliminary Utility Plan.
-

REAL ESTATE DEVELOPMENT CONSULTANTS

September 10, 2013

RE: Development in a stream side setback

Owner: Diana Sanchez
505 East Kiowa Street
Colorado Springs, CO

Current Zone: C-6 – SS

Legal Description : Lot 1 Shook's Run No. 5 lot size 34087 sq ft

Tax I.D. Number: 6418111056

Nature of Request:

The nature of this request to approve a development plan and conditional use for the use of an existing structure as a repair garage. The historic use of this building and site has been previously auto repair; there are expected additions as illustrated on the Development Plan. One is to add a lean to roof to be used as an outdoor rest area. The dimensions of the addition are 12 x12 approximately. Also there will be a temporary storage shed whose dimensions are 17 x 13 approximately. Up grades to the facility have been made to handle the interior use for a garage / auto repair facility.

Stream Side Overlay:

The site is encumbered by the stream side overlay. The area along the stream is heavily vegetated and it is suggest not to add additional landscaping due to the extensive existence of stream side vegetation.

Access :

The site is accessed from E. Kiowa St. on the south and by E Bijou St on the north. The nearest major intersection is N. El Paso St and E Pikes Peak Ave to the south.

Surroundings:

The site is contiguous to a city lineal park property to the east, to the west is a residence zoned R2 and the Mid Shook's Run Drainage Way to the north is a storage warehouse zoned C6 to the south is Mid Shook's Run Open Space.

Development Plan Criteria:

The site will be harmonious with the surrounding land uses. There will be no outdoor storage of refuse . In addition there will be no heavy equipment operating on the site to create excessive noise. Traffic will be limited by the small nature of the business. The building is set back a considerable distance from E Kiowa and E Bijou St creating a large street side buffer. The site is screened from view on the west side by a large burn along the entire property line including many mature trees and shrubs. The side is buffered on the west by Shook Run which is heavily vegetated by large trees and

buffered on the west by Shook Run which is heavily vegetated by large trees and shrubs. The building is set back from adjacent R2 structures a considerable distance a illustrated in the development plan.

The site will be compatible with the adjacent uses in that it is an existing structure with a proposed use very similar to the previous existing use. In that it is a small neighborhood business and is consistent with the historic use of the site it will not overburden capacities of the existing streets , utilities, parks, schools or other public facilities.

The use is of a historic nature and will no increase any impact on adjacent uses or properties.

The proposed development is in an existing building and the proposed use is of a historic nature. It has considerable setbacks from adjacent land uses and is buffered by a drainage way to the west and extensive berms and landscape to the east it is a considerable distance from adjacent streets. The visual impact is minimal as exists.

The proposed use is of a historic nature. It is extensively buffered by the existing nature of the site . No additional buffering or fencing should be required.

The site is accessed from E. Kiowa St. on the south and by E Bijou St on the north. The nearest major intersection is N. El Paso St and E Pikes Peak Ave to the south. This site will generate little traffic given nit limited nature.

The project will not have any interior streets and only access as described earlier.

The parking will remain as provided and should not pose any impact or nuisance to adjacent properties.

Handi cap parking will be provided within the parking design.

Paving will be limited to that that exists and will prove adequate for the needs of the proposed use and traffic.

The will be no pedestrian walkways provided in that the proposal is to use one existing building and offers no public access than that germane to the business.

This proposal will maintain the existing nature of the stream side environment and promote its well being as the opportunity provides.

Stream Side Overlay Criteria:

There is no proposed Grading. The site will remain as it exists and as the previous use existed prior to the last change of ownership.

The Stream side Ecosystem will not be altered in that the proposed development plan exhibited the site for the most part as it has existed for some time. The site had some clearing of buildings prior to the current owner.

There has never been trails proposed on this land along the Shook's Run parkway and no trails are proposed.

The site may be impacted by the existing flood plain in extreme conditions but the building is out of the flood pane area.

There are no significant natural features.

This plan is not necessarily complimentary to any other plan in that it exists and will not represent any significant changes.

The Shook's Run drainage is heavily treed and has significant undergrowth. The new ownership proposes no significant alterations to the existing buildings < parking area or any other portion of the site.

Please note that this development plan is for an existing building and it is on a significantly large lot and the building covers a very small portion of the land being discussed. The existing building has been brought up to code prior to this submittal and provides no additional impact to the site whatsoever.

DATA

Owner: Diana Sanchez
505 East Kiowa Street
Colorado Springs, CO

Current Zone: C-6 – SS

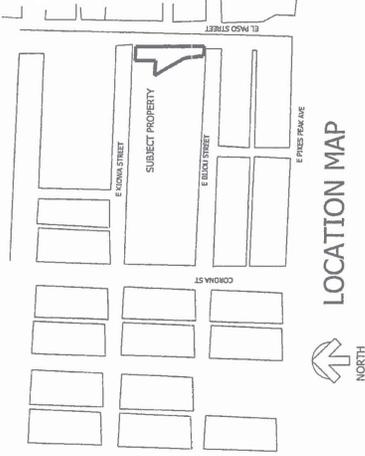
Legal Description :Lot 1 Shooks Run No. 5 lot size 34087 sq ft

Tax I.D. Number: 6418111056

AREA	32,670 SQ FT	100%
AREA IN EXISTING BLDG	1290 SQ FT	4%
AREA IN PROPOSED BLDGS	400 SQ FT	2%
AREA IN PAVING 7078 SQ FT		21%
TOTAL IMPERVIOUS AREA	8758 SQ FT	27%
PARKING REQD	6 EA 9X18	
PARKING PROVIDED	9 EA	

REAL ESTATE DEVELOPMENT CONSULTANTS
 5945 RIDGE BROOK LANE, COLORADO SPRINGS, CO 80918
 PROJECT NAME: A STRAIGHTSIDE DEVELOPMENT PLAN FOR 550 E KIOWA STREET
 AND A DEVELOPMENT PLAN
 A REQUEST FOR A PERMIT FOR A CONDITIONAL USE IN AN EXISTING BUILDING

LRS INC.



DATA

Owner: Diana Sanchez
 505 East Kiowa Street
 Colorado Springs, CO

Current Zone: C-6 - SS

Legal Description: Lot 1 Shooks Run No. 5 lot size 344087 sq ft

Tax I.D. Number: 6418111056

AREA	32,670 SQ FT	100%
AREA IN EXISTING BLDGS	1280 SQ FT	4%
AREA IN UNIMPROVED BLDGS	400 SQ FT	2%
AREA IN PAVING	740 SQ FT	2%
TOTAL IMPERVIOUS AREA	2,420 SQ FT	7%
PARKING REQ'D	6 EA 9X18 1 PER 200 FT.	
PARKING PROVIDED	9 EA	
INDOOR PARKING	NOT INCLUDED	

ANY FUTURE REDEVELOPMENT, EXPANSION, OR ADDITION WILL REQUIRE PUBLIC IMPROVEMENTS SUCH AS SIDEWALK, CURB AND GUTTER ALONG BIJOU STREET.

A STOP SIGN WILL BE REQUIRED THAT APPROACHES THE PUBLIC ROW ON KIOWA STREET AND MEET MUTCD STANDARDS.

INDEX

PAGE ONE	COVER PAGE
PAGE TWO	DEVELOPMENT PLAN
PAGE THREE	FLOODPLAIN DESIGNATION
PAGE FOUR	STRAIGHTSIDE DESIGNATION
PAGE FIVE	UTILITY PLAN
PAGE SIX	LANDSCAPE PLAN

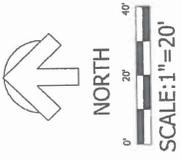
PLATE:
 COVER PAGE

DRAWN BY:
 REVISION DATE:
 9-11-13
 12- 25 -13

PAGE ONE

FILE NUMBER CPC CU 13-00110

FIGURE 3



CLIENT ADDRESS:

PROJECT NAME: A STREAMSIDE DEVELOPMENT PLAN FOR 550 E KIOWA STREET
 REAL ESTATE DEVELOPMENT CONSULTANTS
 5945 RIDGE BROOK LANE, COLORADO SPRINGS, CO 80918

LRS INC.

PLATE:
 DEVELOPMENT
 PLAN

DRAWN BY:
 REVISION DATE:
 9-11-13

PAGE TWO
 CPC CU 13-00110

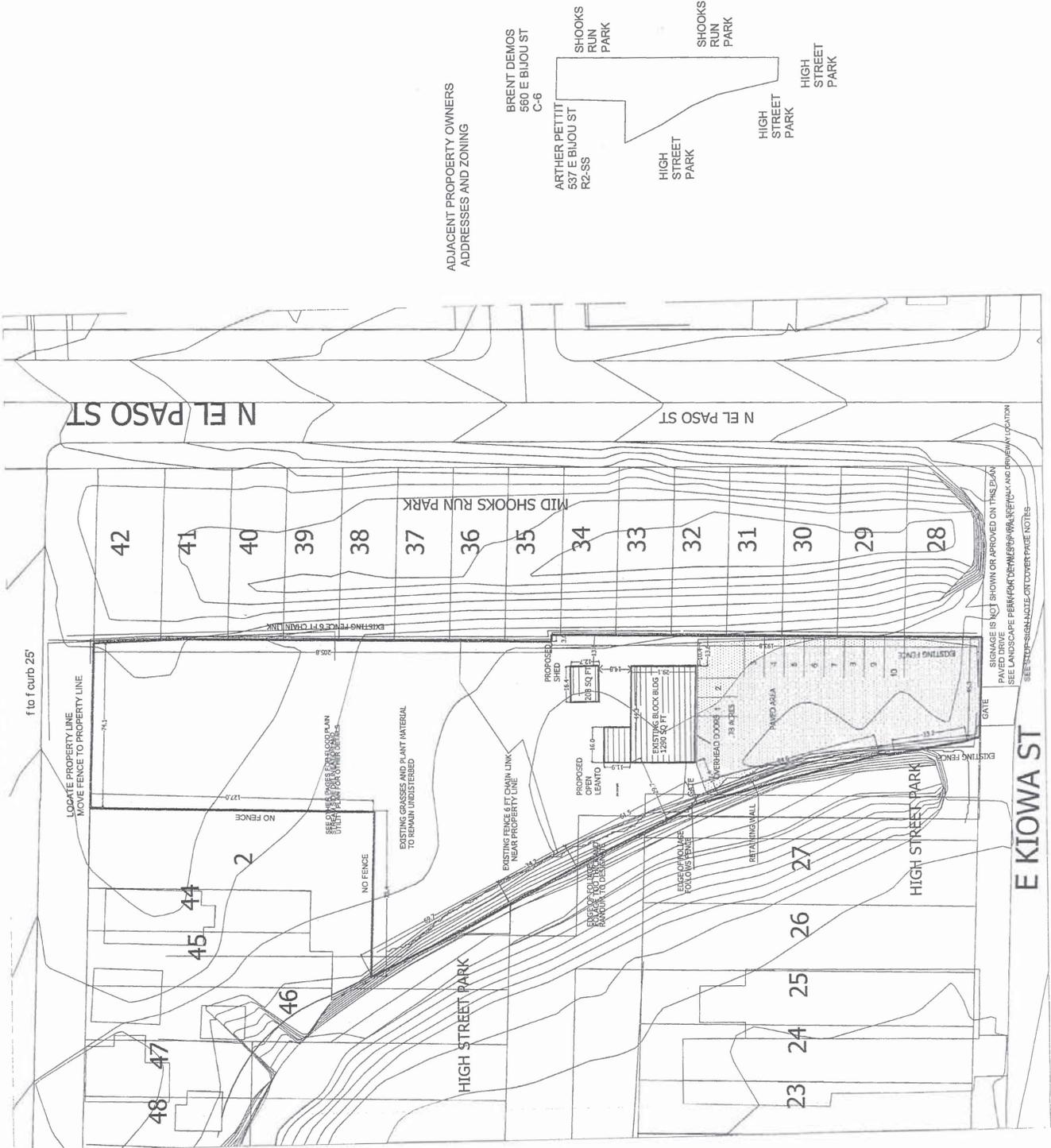


FIGURE 3

PROJECT NAME: A STREAMSIDE DEVELOPMENT PLAN FOR 550 E KIOWA STREET
 5945 RIDGE BROOK LANE, COLORADO SPRINGS, CO 80918

LRS INC.
 REAL ESTATE DEVELOPMENT CONSULTANTS

STREAM SIDE DESIGNATION EXHIBIT AND DATA
 :STREAM SIDE DESIGNATION 17,032 SQ FT
 :PARKING IN DESIGNATED STREAM SIDE AREA 709% SQ FT
 :PROPOSED DECK AND SHED 126 SQ FT
 :EXISTING BUILDING 400 SQ FT
 :PASSES AND GRAVEL DRIVES 8264
 100%
 42%
 2%
 46%
 100%



FIGURE 3

PLATE:
 STREAM SIDE
 DESIGNATION
 EXHIBIT
 DRAWN BY:
 REVISION DATE:
 9-11-13
 11-11-13
 PAGE THREE

PROJECT NAME: A STREAMSIDE DEVELOPMENT PLAN FOR 550 E KIOWA STREET
 5945 RIDGE BROOK LANE, COLORADO SPRINGS, CO 80918
 REAL ESTATE DEVELOPMENT CONSULTANTS

LRS INC.

FLOOD PLAIN DESIGNATION EXHIBIT AND DATA

AREA IN FLOOD PLAIN DESIGNATION	9436 SQ FT	100%
AREA IN PARKING IN FLOOD PLAIN DESIGNATION	4170 SQ FT	48%
AREA IN EXISTING BUILDING IN FLOOD PLAIN	130 SQ FT	2%
AREA IN GRASSES AND GRAVEL DRIVES IN FLOOD PLAIN DESIGNATION	4294 SQ FT	50%
TOTAL	100%±	
AREA IN TOTAL LOT	32,670 SQ FT	
PERCENTAGE IN FLOOD PLAIN DESIGNATION	29%	

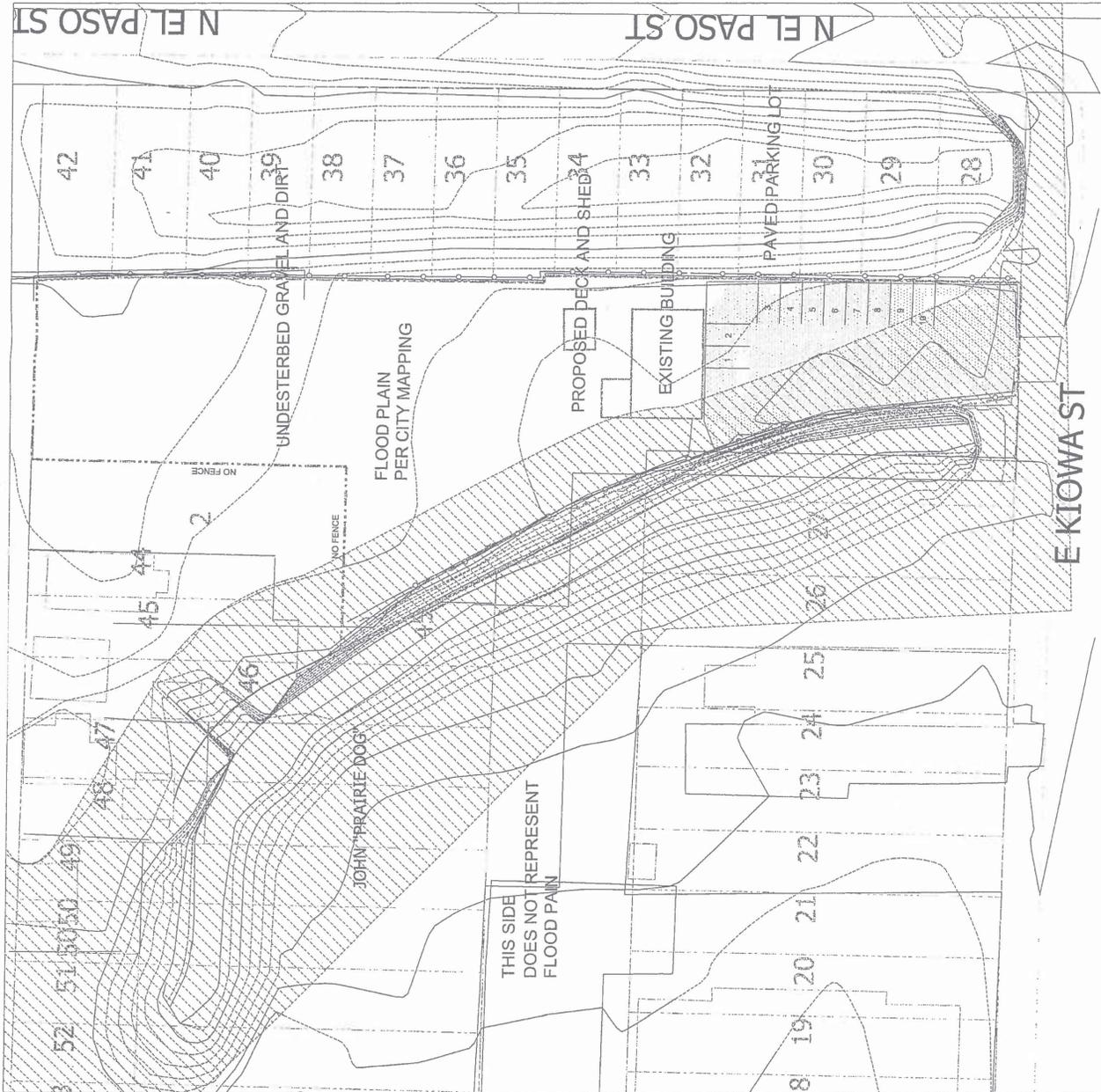


PLATE:
FLOOD PLAIN
DESIGNATION
EXHIBIT

DRAWN BY:
REVISION DATE:
 9-11-13
 11-11-13

PAGE FOUR
 CPC CU 13-00110

FIGURE 3

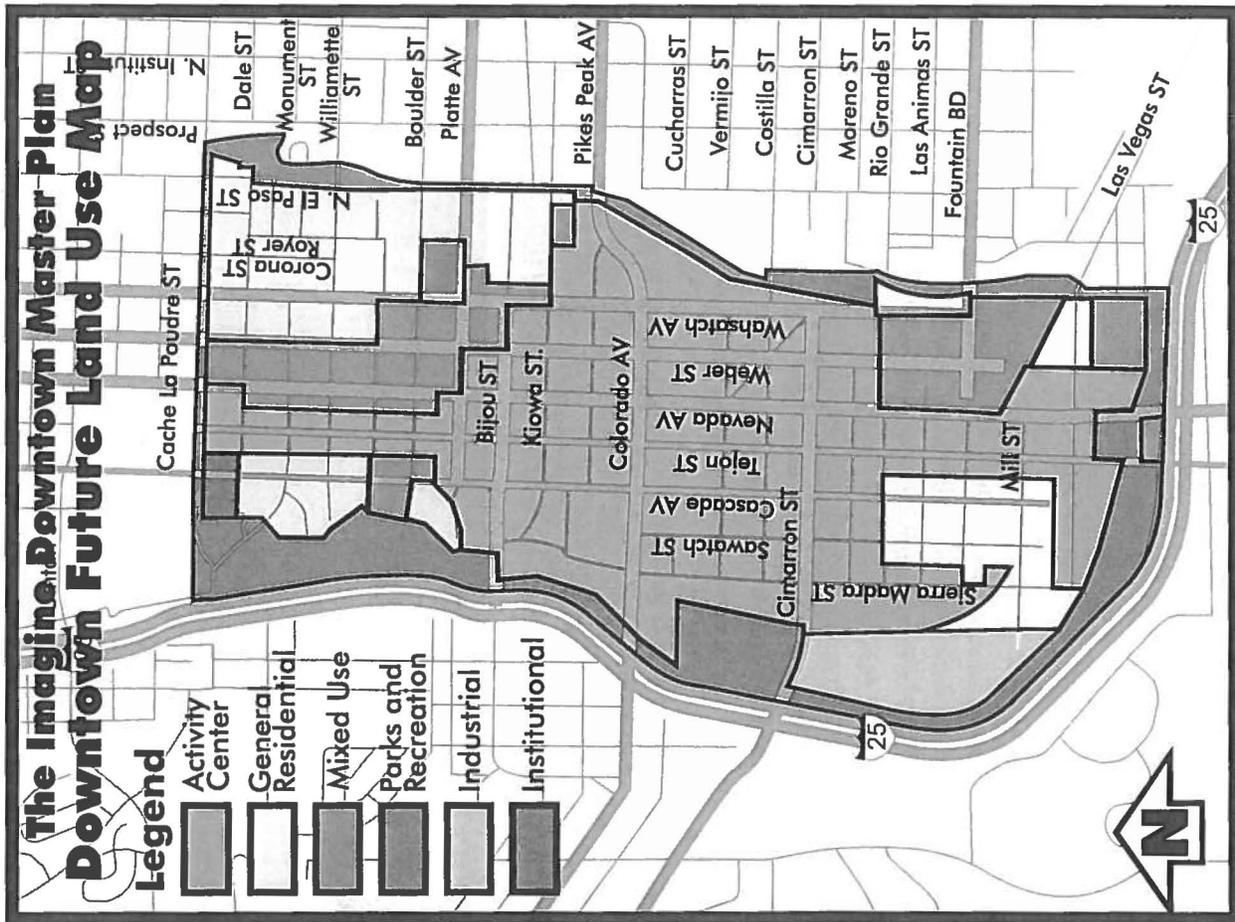


FIGURE 4

UNFINISHED BUSINESS CALENDAR

CITY PLANNING COMMISSION AGENDA

ITEM NO.: 4

STAFF:
PETER WYSOCKI &
TOM WASINGER (CODE ENFORCEMENT SUPERVISOR)

FILE NO:
CPC AP 14-00002 – QUASI-JUDICIAL

PROJECT: 332 EAST COLORADO
APPELLANT: STUDIO A64, LLC. AND K.C. STARK
OWNER: BRADY KENNETH



PROJECT SUMMARY:

1. Project Description: The appellant is appealing a Notice and Order to abate an illegal use of a property at 332 East Colorado as a marijuana smoking facility. City staff made a determination that the marijuana smoking facility was not a permitted use because it is not specifically listed as a permitted use within the FBZ (Form Based Zone) Central zoning district. The appellant believes that the determination was erroneous and that the Notice and Order is clearly contrary to law.

According to the owner of Studio A64 and Studio A64 website, the facility offers other services and activities such as live music, dance, recording studio, private events, among others.

Staff would like to note that this discussion should focus on zoning and whether or not a recreational marijuana smoking facility is a permitted use within the FBZ. Staff suggests that discussion regarding recreational use or sales of marijuana be avoided.

2. Applicant's Project Statement: **FIGURE 1**
3. Planning & Development Department's Recommendation: Deny the appeal and uphold the Notice and Order.

BACKGROUND:

1. Site Address: 332 East Colorado
2. Existing Zoning/Land Use: Form-Based Zoning (FBZ) Central
3. Surrounding Zoning/Land Use:
North: FBZ Central – mixed commercial uses
South: FBZ Central – parking lot
East: FBZ Central – mixed commercial uses
West: FBZ Central – mixed commercial
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center

STAKEHOLDER PROCESS AND INVOLVEMENT:

Not applicable.

ANALYSIS:

Zoning enforcement procedures are set forth in City Code Chapter 7, Article 5, Part 10. Notices of Order can be appealed pursuant to City Code Section 7.5.906. Pursuant to Section 7.5.906, the appeal criteria are as follows:

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

- a. *Identify the explicit ordinance provisions which are in dispute.*
- b. *Show that the administrative decision is incorrect because of one or more of the following:*
 - (1) *It was against the express language of this zoning ordinance, or*
 - (2) *It was against the express intent of this zoning ordinance, or*
 - (3) *It is unreasonable, or*
 - (4) *It is erroneous, or*
 - (5) *It is clearly contrary to law.*

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

Staff's determination that the Studio A 64 is not a permitted use was based on City Code Section 7.2.107 which states:

Except as herein specified, it shall be unlawful to use any building, structure, or land or to erect, move, structurally alter, convert, extend, or enlarge any building or other structure except in conformity with the requirements established in the zone district in which said structure, building, or land is located and in accord with the provisions of this Zoning Code

And, on City Code Section 7.2.108, which states:

When a use is not specifically identified as allowed in a zone district, it shall not be allowed in the zone district unless it meets the following description and criteria of a similar use. The function, performance characteristics, and location requirements of the unlisted, proposed use must be consistent with the purpose and description of the zone district where it is proposed, compatible with the uses specifically allowed in the district, and similar in characteristics such as traffic and parking generation, noise, glare, vibration, and dust. Uses may be allowed as principal permitted, conditional, and accessory uses in any zone district where similar uses are allowed. Similar use determinations shall be made by the Manager or the designee in writing.

A marijuana smoking facility is not defined, permitted or conditionally permitted by City Code, Chapter 7 or the Downtown Colorado Springs Form-Based Code. The owner alleges that Studio A 64 should be considered a "private club" as patrons must pay to enter and bring their own marijuana to smoke it at the facility. Drinks and snacks are also sold.

The appellant did not request a similar use determination prior to opening the facility.

City Code does not specifically define "private club". The closest definition is a "social club" under the "club" use definition, which is under the "Civic Use Types" category in City Code Section 7.2.302.D.3:

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

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

The Form-Based Code utilizes use types and specific use definitions in City Code, Chapter 7. The FBZ-Central zone allows all Residential Uses, all Office Uses, Civic Uses, retail, service, restaurant and entertainment Commercial Uses, Lodging Uses and Communication Uses. Club uses fall under the Civic Use category in City Code, Chapter 7.

Staff believes that Studio A 64 does not meet the definition of a social club because it is a commercial facility, and under the umbrella definition of club a social club must be nonprofit or noncommercial.

STAFF RECOMMENDATION:

Item No. : 4 CPC AP 14-00002 – APPEAL OF NOTICE AND ORDER

Deny the appeal and uphold the Notice and Order to cease the use of the property located at 332 East Colorado as a marijuana smoking facility.



LAND USE REVIEW DIVISION
PLANNING & DEVELOPMENT TEAM

APPLICATION FORM FOR APPEAL OF ADMINISTRATIVE DECISION

Appellant: Studio A64, LLC and KC Stark Telephone 719 930-9846 Fax N/A
Address: 332 E Colorado Ave, Colo. Sprngs, CO Zip Code 80903 e-mail KC@studioa64.com

Premises Involved:

City Planning File Number (if applicable): _____
Address: 332 East Colorado Ave, Colorado Springs, CO 80903
Direction from nearest street intersection NW Corner of Colorado Ave & Wahsatch
Tax Schedule No. 64181-19-015 Acreage N/A
(The tax schedule number can be obtained from the El Paso County Tax Assessor located at 27 E. Vermijo Avenue on the 2nd Floor; phone: 520-6600 or at their web site <http://www.land.elpasoco.com>)
Date of Receipt of Notice and Order or Date of Final Administrative Decision November 21 2013

Appeal of Decision Regarding:

Development/Landscape Plan _____ Subdivision Plat _____ Notice and Order X
Hillside Site Plan _____ Administrative Relief _____ Non-Conforming Use _____
Sexually Oriented Business _____ Temporary Use Permit _____ Relocation payments _____
Similar Use Determination _____ Property Boundary Adjustment _____
Preservation Area Boundary Adjustment _____ Building Permit to Unplatted Land _____
Building Permit prior to Platting _____ Historic Preservation Board Determination _____
Home Occupation Permit _____ Human Service Establishment _____
Other: _____

OFFICIAL CITY PLANNING USE:

Fee Receipt # 20 25013 Date Application Accepted 12/2/13
Completed Form _____ Intake Staff KO
Appeal Statement (2) - Vicinity Map _____
Authorization - Copy of Notice and Order (if applicable) _____
Applicant informed of Poster Pickup Date? Yes - No _____ If Yes, Date of Poster Pickup _____
Notification Options: Waive Notification _____ Adjacent _____ 500' _____ 1,000' _____
Assigned to: _____ (Notice to be sent at time of CPC/CC Hearing only)

OWNER/APPLICANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

KC Stark 2. Dec. 2013
Signature of Appellant Date

PRE-APPLICATION CONFERENCE:

A pre-application conference with the planning staff is not mandatory for these applications. However, if you would like a pre-application meeting, please call 385-5905 and one will be scheduled for you.

PROJECT TRACKING

City Planning maintains an internet-based project tracking system (**LUIStrack**) that reflects all significant processing benchmarks associated with each development application. Go to <http://www.springsgov.com/luispublic/luispublic.asp> to search for your application in **LUIStrack** project tracking.

PUBLIC NOTICE:

The following public notice requirements will be imposed in conjunction with the review of these applications:

- Written notification to the adjoining property owners within 500 or 1,000 feet (at planner's discretion) of the property site will be required. City Planning will coordinate with the applicant on the required postage amount with the postage amount required to be paid when the applicant picks up the public notice poster.
- A public notice poster will be provided to the applicant a minimum of ten (10) days prior to the public hearing date. The proposed project site must be posted, by the applicant for a minimum of ten (10) consecutive days. The poster should be posted in a very visible location on the site, which can be viewed by passing motorists and/or pedestrians without trespassing. The applicant is required to complete the affidavit (a copy will be attached to the poster) attesting to the specific dates that the site was posted. The applicant must check the site occasionally to confirm that the property continues to be posted throughout the posting period. If the poster is no longer in good shape or has disappeared from the site, please contact the City Planning Office at 385-5905 for a replacement poster.

FEES:

An application review fee will be required to accompany these applications (checks payable to City of Colorado Springs). The fee schedule is as follows:

Appeal of Administrative Decision to Planning Commission	\$176
---	--------------

If you are indigent, your fee may be waived; please ask the planning staff for an Indigent Fee Waiver form if you wish to apply for this fee waiver.

APPLICATION REQUIREMENTS:

This application should be submitted to the City of Colorado Springs-Planning Office at 30 South Nevada Avenue, Suite 301. All applications must be completed in full and accompanied by the following information:

APPLICANT

PLANNER

- | | | |
|-------|--|-------|
| _____ | 1. Two (2) copies of an APPEAL STATEMENT identifying the following: | _____ |
| | • A clear DESCRIPTION of the appeal. The file number, ordinance and/or provision must be identified and a brief summary of facts. | _____ |
| | • A JUSTIFICATION based on the review criteria as set forth in Section 7.5.906 Justifying why the appeal should be approved. | _____ |
| _____ | 2. A VICINITY MAP showing the parcel outlined with the adjacent streets within the neighborhood noted on a separate 8½" x 11" page. | _____ |
| _____ | 3. A copy of the NOTICE and ORDER from the issuing agency (if applicable). | _____ |
| | 4. City Planning, City Planning Commission and/or the City Council may require other ADDITIONAL INFORMATION for this application as needed. | |

INFORMATION REGARDING APPEAL OF A NOTICE and ORDER:

If you are appealing a Notice and Order issued by an official of the City of Colorado Springs, you are stating that one or both of the following are true:

1. You are not in violation of City Code and you believe the official is in error; and,
2. The abatement period is unreasonable and should be lengthened.

INFORMATION REGARDING APPEAL OF A NOTICE AND ORDER, continued:

A perfected appeal shall operate as a stay of the enforcement process unless the City Agency which issued the Notice and Order certifies in writing that the condition giving rise to the decision constitutes 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. You should take no further action regarding the alleged violation during this stay of proceedings. Do not continue construction, add on or otherwise modify your property or buildings. If you do, it is at your own risk and a completed project will not guarantee automatic approval. In no event will a variance be granted upon appeal from any order, requirement, decision or determination. Any variance will require the filing of a separate application and payment of applicable fees.

INFORMATION REGARDING AN APPEAL OF AN ADMINISTRATIVE DECISION:

An individual aggrieved by a decision made by an administrative officer of the City may appeal such a decision by filing a written notice specifying briefly the grounds of the appeal within ten (10) days from the date of mailing, posting, or personal service of notice of the decision. City Planning shall place the appeal on the Planning Commission agenda at the next regularly scheduled meeting occurring at least twenty-one (21) days but not more than forty-eight (48) days thereafter. After the public hearing, the Planning Commission shall have the power to affirm, reverse, or modify such decisions.

In accordance with the Zoning Code, individuals filing appeals of an administrative decision made by City Planning staff must substantiate the following in written form:

1. Identify the explicit ordinance provisions which are in dispute.
2. Show that the administrative decision is incorrect because of one or more of the following:
 - a) It was against the express language of the Zoning Ordinance, or
 - b) It was against the express intent of the Zoning Ordinance, or
 - c) It is unreasonable, or
 - d) It is erroneous, or
 - e) It is clearly contrary to law.
3. 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.

Investigation: City Planning shall investigate the application and the facts bearing on the case to provide the information necessary for action consistent with the intent, purpose and requirements of the Zoning Code. City Planning shall report the findings to the Planning Commission.

Appearance: If making an appearance of record, the following persons, are hereby defined as parties and shall be entitled by themselves or through a representative to participate in a public hearing before the Planning Commission:

1. The applicant or the appellant;
2. Either the owner or lessee of property of agent for the owner or lessee which is directly affected by the matter which is before the reviewing authority;
3. Any person, organization, group or governmental entity who demonstrate to the Planning Commission that they have a significant interest in the subject matter of the hearing;
4. Any member of the City administration.

The "appearance of record" shall mean either:

1. An oral statement sufficiently identifying the person making the same or by his representative made at the hearing, or
2. A written statement giving the name and address of the person making the appearance signed by their representative and filed with the Planning Commission either prior to the beginning of the hearing or when permitted by the Planning Commission.

FINAL DISPOSITION:

In consideration of an appeal, the Planning Commission may affirm, reverse or modify an administrative decision under their jurisdiction in accordance with of the Zoning Code. After receiving testimony, the Planning Commission shall announce its decision at the conclusion of the public hearing. The decisions shall set forth the findings of fact together with conditions of approval considered necessary to mitigate impacts and protect the public health, safety and welfare. The Planning Commission may recommend conditions, which are necessary and reasonable in order to further, the purpose of the Zoning Code. Such conditions may include, but are not limited to, setbacks, from adjacent uses or property lines, landscaping, screening, placement and size of signs, placement and amount of parking and access restrictions.

Appealing a Decision of the Planning Commission:

The decision of the City Planning Commission to approve or deny an application may be appealed to the City Council within ten days from the date of the public hearing decision. The appeal must be in writing and should be submitted to the City Clerk at 30 South Nevada Avenue, Suite 101 along with a \$175.00 non-refundable fee. The appeal must include the file number of the item and specify briefly the grounds for the appeal. If a perfected appeal is filed within this ten-day period, the decision to approve or deny will be suspended until the appeal process is finalized.

Upon receipt of the subsequent appeal, the City Clerk shall schedule a public hearing before the City Council at the next meeting occurring at least thirteen (13) days thereafter. City Council has the power to refer any matter appealed back to Planning Commission for further consideration or affirm, reverse or modify the action of the Planning Commission. In all matters before the City Council relating to the actions of the Planning Commission, the entire file from City Planning pertaining to such matters shall be made a part of the record of the City Council. The file shall include but not be limited to Planning Commission minutes, maps, drawings, departmental reports and application. If the appellant wants to submit additional exhibits to Council to include in the record, the original of such exhibit and twelve (12) copies must be submitted to the City Clerk. If the exhibits are electronic, a disk must be given to the City Clerk. All exhibits are kept for a maximum of ten (10) working days after the time of appeal has expired.

At the public hearing, City Planning staff will summarize their recommendation and the Planning Commission's recommendation for the record. The appellant may present an argument in support of their position. An individual who has not appealed may present an argument in support of the appellant's position. A short rebuttal by the applicant shall be limited to issues raised during the preceding argument. Final comments from the applicant and all other parties are allowed only by permission of the Mayor. Final comments from City staff and staff's recommendation shall conclude the hearing. All questions will be directed through the Mayor who will then direct the question to the appropriate person. Council may then make a decision on the matter or delay the decision. If final action is not taken at the public hearing, the Mayor will advise the audience when the matter will be considered.

Appealing a Decision of the City Council:

Once City Council has made a final decision to grant or deny an appeal, the administrative process shall be deemed to be exhausted. Any subsequent appeal must be made to the court.

DO NOT REMOVE THIS PAGE – IT MUST BE KEPT WITH THE ORIGINAL APPLICATION FORM!

The City of Colorado Springs-Planning Group is committed to ensuring that all of our services are accessible to those with disabilities. We encourage participation by all individuals. If you have a disability, advance notification of any special needs will help us better serve you. Please call City Planning at 385-5905 to request any special service that you may require. A one (1) week advance notice to allow us to accommodate your request is appreciated.

POLICE DEPARTMENT
Code Enforcement
PO Box 2169 MC 1525
Colorado Springs, CO 80901
(719) 444-7891



November 21, 2013

BRADY KENNETH
30 BERTHE CIR
COLORADO SPRINGS, CO 80906

NOTICE AND ORDER

To the owner or other person with an Interest in the property at 332 E COLORADO AVE , Tax Schedule Number 6418119015, pursuant to the code of the City of Colorado Springs, 2001, as amended.

YOU ARE HEREBY NOTIFIED that the following violation(s) of the City Code existed at the above-cited premises.

Date(s) Inspected	Violations	Comments	Reinspection Date(s)
11/19/2013	IU-C - Illegal Use in a Commercial Zone Chapter 7 Article 3 Part 203	You are hereby notified that the Colorado Springs Police Department – Code Enforcement Unit and Zoning Administration have probable cause to believe that the following violation(s) of the City Zoning Code exists at the above-cited premises. Specifically: Illegal use within the Form-Based Zoning District (FBZ); a marijuana smoking establishment is not an identified use within the City of Colorado Springs Zoning Regulation nor is the use recognized as a permitted or a conditional use within the Zoning District. To bring the property into compliance the illegal use must cease and desist by the next re-inspection deadline. Failure to take proper action according to this notice may result in a summons being Issued requiring a mandatory court appearance or other zoning enforcement action being taken.	12/2/2013

Failure to abate, remove or otherwise correct the above violation(s) may result in legal action to abate the conditions and/or assessment of costs to abate or otherwise correct said condition(s) in the form of a lien against your property pursuant to Chapter 3, Article 4; Chapter 4, Article 204B; Chapter 6, Article 5; Chapter 7, Article 5, Part 1009; Chapter 9, Articles 3,6, and/or 7 of the City Code.

YOU ARE HEREBY ORDERED to do one of the following:

1. Remove, correct or otherwise abate the above violations prior to reinspection date(s) noted in the Violation Table.
2. Appeal this Notice and Order. (See General Information Sheet attached).

Our office is located at the Police Operations Center 705 S. Nevada Avenue, Colorado Springs, CO 80903

Please refer to the attached General Information Sheet for additional information. Failure to Comply Fees in the amount of One Hundred Dollars (\$100.00) and Repeat/Chronic Repeat Offender Fees may be assessed.

CC Post CC Occupant CC Owner

Tom Wasinger
CODE ENFORCEMENT OFFICER

Case Number 1311223

wasingthe@cicodospgs.co.us

**APPEAL STATEMENT
FOR
332 WEST COLORADO AVE**

Description of Appeal:

This is an appeal from a Notice and Order dated November 21, 2013 regarding the premises located at 332 East Colorado Avenue, Colorado Springs, CO 80903. The Notice and Order alleges an “illegal use within the Form-Based Zoning District (FBZ); a marijuana smoking establishment is not an identified use within the City of Colorado Springs Zone Regulation nor is the use recognized as a permitted or a conditional use with the Zoning District.” The violation alleged is stated as IU-C – Illegal Use in a Commercial Zone, Chapter 7, Article 3, Part 203.

Statement of Facts:

The Appellant is the Tenant in the building located on the top floor of 332 East Colorado Avenue, Colorado Springs, Colorado. The Appellant is a Colorado limited liability company that operates a private club that, among other things, allows its private members, all of which are over the age of 21 to ingest marijuana in accordance with the provisions of Amendment 64 to the Colorado Constitution. The private club has been operational since February 2013. The use that is being made of the premises is legal under both Colorado law and the Zoning Ordinance.

Justification for Appeal:

The Criteria for Review set forth in City Code Section 7.5.906 provide guidance concerning why this appeal should be granted in favor of the Appellant. Those criteria state in pertinent part:

“b. Show that the administrative decision is incorrect because of one or more of the following:

- (1) It was against the express language of this zoning ordinance, or
- (2) It was against the express intent of this zoning ordinance, or
- (3) It is unreasonable, or
- (4) It is erroneous, or
- (5) It is clearly contrary to law.”

The base assumption behind the Notice and Order is the erroneous presumption that just because a particular use is not expressly mentioned in a Zoning Code, that is it “illegal.” That notion has been rejected by Colorado case law. It is simply not possible for any Zoning Code to outline any and all possible uses. Due to changes in law, social norms, and technological progress, new uses that had previously never existed are created every day. Just because a use is not expressly mentioned in a zoning code does not make it “illegal.” It may be a non-conforming use, but is it not *illegal*. Accordingly, the Notice and Order is clearly contrary to law.

If the City Council desires to make the use illegal, it would have to pass an ordinance, amending the Zoning Code, specifically making it illegal. There is no such ordinance in place.

If such an ordinance were passed, this particular use would be an existing non-conforming use and would be allowed to continue to operate under Colorado law. In short, it would be grandfathered and could not be closed.

Further, as a private club, Studio A64, LLC is entitled to operate in the FBZ in which it is located. The Notice and Order ignores the true use, a private club. Accordingly, the Notice and Order it is expressly against both the intent, and the express language of the Zoning Ordinance.

Representation by Counsel:

The Appellant has retained the services of Charles T. Houghton, Esq., attorney at law, to assist it in these proceedings. Mr. Houghton can be reached via email, cthlaw@msn.com, or by phone, 719-351-4261.

Conclusion:

The use being made of the subject premises cannot be terminated by the City. The use is not illegal, the private club is allowed on the existing City of Colorado Springs Zoning Ordinance. Further, the failure to have a provision concerning a certain use does not render that use illegal and subject to termination. Rather, it makes the use an existing non-conforming use that cannot be terminated.

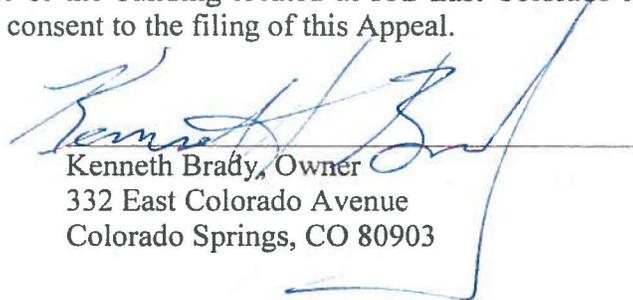
Dated: December 2, 1013

STUDIO A64, LLC


K.C. Stark, Owner and Manager

Consent of Owner:

I, Kenneth Brady, am the owner of the building located at 332 East Colorado Avenue, Colorado Springs, Colorado and hereby consent to the filing of this Appeal.


Kenneth Brady, Owner
332 East Colorado Avenue
Colorado Springs, CO 80903

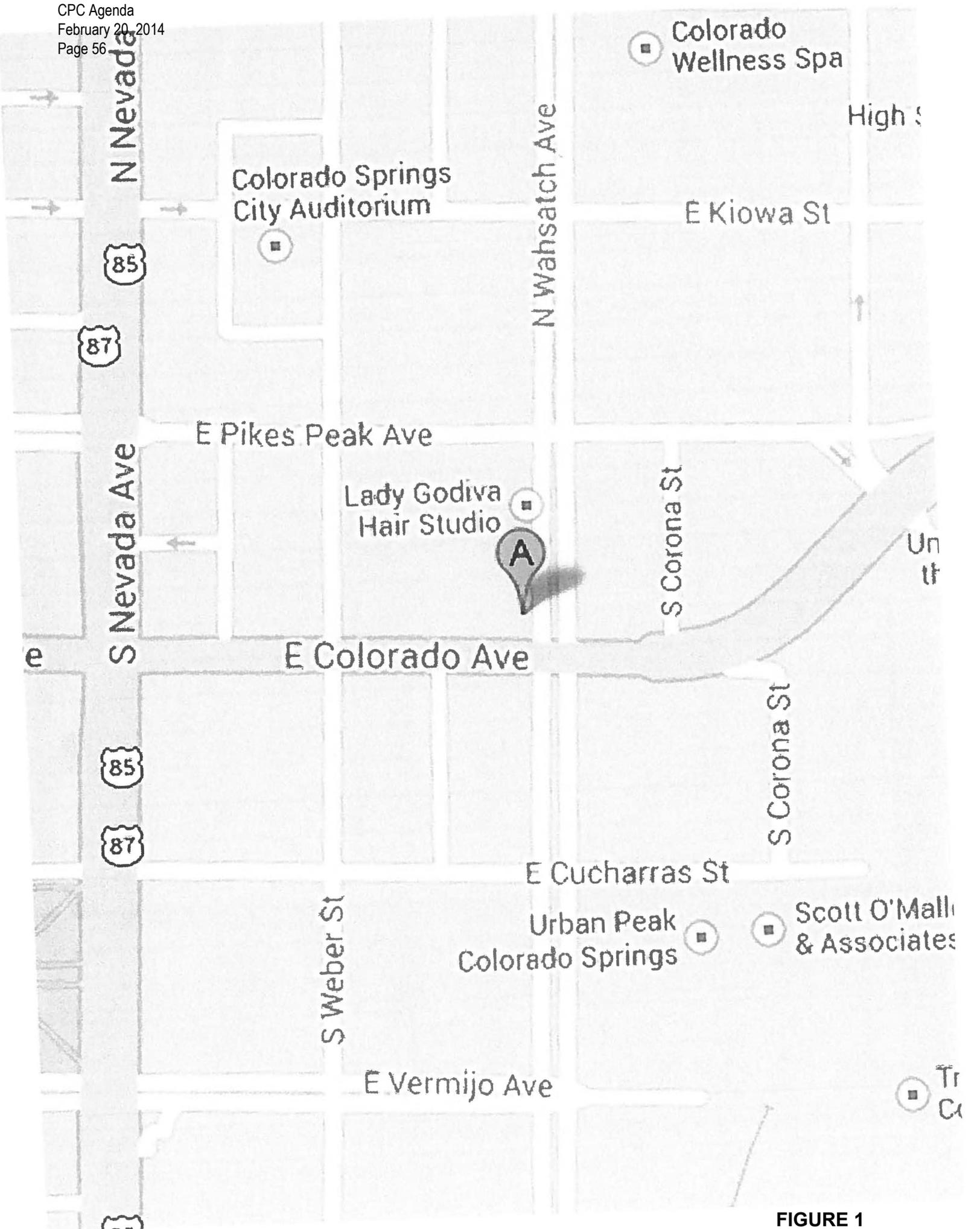


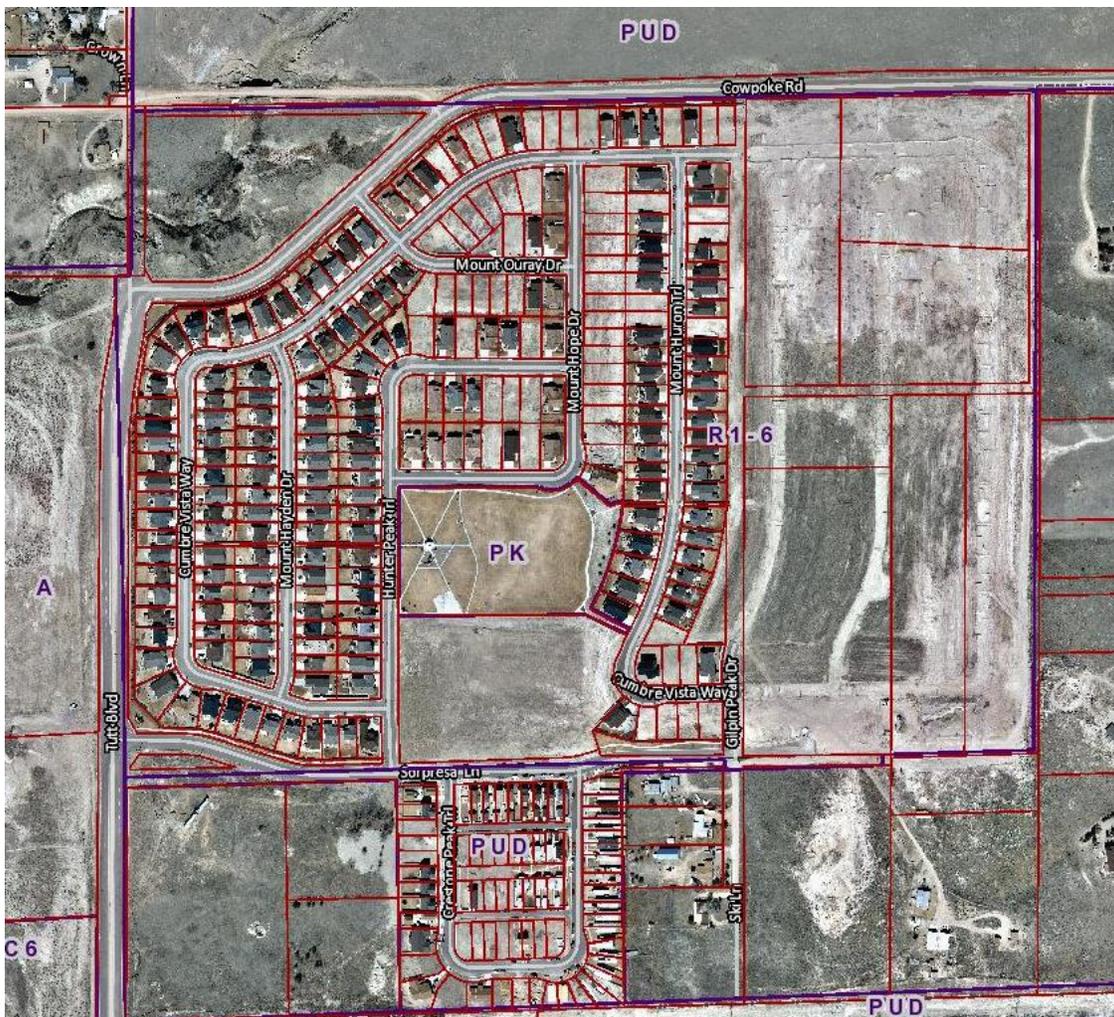
FIGURE 1

NEW BUSINESS CALENDAR

CITY PLANNING COMMISSION AGENDA

ITEM NO: 5
STAFF: LARRY LARSEN
FILE NO: CPC DP 05-00092-A4MN13 - QUASI-JUDICIAL

PROJECT: CUMBRE VISTA DEVELOPMENT PLAN AMENDMENT
APPELLANT: BILL AND MAUREEN MARCHANT AND OTHERS
APPLICANT: NINE DESIGN, LTD
OWNER: KF103-CV, LLC



PROJECT SUMMARY:

1. Project Description: An appeal by Bill and Maureen Marchant and others regarding the administrative approval of a minor amendment to the approved Cumbre Vista Development Plan. This project allows for a change in the phasing sequence, street and lot layout, an extension of the proposed City street De Anza Peak Trail to Sorpresa Lane, and a reduction in the number of lots. The property is located between Cowpoke Road and Sorpresa Lane, east of Tutt Boulevard and it consists of 113 acres. **(FIGURE 1)**
2. Appellant's Statement **(FIGURE 2)**
3. Applicant's Rebuttal Statement: **(FIGURE 3)**
4. Planning and Development Department's Recommendation: Deny the appeal, affirming the administrative approval of the application.

BACKGROUND:

1. Site Address: The property is located between Cowpoke Road and Sorpresa Lane, east of Tutt Boulevard.
2. Existing Zoning/Land Use: R-1-6000 / DF & AO (Single-Family Residential with Design Flexibility and Airport Overlays) / Single-Family Residences and Vacant **(FIGURE 4)**
3. Surrounding Zoning/Land Use:
North: PUD (Planned Unit Development) / Vacant (Planned: Residential – Wolfe Ranch)
South: PUD (Planned Unit Development & County RR-5 (Rural Residential) / Single-Family Residences & Vacant
East: County RR-5 (Rural Residential) / Single-Family Residences
West: A (Agricultural) / Vacant (Planned Commercial & Multi-Family Residential)
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: Powerwood 3-6 (2005)
6. Master Plan/Designated Master Plan Land Use: Powerwood 3-6 Master Plan / Residential
7. Subdivision: Dublin North filings & unplatted (subdivision platting pending)
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site slopes towards the northwest. The site has no significant vegetation (grasses and shrubs) or natural features.

STAKEHOLDER PROCESS AND INVOLVEMENT: The standard City notification process for the internal review included posting the property with a notice poster and mailing postcards to approximately 94 property owners within 500 feet of the project area.

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

All applicable agencies and departments were asked to review and comment. No significant concerns were identified. All issues and concerns were incorporated into the development plan or provided as conditions of approval. Final compliance will be verified and confirmed prior to issuance of a building permit.

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

1. Background:
 - a. Cumbre Vista, a single-family detached residential neighborhood, was annexed into the City in 2005, as part of four annexations, Powerwood No. 3 through Powerwood No. 4.

- b. Cumbre Vista is part of the Powerwood 3-6 Master Plan, that designates this area for residential use at the density of 3.5 to 7.99 dwelling units per acre, approved in 2005.
- c. Cumbre Vista was zoned R-1-6000/DF/AO (Single-Family Residential District with Design Flexibility and Airport Overlays) in 2005.
- d. The initial Cumbre Vista Development Plan was approved in 2005 and has been subsequently amended four times, including this most recent amendment.
- e. Cumbre Vista has been platted into five filings, beginning in 2006. A new plat is currently pending.
- f. Upon City approvals of street, utility and grading improvement plans, construction of the project began in 2006.
- g. The project has been and will continue to be developed in phases.
- h. In 2007, the construction of Sorpresa Lane near the intersection of the private shared access way, Ski Lane, which is located in the County and not a County maintained road, commenced.
- i. Shortly thereafter, the City was notified by the neighbors that the Sorpresa Lane construction grading resulted in a grade separation at Ski Lane of nearly 12 feet. This was deemed unacceptable. The neighbors also claimed that the project also destroyed a long standing private access easement.
- j. Efforts failed to resolve this issue between the neighbors and the developer that would have provided for an intersection design, when cooperation was not achieved between the neighbors and the developer.
- k. In 2008, the City approved the interim design and amended street plan for this intersection.
- l. During the time period of 2008-2010, a right-of-way plat for Sorpresa Lane was submitted, reviewed, approved, appealed, and withdrawn, which resulted in further failures to resolve the intersection and access easement issues.
- m. In 2008, the developer, together with the Woodmen Heights Metro District (District), initiated litigation and sued the neighbors to seek quiet title to the access easement and the Court's declaratory judgment to relocate the private access easement.
- n. In 2010, the Court ruled that the developer and District failed to in their burden of proof to quiet title and ruled against the claim for declaratory judgment.
- o. In 2012, litigation continued, with a second trial, in which the Court re-affirmed its earlier findings and ordered restoration of the private easement.
- p. However, in 2013, the Court issued post trial rulings, which now grants approval to vacate and relocate the private easement and accepts the interim intersection design. This ruling is currently under appeal.
- q. In October of 2013, the City accepted the submittal of the application for the Amendment to the Approved Cumbre Vista Development Plan.
- r. After project review and considering public comments, including the neighbor's comments, and after consulting with the City Attorney's Office regarding plan notes and provisions to protect the City, as well as honoring the Court's decision, and the rights and concerns of both the developer and the neighbors, the City Planning and Development Staff approved the application subject to technical modification and conditions on December 27, 2013.
- s. The appellants filed their application for appeal within the ten-day appeal period on January 6, 2014.
- t. The City Planning Commission is now scheduled to hear this appeal at their regular meeting of February 20, 2014, per City Code requirements and provisions.

2. Appeal Issues:

1) 7.5.502: A primary purpose of a development plan is to minimize objectionable and adverse impacts. This has been done. The appellant states that approval of the amendment will allow the developer to permanently establish the elevation of the land underlying the private easement. Building homes will further set this elevation and make it impossible for the Court to order restoration. City Staff exercised diligence in reviewing the concerns of the appellants and believes that the plan notes and provisions minimize the impact to the private easement. The Court has issued its final decision and is now subject to a pending appeal.

The Staff decision was correct. Similar to all applications submitted and reviewed by Staff, this application was processed in accordance with City Code provisions and policy. Applicable submittal and checklist requirements were adhered to. Review criteria were appropriately evaluated. Public comment was also considered. As previously stated after consulting with the City Attorney's Office Staff regarding plan notes and provisions to protect the City, as well as honoring the Court's decision, and the rights and concerns of both the developer and the neighbors, the City Planning and Development Staff, approved the application subject to technical modification and conditions on December 27, 2013.

The appellant has indicated that if the administrative decision stands then further litigation involving the neighbors and the City will probably occur. This may be beyond the control of the City at this time. Again, the City has honored the Court's final decision and respects the appellant's decision to seek further relief and appeals.

The appellant states that waiting for the appeal to be decided is fair and just to all parties. Staff has been advised that the appeal process may be lengthy and may not alter the Court's final decision. Waiting for the appeal process to conclude would burden the developer, and the City has provided plan notes and provisions to address the protection of the private easement.

2) 7.7.705: Right of Way Dedication and Street Improvements. The appellant states that Plan Note #3 on the amended development plan unfairly transfers the financial obligation to construct Sorpresa Lane away from the developer and imposes onto the southerly landowners who are not a party to the development of Cumbre Vista.

This plan note will be addressed as one of the conditions of approval. This note will clearly assign the obligation, ownership and maintenance responsibilities to either the developer or District for portions of Sorpresa Lane located only within the Cumbre Vista project. The amended development plan notes and provisions will not require the developer to extend the Sorpresa Lane improvements onto properties beyond his ownership and control.

The City has always insisted that the improvements to the Sorpresa Lane and Ski Lane intersection were interim in design and construction. Further, that future development to the lands south and east of the intersection, upon properties located within the County and subject to the possible annexation into the City, would require modifying the interim design and reconstructing the intersection to City standards and requirements. This will be further evaluated only at the time of annexation and proposed development and may or may not require full reconstruction. It is not the current responsibility of the County landowners, many of whom are also the appellants of this appeal, to be financially obligated or to construct this improvement at this time. This is City policy and practice.

- 3) 7.7.909: Cooperation with Subdividers through eminent domain. The appellant states that this Code section requires the City to exercise eminent domain powers to obtain rights of way for drainage facilities. City Planning and Development Staff is not aware of any plans being reviewed or proposed by City Engineering for drainage facilities and infrastructure that would require the use of eminent domain. We believe that this concern is not relevant. As previously stated, City Staff exercised diligence in reviewing the concerns of the appellants and believes that the plan notes and provisions minimize the impact to the private easement.
 - 4) 7.7.1103: Obligation of Landowner. The appellant states that this Code section requires the landowners to construct all public improvements and utilities as set forth in the City Code; he further states that this obligation runs with the land. The City agrees with this statement. This developer and any future owner will be required to complete all public improvements and utilities in accordance with this amendment to the approved development plan and all other City approved plans and requirements. Again, the City believes this concern is not relevant to this application. Unfortunately, abandoned projects are beyond the City's control.
3. Conformance with the City Comprehensive Plan: The amendment and use is consistent with the City Comprehensive Plan. The Plan's 2020 Land Use Map identifies this area as a "General Residential".

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

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

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

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

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

Objective LU 5: Develop Cohesive Residential Areas: Neighborhoods are the fundamental building block for developing and redeveloping residential areas of the city. Likewise, residential areas provide a structure for bringing together individual neighborhoods to support and benefit from schools, community activity centers, commercial centers, community parks, recreation centers, employment centers, open space networks, and the city's transportation system. Residential areas also form the

basis for broader residential land use designations on the citywide land use map. Those designations distinguish general types of residential areas by their average densities, environmental features, diversity of housing types, and mix of uses. Residential areas of the city should be developed, redeveloped and revitalized as cohesive sets of neighborhoods, sharing an interconnected network of streets, schools, parks, trails, open spaces, activity centers, and public facilities and services.

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

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

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

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

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

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

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

It is the finding of the City Planning and Development Staff that the Cumbre Vista Development Plan Amendment is consistent with the City's Comprehensive Plan 2020 Land Use Map and the Plan's goals, objectives and policies for General Residential use.

4. Conformance with the Area's Master Plan: This project is located within the Powerwood 3-6 Master Plan area is designated for residential use.

It is the finding of the City Planning and Development Staff that the Cumbre Vista Development Plan Amendment is consistent with the Powerwood 3-6 Master Plan.

5. Development Plan Amendment: The Cumbre Vista Development Plan Amendment is consistent with the previously approved Cumbre Vista Development Plan.

Development plans are reviewed based upon the development plan review criteria found in City Code Section 7.5.502.E.

It is the finding of the City Planning and Development Staff that the Cumbre Vista Development Plan Amendment meets the development plan review criteria found in City Code Section 7.5.502.E.

6. Appeal Review Criteria: An appeal must substantiate the criteria for review of an appeal of an administrative decision found in City Code Section 7.5.906.A.4.

It is the finding of the City Planning and Development Staff that the appeal fails to substantiate the criteria for review of an appeal of an administrative decision found in City Code Section 7.5.906.A.4.

STAFF RECOMMENDATION:

Item No: 5 CPC DP 05-00092-A4MN13 – Development Plan Amendment

Deny the appeal and affirm the administrative approval of the amendment to the previously approved Cumbre Vista Development Plan, based upon the finding that the amendment complies with the development plan review criteria found in City Code Section 7.5.502.E and the appeal fails to substantiate the criteria for review of an appeal of an administrative decision found in City Code Section 7.5.906.A.4.



NINE DESIGN
 Landscape Architecture & Urban Planning
 Colorado Springs, Colorado
 719.528.7037 nine@design-cs.com

Matrix Design Group, Inc.
 Integrated Design Solutions
 Colorado Springs, CO 80904
 Phone 719-575-0100
 Fax 719-575-0208

Project: CUMBRE VISTA

DEVELOPMENT PLAN - MINOR AMENDMENT 2013

December 10, 2013

Index of Drawings

Sheet No.	Title	(Amended 2013)
1	Development Notes	(Amended 2013)
2	Development Plan Details	
3	Development Plan - SPO1	
4	Development Plan - SPO2	
5	Development Plan - SPO3	
6	Development Plan - SPO4	(Amended 2013)
7	Development Plan - SPO5	(Amended 2013)
8	Landscape Plan	
9	Landscape Plan	
10	Landscape Plan	
11	Landscape Plan	
12	Landscape Plan	(Amended 2013)
13	Landscape Plan	(Amended 2013)
14	Landscape Hydrozone Map & Notes	
15	Landscape Plan Details	
16	Grading Plan - GPO1	
17	Grading Plan - GPO2	
18	Grading Plan - GPO3	
19	Grading Plan - GPO4	
20	Grading Plan - GPO5	(Amended 2013)
21	Master Facilities Plan - UT01	
22	Master Facilities Plan - UT02	
23	Master Facilities Plan - UT03	
24	Master Facilities Plan - UT04	
25	Master Facilities Plan - UT05	

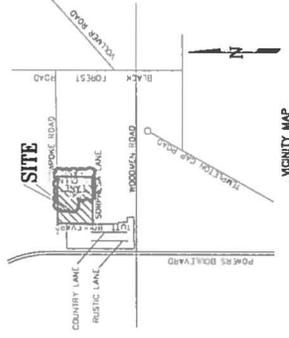
Project Consultants

Nine Design, Ltd.
James Byers, RLA
 Planner / Landscape Architect
 (719) 528-7037
 4406 Misty Dr.
 Colorado Springs, CO 80918

Matrix Design Group, Inc.
Gerrit Slatter
 Engineer
 (719) 575-0100
 2825 Professional Place, Suite 202
 Colorado Springs, CO 80904

JR Engineering
Steve Rossoll, PE
 Civil Engineer
 (719) 491-6564
 130 East Kiowa St., Suite 400
 Colorado Springs, CO 80903

LSC Transportation Consultants
Jeffrey C. Hodsdon
 Traffic Engineer
 (719) 633-2868
 516 North Tejon Street
 Colorado Springs, CO 80903



Custom Vets Development Plan Amendment History

City File Number	Date Approved	Amendment Description	Notes / Comments
CPC DP 05-00002	11-09-2006	Original approval	
CPC DP 05-00002-A1 (05)	07-17-2008	Addition retaining walls added	
CPC DP 05-00002-A2 (05)	12-05-2008	Final Landscape and Irrigation Plans approved	
CPC DP 05-00002-A3 (05)	03-26-2007	Planning plan and lot layout modified	
CPC DP 05-00002-A4 (05)	Pending	Planning plan and lot layout modified. Addition of a new shared connection at the Arma Peak and European Lane. Temporary Intersection of European Lane and Old Lane near site.	

DRAFT NO. 3 2-5-14
(PDR/IAL)

CITY FILE NO.: CPC DP 05-00002-A4MN13
 90 Project No: 13071

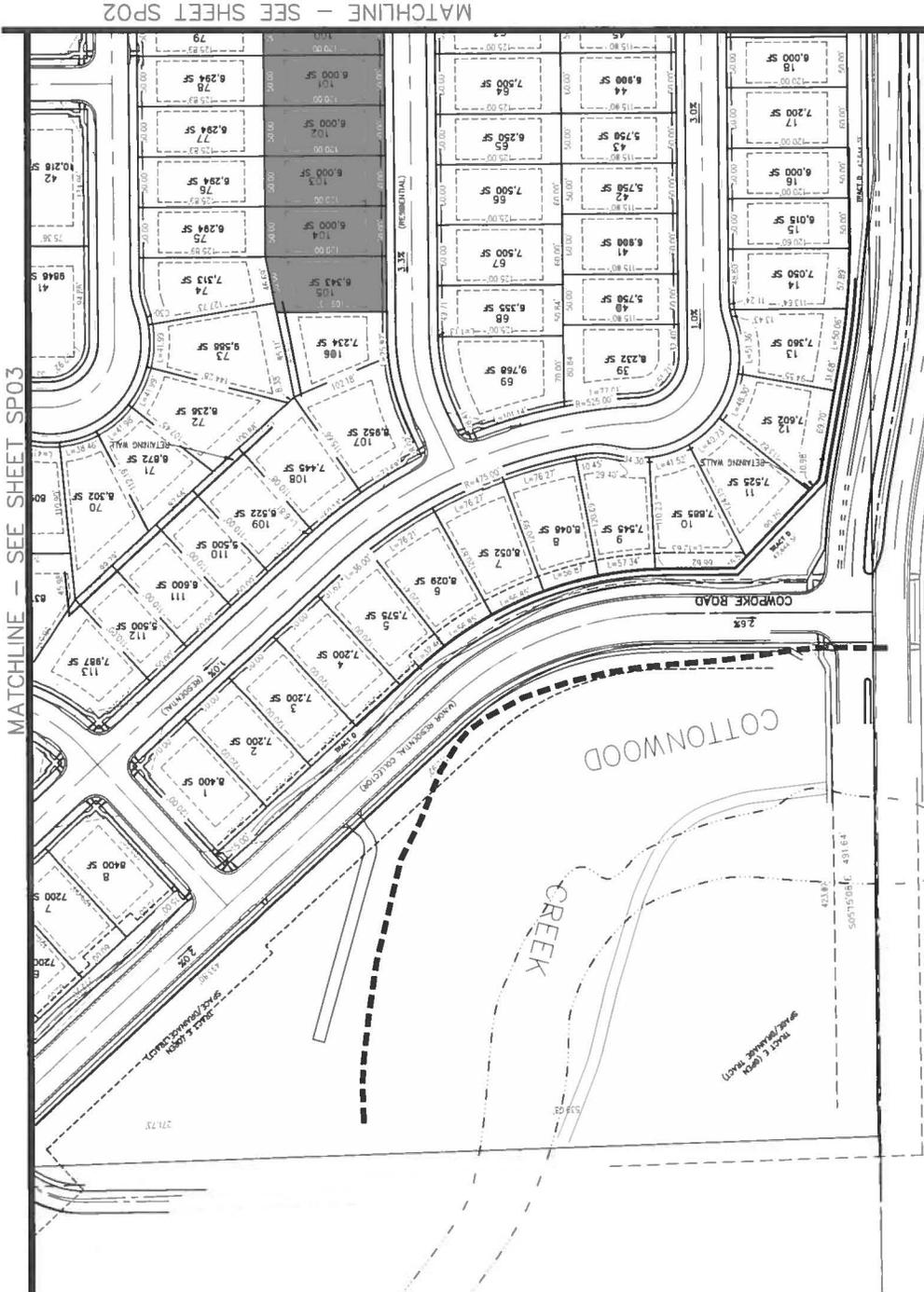
FIGURE 1

CUMBRE VISTA

NOTES:

- FEDERAL ENVIRONMENTAL MANAGEMENT AGENCY, Final Remedial Site Map Number D616C1529.F, a (CERCLA) Record of Decision (ROD) for the 500 year flood plain, Zone A (upland flood hazard area) bounded by 100-year flood with no base elevation discount) and Zone A2 (upland flood hazard area bounded by 100-year flood with a base elevation discount).
- As used in the paragraph above, (1) "Easements" means the easements shown by the Easement Map, (2) "Lots" means (a) Lots 1 through 14, Lots 26 through 28, Phase 25, (b) Lots 15 through 25, (c) Lots 29 through 31, (d) Lots 32 through 34, (e) Lots 35 through 37, (f) Lots 38 through 40, (g) Lots 41 through 43, (h) Lots 44 through 46, (i) Lots 47 through 49, (j) Lots 50 through 52, (k) Lots 53 through 55, (l) Lots 56 through 58, (m) Lots 59 through 61, (n) Lots 62 through 64, (o) Lots 65 through 67, (p) Lots 68 through 70, (q) Lots 71 through 73, (r) Lots 74 through 76, (s) Lots 77 through 79, (t) Lots 80 through 82, (u) Lots 83 through 85, (v) Lots 86 through 88, (w) Lots 89 through 91, (x) Lots 92 through 94, (y) Lots 95 through 97, (z) Lots 98 through 100, (aa) Lots 101 through 103, (ab) Lots 104 through 106, (ac) Lots 107 through 109, (ad) Lots 110 through 112, (ae) Lots 113 through 115, (af) Lots 116 through 118, (ag) Lots 119 through 121, (ah) Lots 122 through 124, (ai) Lots 125 through 127, (aj) Lots 128 through 130, (ak) Lots 131 through 133, (al) Lots 134 through 136, (am) Lots 137 through 139, (an) Lots 140 through 142, (ao) Lots 143 through 145, (ap) Lots 146 through 148, (aq) Lots 149 through 151, (ar) Lots 152 through 154, (as) Lots 155 through 157, (at) Lots 158 through 160, (au) Lots 161 through 163, (av) Lots 164 through 166, (aw) Lots 167 through 169, (ax) Lots 170 through 172, (ay) Lots 173 through 175, (az) Lots 176 through 178, (ba) Lots 179 through 181, (bb) Lots 182 through 184, (bc) Lots 185 through 187, (bd) Lots 188 through 190, (be) Lots 191 through 193, (bf) Lots 194 through 196, (bg) Lots 197 through 199, (bh) Lots 200 through 202, (bi) Lots 203 through 205, (bj) Lots 206 through 208, (bk) Lots 209 through 211, (bl) Lots 212 through 214, (bm) Lots 215 through 217, (bn) Lots 218 through 220, (bo) Lots 221 through 223, (bp) Lots 224 through 226, (bq) Lots 227 through 229, (br) Lots 230 through 232, (bs) Lots 233 through 235, (bt) Lots 236 through 238, (bu) Lots 239 through 241, (bv) Lots 242 through 244, (bw) Lots 245 through 247, (bx) Lots 248 through 250, (by) Lots 251 through 253, (bz) Lots 254 through 256, (ca) Lots 257 through 259, (cb) Lots 260 through 262, (cc) Lots 263 through 265, (cd) Lots 266 through 268, (ce) Lots 269 through 271, (cf) Lots 272 through 274, (cg) Lots 275 through 277, (ch) Lots 278 through 280, (ci) Lots 281 through 283, (cj) Lots 284 through 286, (ck) Lots 287 through 289, (cl) Lots 290 through 292, (cm) Lots 293 through 295, (cn) Lots 296 through 298, (co) Lots 299 through 301, (cp) Lots 302 through 304, (cq) Lots 305 through 307, (cr) Lots 308 through 310, (cs) Lots 311 through 313, (ct) Lots 314 through 316, (cu) Lots 317 through 319, (cv) Lots 320 through 322, (cw) Lots 323 through 325, (cx) Lots 326 through 328, (cy) Lots 329 through 331, (cz) Lots 332 through 334, (da) Lots 335 through 337, (db) Lots 338 through 340, (dc) Lots 341 through 343, (dd) Lots 344 through 346, (de) Lots 347 through 349, (df) Lots 350 through 352, (dg) Lots 353 through 355, (dh) Lots 356 through 358, (di) Lots 359 through 361, (dj) Lots 362 through 364, (dk) Lots 365 through 367, (dl) Lots 368 through 370, (dm) Lots 371 through 373, (dn) Lots 374 through 376, (do) Lots 377 through 379, (dp) Lots 380 through 382, (dq) Lots 383 through 385, (dr) Lots 386 through 388, (ds) Lots 389 through 391, (dt) Lots 392 through 394, (du) Lots 395 through 397, (dv) Lots 398 through 400, (dw) Lots 401 through 403, (dx) Lots 404 through 406, (dy) Lots 407 through 409, (dz) Lots 410 through 412, (ea) Lots 413 through 415, (eb) Lots 416 through 418, (ec) Lots 419 through 421, (ed) Lots 422 through 424, (ee) Lots 425 through 427, (ef) Lots 428 through 430, (eg) Lots 431 through 433, (eh) Lots 434 through 436, (ei) Lots 437 through 439, (ej) Lots 440 through 442, (ek) Lots 443 through 445, (el) Lots 446 through 448, (em) Lots 449 through 451, (en) Lots 452 through 454, (eo) Lots 455 through 457, (ep) Lots 458 through 460, (eq) Lots 461 through 463, (er) Lots 464 through 466, (es) Lots 467 through 469, (et) Lots 470 through 472, (eu) Lots 473 through 475, (ev) Lots 476 through 478, (ew) Lots 479 through 481, (ex) Lots 482 through 484, (ey) Lots 485 through 487, (ez) Lots 488 through 490, (fa) Lots 491 through 493, (fb) Lots 494 through 496, (fc) Lots 497 through 499, (fd) Lots 500 through 502, (fe) Lots 503 through 505, (ff) Lots 506 through 508, (fg) Lots 509 through 511, (fh) Lots 512 through 514, (fi) Lots 515 through 517, (fj) Lots 518 through 520, (fk) Lots 521 through 523, (fl) Lots 524 through 526, (fm) Lots 527 through 529, (fn) Lots 530 through 532, (fo) Lots 533 through 535, (fp) Lots 536 through 538, (fq) Lots 539 through 541, (fr) Lots 542 through 544, (fs) Lots 545 through 547, (ft) Lots 548 through 550, (fu) Lots 551 through 553, (fv) Lots 554 through 556, (fw) Lots 557 through 559, (fx) Lots 560 through 562, (fy) Lots 563 through 565, (fz) Lots 566 through 568, (ga) Lots 569 through 571, (gb) Lots 572 through 574, (gc) Lots 575 through 577, (gd) Lots 578 through 580, (ge) Lots 581 through 583, (gf) Lots 584 through 586, (gg) Lots 587 through 589, (gh) Lots 590 through 592, (gi) Lots 593 through 595, (gj) Lots 596 through 598, (gk) Lots 599 through 601, (gl) Lots 602 through 604, (gm) Lots 605 through 607, (gn) Lots 608 through 610, (go) Lots 611 through 613, (gp) Lots 614 through 616, (gq) Lots 617 through 619, (gr) Lots 620 through 622, (gs) Lots 623 through 625, (gt) Lots 626 through 628, (gu) Lots 629 through 631, (gv) Lots 632 through 634, (gw) Lots 635 through 637, (gx) Lots 638 through 640, (gy) Lots 641 through 643, (gz) Lots 644 through 646, (ha) Lots 647 through 649, (hb) Lots 650 through 652, (hc) Lots 653 through 655, (hd) Lots 656 through 658, (he) Lots 659 through 661, (hf) Lots 662 through 664, (hg) Lots 665 through 667, (hh) Lots 668 through 670, (hi) Lots 671 through 673, (hj) Lots 674 through 676, (hk) Lots 677 through 679, (hl) Lots 680 through 682, (hm) Lots 683 through 685, (hn) Lots 686 through 688, (ho) Lots 689 through 691, (hp) Lots 692 through 694, (hq) Lots 695 through 697, (hr) Lots 698 through 700, (hs) Lots 701 through 703, (ht) Lots 704 through 706, (hu) Lots 707 through 709, (hv) Lots 710 through 712, (hw) Lots 713 through 715, (hx) Lots 716 through 718, (hy) Lots 719 through 721, (hz) Lots 722 through 724, (ia) Lots 725 through 727, (ib) Lots 728 through 730, (ic) Lots 731 through 733, (id) Lots 734 through 736, (ie) Lots 737 through 739, (if) Lots 740 through 742, (ig) Lots 743 through 745, (ih) Lots 746 through 748, (ii) Lots 749 through 751, (ij) Lots 752 through 754, (ik) Lots 755 through 757, (il) Lots 758 through 760, (im) Lots 761 through 763, (in) Lots 764 through 766, (io) Lots 767 through 769, (ip) Lots 770 through 772, (iq) Lots 773 through 775, (ir) Lots 776 through 778, (is) Lots 779 through 781, (it) Lots 782 through 784, (iu) Lots 785 through 787, (iv) Lots 788 through 790, (iw) Lots 791 through 793, (ix) Lots 794 through 796, (iy) Lots 797 through 799, (iz) Lots 800 through 802, (ja) Lots 803 through 805, (jb) Lots 806 through 808, (jc) Lots 809 through 811, (jd) Lots 812 through 814, (je) Lots 815 through 817, (jf) Lots 818 through 820, (jg) Lots 821 through 823, (jh) Lots 824 through 826, (ji) Lots 827 through 829, (jj) Lots 830 through 832, (jk) Lots 833 through 835, (jl) Lots 836 through 838, (jm) Lots 839 through 841, (jn) Lots 842 through 844, (jo) Lots 845 through 847, (jp) Lots 848 through 850, (jq) Lots 851 through 853, (jr) Lots 854 through 856, (js) Lots 857 through 859, (jt) Lots 860 through 862, (ju) Lots 863 through 865, (jv) Lots 866 through 868, (jw) Lots 869 through 871, (jx) Lots 872 through 874, (jy) Lots 875 through 877, (jz) Lots 878 through 880, (ka) Lots 881 through 883, (kb) Lots 884 through 886, (kc) Lots 887 through 889, (kd) Lots 890 through 892, (ke) Lots 893 through 895, (kf) Lots 896 through 898, (kg) Lots 899 through 901, (kh) Lots 902 through 904, (ki) Lots 905 through 907, (kj) Lots 908 through 910, (kk) Lots 911 through 913, (kl) Lots 914 through 916, (km) Lots 917 through 919, (kn) Lots 920 through 922, (ko) Lots 923 through 925, (kp) Lots 926 through 928, (kq) Lots 929 through 931, (kr) Lots 932 through 934, (ks) Lots 935 through 937, (kt) Lots 938 through 940, (ku) Lots 941 through 943, (kv) Lots 944 through 946, (kw) Lots 947 through 949, (kx) Lots 950 through 952, (ky) Lots 953 through 955, (kz) Lots 956 through 958, (la) Lots 959 through 961, (lb) Lots 962 through 964, (lc) Lots 965 through 967, (ld) Lots 968 through 970, (le) Lots 971 through 973, (lf) Lots 974 through 976, (lg) Lots 977 through 979, (lh) Lots 980 through 982, (li) Lots 983 through 985, (lj) Lots 986 through 988, (lk) Lots 989 through 991, (ll) Lots 992 through 994, (lm) Lots 995 through 997, (ln) Lots 998 through 1000, (lo) Lots 1001 through 1003, (lp) Lots 1004 through 1006, (lq) Lots 1007 through 1009, (lr) Lots 1010 through 1012, (ls) Lots 1013 through 1015, (lt) Lots 1016 through 1018, (lu) Lots 1019 through 1021, (lv) Lots 1022 through 1024, (lw) Lots 1025 through 1027, (lx) Lots 1028 through 1030, (ly) Lots 1031 through 1033, (lz) Lots 1034 through 1036, (ma) Lots 1037 through 1039, (mb) Lots 1040 through 1042, (mc) Lots 1043 through 1045, (md) Lots 1046 through 1048, (me) Lots 1049 through 1051, (mf) Lots 1052 through 1054, (mg) Lots 1055 through 1057, (mh) Lots 1058 through 1060, (mi) Lots 1061 through 1063, (mj) Lots 1064 through 1066, (mk) Lots 1067 through 1069, (ml) Lots 1070 through 1072, (mn) Lots 1073 through 1075, (mo) Lots 1076 through 1078, (mp) Lots 1079 through 1081, (mq) Lots 1082 through 1084, (mr) Lots 1085 through 1087, (ms) Lots 1088 through 1090, (mt) Lots 1091 through 1093, (mu) Lots 1094 through 1096, (mv) Lots 1097 through 1099, (mw) Lots 1100 through 1102, (mx) Lots 1103 through 1105, (my) Lots 1106 through 1108, (mz) Lots 1109 through 1111, (na) Lots 1112 through 1114, (nb) Lots 1115 through 1117, (nc) Lots 1118 through 1120, (nd) Lots 1121 through 1123, (ne) Lots 1124 through 1126, (nf) Lots 1127 through 1129, (ng) Lots 1130 through 1132, (nh) Lots 1133 through 1135, (ni) Lots 1136 through 1138, (nj) Lots 1139 through 1141, (nk) Lots 1142 through 1144, (nl) Lots 1145 through 1147, (nm) Lots 1148 through 1150, (no) Lots 1151 through 1153, (np) Lots 1154 through 1156, (nq) Lots 1157 through 1159, (nr) Lots 1160 through 1162, (ns) Lots 1163 through 1165, (nt) Lots 1166 through 1168, (nu) Lots 1169 through 1171, (nv) Lots 1172 through 1174, (nw) Lots 1175 through 1177, (nx) Lots 1178 through 1180, (ny) Lots 1181 through 1183, (nz) Lots 1184 through 1186, (oa) Lots 1187 through 1189, (ob) Lots 1190 through 1192, (oc) Lots 1193 through 1195, (od) Lots 1196 through 1198, (oe) Lots 1199 through 1201, (of) Lots 1202 through 1204, (og) Lots 1205 through 1207, (oh) Lots 1208 through 1210, (oi) Lots 1211 through 1213, (oj) Lots 1214 through 1216, (ok) Lots 1217 through 1219, (ol) Lots 1220 through 1222, (om) Lots 1223 through 1225, (on) Lots 1226 through 1228, (oo) Lots 1229 through 1231, (op) Lots 1232 through 1234, (oq) Lots 1235 through 1237, (or) Lots 1238 through 1240, (os) Lots 1241 through 1243, (ot) Lots 1244 through 1246, (ou) Lots 1247 through 1249, (ov) Lots 1250 through 1252, (ow) Lots 1253 through 1255, (ox) Lots 1256 through 1258, (oy) Lots 1259 through 1261, (oz) Lots 1262 through 1264, (pa) Lots 1265 through 1267, (pb) Lots 1268 through 1270, (pc) Lots 1271 through 1273, (pd) Lots 1274 through 1276, (pe) Lots 1277 through 1279, (pf) Lots 1280 through 1282, (pg) Lots 1283 through 1285, (ph) Lots 1286 through 1288, (pi) Lots 1289 through 1291, (pj) Lots 1292 through 1294, (pk) Lots 1295 through 1297, (pl) Lots 1298 through 1300, (pm) Lots 1301 through 1303, (pn) Lots 1304 through 1306, (po) Lots 1307 through 1309, (pp) Lots 1310 through 1312, (pq) Lots 1313 through 1315, (pr) Lots 1316 through 1318, (ps) Lots 1319 through 1321, (pt) Lots 1322 through 1324, (pu) Lots 1325 through 1327, (pv) Lots 1328 through 1330, (pw) Lots 1331 through 1333, (px) Lots 1334 through 1336, (py) Lots 1337 through 1339, (pz) Lots 1340 through 1342, (qa) Lots 1343 through 1345, (qb) Lots 1346 through 1348, (qc) Lots 1349 through 1351, (qd) Lots 1352 through 1354, (qe) Lots 1355 through 1357, (qf) Lots 1358 through 1360, (qg) Lots 1361 through 1363, (qh) Lots 1364 through 1366, (qi) Lots 1367 through 1369, (qj) Lots 1370 through 1372, (qk) Lots 1373 through 1375, (ql) Lots 1376 through 1378, (qm) Lots 1379 through 1381, (qn) Lots 1382 through 1384, (qo) Lots 1385 through 1387, (qp) Lots 1388 through 1390, (qq) Lots 1391 through 1393, (qr) Lots 1394 through 1396, (qs) Lots 1397 through 1399, (qt) Lots 1400 through 1402, (qu) Lots 1403 through 1405, (qv) Lots 1406 through 1408, (qw) Lots 1409 through 1411, (qx) Lots 1412 through 1414, (qy) Lots 1415 through 1417, (qz) Lots 1418 through 1420, (ra) Lots 1421 through 1423, (rb) Lots 1424 through 1426, (rc) Lots 1427 through 1429, (rd) Lots 1430 through 1432, (re) Lots 1433 through 1435, (rf) Lots 1436 through 1438, (rg) Lots 1439 through 1441, (rh) Lots 1442 through 1444, (ri) Lots 1445 through 1447, (rj) Lots 1448 through 1450, (rk) Lots 1451 through 1453, (rl) Lots 1454 through 1456, (rm) Lots 1457 through 1459, (rn) Lots 1460 through 1462, (ro) Lots 1463 through 1465, (rp) Lots 1466 through 1468, (rq) Lots 1469 through 1471, (rr) Lots 1472 through 1474, (rs) Lots 1475 through 1477, (rt) Lots 1478 through 1480, (ru) Lots 1481 through 1483, (rv) Lots 1484 through 1486, (rw) Lots 1487 through 1489, (rx) Lots 1490 through 1492, (ry) Lots 1493 through 1495, (rz) Lots 1496 through 1498, (sa) Lots 1499 through 1501, (sb) Lots 1502 through 1504, (sc) Lots 1505 through 1507, (sd) Lots 1508 through 1510, (se) Lots 1511 through 1513, (sf) Lots 1514 through 1516, (sg) Lots 1517 through 1519, (sh) Lots 1520 through 1522, (si) Lots 1523 through 1525, (sj) Lots 1526 through 1528, (sk) Lots 1529 through 1531, (sl) Lots 1532 through 1534, (sm) Lots 1535 through 1537, (sn) Lots 1538 through 1540, (so) Lots 1541 through 1543, (sp) Lots 1544 through 1546, (sq) Lots 1547 through 1549, (sr) Lots 1550 through 1552, (ss) Lots 1553 through 1555, (st) Lots 1556 through 1558, (su) Lots 1559 through 1561, (sv) Lots 1562 through 1564, (sw) Lots 1565 through 1567, (sx) Lots 1568 through 1570, (sy) Lots 1571 through 1573, (sz) Lots 1574 through 1576, (ta) Lots 1577 through 1579, (tb) Lots 1580 through 1582, (tc) Lots 1583 through 1585, (td) Lots 1586 through 1588, (te) Lots 1589 through 1591, (tf) Lots 1592 through 1594, (tg) Lots 1595 through 1597, (th) Lots 1598 through 1600, (ti) Lots 1601 through 1603, (tj) Lots 1604 through 1606, (tk) Lots 1607 through 1609, (tl) Lots 1610 through 1612, (tm) Lots 1613 through 1615, (tn) Lots 1616 through 1618, (to) Lots 1619 through 1621, (tp) Lots 1622 through 1624, (tq) Lots 1625 through 1627, (tr) Lots 1628 through 1630, (ts) Lots 1631 through 1633, (tt) Lots 1634 through 1636, (tu) Lots 1637 through 1639, (tv) Lots 1640 through 1642, (tw) Lots 1643 through 1645, (tx) Lots 1646 through 1648, (ty) Lots 1649 through 1651, (tz) Lots 1652 through 1654, (ua) Lots 1655 through 1657, (ub) Lots 1658 through 1660, (uc) Lots 1661 through 1663, (ud) Lots 1664 through 1666, (ue) Lots 1667 through 1669, (uf) Lots 1670 through 1672, (ug) Lots 1673 through 1675, (uh) Lots 1676 through 1678, (ui) Lots 1679 through 1681, (uj) Lots 1682 through 1684, (uk) Lots 1685 through 1687, (ul) Lots 1688 through 1690, (um) Lots 1691 through 1693, (un) Lots 1694 through 1696, (uo) Lots 1697 through 1699, (up) Lots 1700 through 1702, (uq) Lots 1703 through 1705, (ur) Lots 1706 through 1708, (us) Lots 1709 through 1711, (ut) Lots 1712 through 1714, (uu) Lots 1715 through 1717, (uv) Lots 1718 through 1720, (uw) Lots 1721 through 1723, (ux) Lots 1724 through 1726, (uy) Lots 1727 through 1729, (uz) Lots 1730 through 1732, (va) Lots 1733 through 1735, (vb) Lots 1736 through 1738, (vc) Lots 1739 through 1741, (vd) Lots 1742 through 1744, (ve) Lots 1745 through 1747, (vf) Lots 1748 through 1750, (vg) Lots 1751 through 1753, (vh) Lots 1754 through 1756, (vi) Lots 1757 through 1759, (vj) Lots 1760 through 1762, (vk) Lots 1763 through 1765, (vl) Lots 1766 through 1768, (vm) Lots 1769 through 1771, (vn) Lots 1772 through 1774, (vo) Lots 1775 through 1777, (vp) Lots 1778 through 1780, (vq) Lots 1781 through 1783, (vr) Lots 1784 through 1786, (vs) Lots 1787 through 1789, (vt) Lots 1790 through 1792, (vu) Lots 1793 through 1795, (vv) Lots 1796 through 1798, (vw) Lots 1799 through 1801, (vx) Lots 1802 through 1804, (vy) Lots 1805 through 1807, (vz) Lots 1808 through 1810, (wa) Lots 1811 through 1813, (wb) Lots 1814 through 1816, (wc) Lots 1817 through 1819, (wd) Lots 1820 through 1822, (we) Lots 1823 through 1825, (wf) Lots 1826 through 1828, (wg) Lots 1829 through 1831, (wh) Lots 1832 through 1834, (wi) Lots 1835 through 1837, (wj) Lots 1838 through 1840, (wk) Lots 1841 through 1843, (wl) Lots 1844 through 1846, (wm) Lots 1847 through 1849, (wn) Lots 1850 through 1852, (wo) Lots 1853 through 1855, (wp) Lots 1856 through 1858, (wq) Lots 1859 through 1861, (wr) Lots 1862 through 1864, (ws) Lots 1865 through 1867, (wt) Lots 1868 through 1870, (wu) Lots 1871 through 1873, (wv) Lots 1874 through 1876, (ww) Lots 1877 through 1879, (wx) Lots 1880 through 1882, (wy) Lots 1883 through 1885, (wz) Lots 1886 through 1888, (xa) Lots 1889 through 1891, (xb) Lots 1892 through 1894, (xc) Lots 1895 through 1897, (xd) Lots 1898 through 1900, (xe) Lots 1901 through 1903, (xf) Lots 1904 through 1906, (xg) Lots 1907 through 1909, (xh) Lots 1910 through 1912, (xi) Lots 1913 through 1915, (xj) Lots 1916 through 1918, (xk) Lots 1919 through 1921, (xl) Lots 1922 through 1924, (xm) Lots 1925 through 1927, (xn) Lots 1928 through 1930, (xo) Lots 1931 through 1933, (xp) Lots 1934 through 1936, (xq) Lots 1937 through 1939, (xr) Lots 1940 through 1942, (xs) Lots 1943 through 1945, (xt) Lots 1946 through 1948, (xu) Lots 1949 through 1951, (xv) Lots 1952 through 1954, (xw) Lots 1955 through 1957, (xx) Lots 1958 through 1960, (xy) Lots 1961 through 1963, (xz) Lots 1964 through 1966, (ya) Lots 1967 through 1969, (yb) Lots 1970 through 1972, (yc) Lots 1973 through 1975, (yd) Lots 1976 through 1978, (ye) Lots 1979 through 1981, (yf) Lots 1982 through 1984, (yg) Lots 1985 through 1987, (yh) Lots 1988 through 1990, (yi) Lots 1991 through 1993, (yj) Lots 1994 through 1996, (yk) Lots 1997 through 1999, (yl) Lots 2000 through 2002, (ym) Lots 2003 through 2005, (yn) Lots 2006 through 2008, (yo) Lots 2009 through 2011, (zp) Lots 2012 through 2014, (zq) Lots 2015 through 2017, (zr) Lots 2018 through 2020, (zs) Lots 2021 through 2023, (zt) Lots 2024 through 2026, (zu) Lots 2027 through 2029, (zv) Lots 2030 through 2032, (zw) Lots 2033 through 2035, (zx) Lots 2036 through 2038, (zy) Lots 2039 through 2041, (za) Lots 2042 through 2044, (zb) Lots 2045 through 2047, (zc) Lots 2048 through 2050, (zd) Lots 2051 through 2053, (ze) Lots 2054 through 2056, (zf) Lots 2057 through 2059, (zg) Lots 2060 through 2062, (zh) Lots 2063 through 2065, (zi) Lots 2066 through 2068, (zj) Lots 2069 through 2071, (zk) Lots 2072 through 2074, (zl) Lots 2075 through 2077, (zm) Lots 2078 through 2080, (zn) Lots 2081 through 2083, (zo) Lots 2084 through 2086, (zp) Lots 2087 through 2089, (zq) Lots 2090 through 2092, (zr) Lots 2093 through 2095, (zs) Lots 2096 through 2098, (zt) Lots 2099 through 2101, (zu) Lots 2102 through 2104, (zv) Lots 2105 through 2107, (zw) Lots 2108 through 2110, (zx) Lots 2111 through 2113, (zy) Lots 2114 through 2116, (za) Lots 2117 through 2119, (zb) Lots 2120 through 2122, (zc) Lots 2123 through 2125, (zd) Lots 2126 through 2128, (ze) Lots 2129 through 2131, (zf) Lots 2132 through 2134, (zg) Lots 2135 through 2137, (zh) Lots 2138 through 2140, (zi) Lots 2141 through 2143, (zj) Lots 2144 through 2146, (zk) Lots 2147 through 2149, (zl) Lots 2150 through 2152, (zm) Lots 2153 through 2155, (zn) Lots 2156 through 2158, (zo) Lots 2159 through 2161, (zp) Lots 2162 through 2164, (zq) Lots 2165 through 2167, (zr) Lots 2168 through 2170, (zs) Lots 2171 through 2173, (zt) Lots 2174 through 2176, (zu) Lots 2177 through 2179, (zv) Lots 2180 through 2182, (zw) Lots 2183 through 2185, (zx) Lots 2186 through 2188, (zy) Lots 2189 through 2191, (za) Lots 2192 through 2194, (zb) Lots 2195 through 2197, (zc) Lots 2198 through 2200, (zd) Lots 2201 through 2203, (ze) Lots 2204 through 2206, (zf) Lots 2207 through 2209, (zg) Lots 2210 through 2212, (zh) Lots 2213 through 2215, (zi) Lots 2216 through 2218, (zj) Lots 2219 through 2221, (zk) Lots 2222 through 2224, (zl) Lots 2225 through 2227, (zm) Lots 2228 through 2230, (zn) Lots 2231 through 2233, (zo) Lots 2234 through 2236, (zp) Lots 2237 through 2239, (zq) Lots 2240 through 2242, (zr) Lots 2243 through 2245, (zs) Lots 2246 through 2248, (zt) Lots 2249 through 2251, (zu) Lots 2252 through 2254, (zv) Lots 2255 through 2257, (zw) Lots 2258 through 2260, (zx) Lots 2261 through 2263, (zy) Lots 2264 through 2266, (za) Lots 2267 through 2269, (zb) Lots 2270 through 2272, (zc) Lots 2273 through 2275, (zd) Lots 2276 through 2278, (ze) Lots 2279 through 2281, (zf) Lots 2282 through 2284, (zg) Lots 2285 through 2287, (zh) Lots 2288 through 2290, (zi) Lots 2291 through 2293, (zj) Lots 2294 through 2296, (zk) Lots 2297 through 2299, (zl) Lots 2300 through 2302, (zm) Lots 2303 through 2305, (zn) Lots 2306 through 2308, (zo) Lots 2309 through 2311, (zp) Lots 2312 through 2314, (zq) Lots 2315 through 2317, (zr) Lots 2318 through 2320, (zs) Lots 2321 through 2323, (zt) Lots 2324 through 2326, (zu) Lots 2327 through 2329, (zv) Lots 2330 through 2332, (zw) Lots 2333 through 2335, (zx) Lots 2336 through 2338, (zy) Lots 2339 through 2341, (za) Lots 2342 through 2344, (zb) Lots 2345 through 2347, (zc) Lots 2348 through 2350, (zd) Lots 2351 through 2353, (ze) Lots 2354 through 2356, (zf) Lots 2357 through 2359, (zg) Lots 2360 through 2362, (zh) Lots 2363 through 2365, (zi) Lots 2366 through 2368, (zj) Lots 2369 through 2371, (zk) Lots 2372 through 2374, (zl) Lots 2375 through 2377, (zm) Lots 2378 through 2380, (zn) Lots 2381 through 2383, (zo) Lots 2384 through 2386, (zp) Lots 2387 through 2389, (zq) Lots 2390 through 2392, (zr) Lots 2393 through 2395, (zs) Lots 2396 through 2398, (zt) Lots 2399 through 2401, (zu) Lots 2402 through 2404, (zv) Lots 2405 through 2407, (zw) Lots 2408

 M&P DESIGN, L.P. Landscape Architects & Planners 4000 S. W. 11th St., Suite 100 Fort Lauderdale, FL 33304 Phone: 754.366.7037 Fax: 754.366.7038 www.mandpdesign.com	REVISIONS <table border="1" style="width: 100%; height: 40px;"> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>									CUMBRE VISTA SUBDIVISION DEVELOPMENT PLAN AMENDMENT 2013	PROJECT NO.: 13011 DATE: 12-10-13 SCALE:	SHEET 3 of 25 SPO1



OWNERS:
 FT03, CV, LL
 335 CHAPEL HILLS DRIVE, SUITE 150
 COLORADO SPRING
 CO 80901

CITY FILE NO.: CFC DP 05-00092-4AMN13

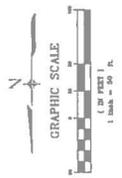


FIGURE 1

NOT FOR CONSTRUCTION THIS PLAN AND BRIDGE AND STRUCTURAL DETAILS AND DIMENSIONS SHALL NOT BE USED FOR CONSTRUCTION OF LAYOUT. www.mhdesign-ca.com	DMK DESIGN LP Landscapes Architects & Planners 4400 Wilshire Blvd Suite 200 Culver City, CA 90230 310.307.0177 mdesign@dmk.com	REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table>																										CUMBRE VISTA SUBDIVISION DEVELOPMENT PLAN ADDENDUM 2013	PROJECT NO. 13011 DATE: 12-10-13 SCALE:	SHEET 4 of 25 SP02



FIGURE 1

NOT FOR CONSTRUCTION. THESE PLANS ARE INTENDED FOR SUBMITTAL TO THE CITY OF COLORADO SPRINGS FOR REVIEW AND APPROVAL BY THE CITY ENGINEER AND ARCHITECT. NO WARRANTIES OR GUARANTEES ARE MADE BY THE ARCHITECT OR ENGINEER FOR CONSTRUCTION OR LAND.	MMR DESIGN LTD Landscape Architects & Planners 1400 S. W. 14th Ave., Suite 100 Colorado Springs, CO 80906 Phone: 719.594.0077 www.mmrdesign-cs.com	REVISIONS 1. City Comments 12-18-13	CUMBRE VISTA SUBDIVISION DEVELOPMENT PLAN AMENDMENT 2013	PROJECT NO. 13011 DATE 09-30-13 SCALE	SHEET 5 of 25 SPO3
---	---	---	--	---	--------------------------



OWNERS:
 K7103-CV, LLC
 536 CHAPEL HILLS DRIVE, SUITE 150
 COLORADO SPRINGS, CO 80920

CITY FILE NO.: CPC DP 05-00082-A4MM13

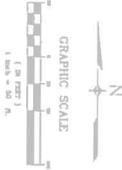
FIGURE 1



CITY FILE NO.: CPC DP 05-00082-4AAMN13

- MINOR AMENDMENT OCTOBER 2013**
1. PHASE REVISIONS 400 (14x40) (5x,8) (5x,8)
 2. PHASE LINE REVISIONS
 3. REUSE LOT NUMBERING PER PHASING
 4. EXTENDING DE ANZA PEAK TRAIL SOUTH TO SUBDIVISION LINE
 5. REUSE/REMOVE LOT NUMBERS TO PROVIDE FOR ROADWAY EXTENSION

OWNERS:
 WTIO-CV, LLC
 538 GARDEN HILLS DRIVE, SUITE 100
 COLORADO SPRINGS, CO 80920



SHEET 6 of 25 SP04	PROJECT NO. 13011 DATE: 09-30-13 SCALE:	CUMBRE VISTA SUBDIVISION DEVELOPMENT PLAN AMENDMENT 2013	REVISIONS 1 City Comments 12-10-13	NINE DESIGN LLC Landscape Architects & Planners 400 West 10th Ave Colorado Springs, CO 80918 719.596.0137 nine@ninedesign.com www.ninedesign-ca.com	NOT FOR CONSTRUCTION THESE PLANS ARE INTENDED FOR SUBMITTAL, REVIEW AND APPROVAL BY CLIENT AND CITY/COUNTY AGENCIES AND SHOULD NOT BE USED FOR CONSTRUCTION OR LAYOUT.
			PROJECT NO. 13011 DATE: 09-30-13 SCALE:		

FIGURE 1

NOT FOR CONSTRUCTION. THESE PLANS ARE PROVIDED FOR INFORMATIONAL PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION OR LAUNCH.	Mike Design Ltd Landscape Architects & Planners 4000 South Foothill Parkway Suite 100 Denver, CO 80202 Phone: 303.755.1017 Fax: 303.755.1018 www.mikedesign-ca.com	REVISIONS <table border="1"> <tr> <td>1</td> <td>City Comments</td> <td>12-19-13</td> </tr> <tr> <td>2</td> <td>City Comments</td> <td>01-03-14</td> </tr> </table>	1	City Comments	12-19-13	2	City Comments	01-03-14	CUMBRE VISTA SUBDIVISION DEVELOPMENT PLAN AMENDMENT 2013	PROJECT NO. 13011 DATE: 09-30-13 SCALE:	SHEET 7 of 25 SP05
1	City Comments	12-19-13									
2	City Comments	01-03-14									



FIGURE 1

**APPEAL OF ADMINISTRATIVE DECISION
To
City of Colorado Springs Planning Commission**

January 6, 2014

Planning Commission
City of Colorado Springs
C/O Mr. Larry Larsen
Senior Planner
City of Colorado Springs
Planning and Community Development Land Use Review
30 S. Nevada Avenue Suite 301
Colorado Springs, Colorado 80903

Regarding: Appeal of Administrative Decision to Approve
CPC DP 05-00092-A4MN13 - Amendment to Approved Cumbre Vista
Development Plan
AR FP 13-00533 - Cumbre Vista Filing No. 4A Final Subdivision Plat
City Land Use Review Approval Date on or about December 27, 2013

Dear Mr. Larsen,

The following interested parties file this NOTICE OF APPEAL in accordance with The City of Colorado Springs Municipal Code §7.5.906.

Bill and Maureen Marchant, 7830 Ski Lane, Colorado Springs, CO, 80924

William Howell, Trustee of the Marilyn J. Howell Trust, 7700 Ski Lane, Colorado Springs, CO 80924, represented by David H. Krall, Esq., 501 North Nevada Avenue, Colorado Springs, CO 80903.

Mrs. Arlene C. Nance – owner of adjacent property located at the east end of Sorpresa Lane, represented by David H. Krall, Esq., 501 North Nevada Avenue, Colorado Springs, CO 80903.

Darrell H. Oliver, Sr., 7860 Ski Lane, Colorado Springs, CO 80924

William M. Peck – owner of adjacent property located at 6355 Sorpresa Lane, Colorado Springs, CO, mailing address: 13505 Palomino Creek Drive, Corona, CA 92883

CPC Appeal of Administrative Approval of:
CPC DP 05-00092-A4MN13 and AR FP 13-00533
January 6, 2014
Page 2

The above named parties (collectively the “Neighbors”) respectfully request that final approvals of the 2013 Amendment to the Approved Development Plan, and Cumbre Vista Filing 4A Final Subdivision Plat be DENIED for one or more of the following reasons:

A brief history of this case:

Beginning in 2004, KF 103-CV, LLC’s predecessors in interest purchased numerous land parcels located north of Sorpresa Lane, west of Black Forest Road, and south of Cowpoke Road. The Cumbre Vista property was annexed into the City of Colorado Springs subject to the Powerwood 3 and Powerwood 4 Annexation Agreements. KF 103-CV, LLC reshaped the land area they had purchased and in the process destroyed a deeded roadway and utility easement (Ski Lane, El Glen Lane, and Sopresa Lane) owned by neighboring property owners to the south of the development. To create a number of premium walk-out basement lots, KF 103-CV, LLC created a substantial elevation change at the southern border of their property which is also the northern border of the private property owned by the Neighbors resulting in an approximate twelve (12) feet tall cliff at the intersection of Sorpresa Lane and Ski Lane.

The deeded roadway and utility easement recorded in 1956 granted and conveyed to all adjacent property owners a location specific, 30-foot wide strip of land for use as a roadway and for utility lines and underground pipes and specifically states that this conveyance is permanent, forever and irrevocable. The metes and bounds legal description of the deeded roadway and utility easement is specifically included as an additional parcel in some of the Neighbors’ home property deeds.

In September 2008, KF 103-CV, LLC and the Woodmen Heights Metropolitan District (“WHMD”) initiated litigation as plaintiffs and sued the defendant Neighbors to Quiet Title to the deeded roadway property and for Declaratory Action seeking court permission to vacate or otherwise relocate the easements in accordance with *Roaring Fork Club, L.P. v. Saint Jude’s Company*, 36 P.3d 1229 (Colo. 2001). Following a week-long trial in October 2010, the trial court ruled the Plaintiff’s failed in the burden of proof to quiet title and left open the question of ownership in fee of the land underlying the deeded roadway and utility easement. The trial court also ruled against the plaintiffs’ claims for declaratory judgment and issued a preliminary order for the plaintiffs to restore the deeded roadway and utility easements to their original location and elevation. The City of Colorado Springs was joined in the litigation by KF103 and by Mr. Peck prior to the second trial. After the second trial in October 2012, the trial court affirmed its earlier findings of fact and ordered partial restoration of the deeded roadway and utility easements.

After repeatedly ruling that the Neighbors’ easement rights still exist and the developers have no legal right to take, alter, or relocate the easements, the trial court has now ignored three years of rulings and granted himself “equitable power” to take the Neighbors’ easements because otherwise the developer will lose anticipated profits. The trial court’s post-trial ruling is an affront to Colorado law and endangers the rights of all Colorado property owners. If the State of Colorado now authorizes private land developers to take private property easements rights in direct contradiction of statutory law and established case law and without compensation to the

CPC Appeal of Administrative Approval of:
CPC DP 05-00092-A4MN13 and AR FP 13-00533
January 6, 2014
Page 3

easement owners then all property owners need to have that clearly stated by the appeals court and by the Colorado Supreme Court. The trial court's post-trial rulings are being appealed to the State Appellate Court in Denver.

Reasons why the Planning Commission should DENY final approval of this decision are as follows:

- 1) **§7.5.502:** A primary purpose of development plan is to minimize objectionable and adverse effects and to eliminate potential hazards of the proposed land use by proposing specific site design solutions. At the time the original development plan was approved, the disastrous effects of the proposed changes to the historic deeded roadway and utility easement were hidden from the City and not shown on the development plans. Final resolution of the Neighbors' property easement rights and probable restoration of these easements is now pending appellate court decisions. The City is now fully aware of the immense negative impact that may potentially result if the City allows utility or roadway construction on or near the historic easements and then the appellate courts rules in favor of the Neighbors and orders restoration of Ski Lane and/or El Glen. We believe that by allowing this amendment to the Development Plan to go forward and approval of Filing 4A Final Plat to proceed, it will allow the homebuilder and developer to permanently establish the elevation of the land underlying the easement owned by the Neighbors. The fact that no lots will encroach on the easement is not relevant. Building homes adjacent to the easement will forevermore set the elevation of the easement and may make it impossible for the court to order restoration. We believe restoration is the only just resolution to the litigation initiated by KF103.
 - a. **Administrative decision is incorrect** because the amendment to the Development Plan and approval of Filing 4A Final Plat do not comply with the intent of §7.5.502 and fail to minimize objectionable and adverse effects of new construction that is not compatible with the deeded roadway and utility easement that is the subject of the protracted litigation initiated by KF103. The degree and extent of the incompatibility is not known and cannot be known until such time as the appeal phase of the litigation is complete.
 - b. **Adverse Impacts of allowing administrative approval to stand:** Allowing administrative approval of Cumbre Vista Filing 4A and the Amendment to the Development Plan to proceed at this time, in all probability, will result in new and additional litigation between the new innocent homebuyers and the City. Furthermore, if restoration of the easements cannot be ordered by the appellate courts due to actions by the City to approve construction during the litigation appeal phase, the Neighbors will file an inverse condemnation action against the City for the unlawful taking of our easement rights.
 - c. **Benefits of denying administrative approval:** KF103 initiated the litigation against the Neighbors and in doing so placed the legal status of the roadway easements in the jurisdiction of the courts. The City is a party to the litigation. It is fair and just that KF103, the City, the Neighbors, and all other parties in the litigation must now wait

CPC Appeal of Administrative Approval of:
CPC DP 05-00092-A4MN13 and AR FP 13-00533
January 6, 2014
Page 4

for completion of the litigation process before any construction may proceed which can alter the status quo of the deeded roadway and utility easements.

- 2) **§7.7.705 Right of Way Dedication and Street Improvements:** Plan/Plat Note 3 on the amended Development Plan as proposed by City Engineering appears to unfairly transfer the financial obligation to construct Sorpresa Lane away from KF103 and imposes that financial burden onto the southerly landowners who are not a party to the development of Cumbre Vista. The Powerwood 3 and Powerwood 4 Annexation Agreements require KF103 as the landowner to construct that portion of Sorpresa Lane that lies within their property boundary. Plan/Plat Note 3 appears to relieve KF103 of the financial burden to construct Sorpresa Lane and transfers KF103 financial burden to the southerly land owner, namely the Howell Trust.
 - a. **Administrative decision is incorrect** because the decision to transfer the financial burden to construct City streets required as part of the Cumbre Vista development onto adjacent landowners who have no financial interest in Cumbre Vista is clearly unreasonable, unfair, and contrary to law.
 - b. **Adverse Impacts of allowing administrative approval to stand:** will undoubtedly result in additional litigation against the City. The proposed actions by City Engineering to force a non-party land owner to be financially liable for the construction of the portion of Sorpresa Lane that lies within the Cumbre Vista property is without legal justification. Clearly City Engineering made a mistake when Mr. Dave Lethbridge entered into a binding agreement with WHMD that waived the requirement for financial surety bonds for the construction of Sorpresa Lane, Cowpoke Road, and Tutt Blvd. It is inconceivable for the City to now impose the financial burden for 100% of the construction of Sorpresa Lane onto the Neighbors.
- 3) **§7.7.909 Cooperation with Subdividers through eminent domain:** requires the City to exercise eminent domain powers to obtain rights of way for drainage facilities. As specified above, if the appellate court issues a ruling favorable to the Neighbor's and orders restoration of the deeded roadway and utility easements owned by the Neighbors after the City approves Filing 4A and allows construction to begin on the storm sewer system, the City will have taken intentional action that has the natural consequence of taking the Neighbors' private property easement rights. This appeal should be granted and the amendment denied until the easement issue is resolved, once and for all, by the Court system.
 - a. **Administrative decision is incorrect** because it is clearly contrary to law. The use of eminent domain powers by the City of Colorado Springs to advance the private party interests of KF103 and Keller Homes, Inc. to construct single family homes for private ownership and occupancy is strictly prohibited by the Constitution of the State of Colorado Article II, Section 14, which states: "**Private property shall not be taken for private use unless by consent of the owner**" subject to limited exceptions none of which involve building single family residences for private ownership in order to maximize profits for the land developer.

CPC Appeal of Administrative Approval of:
CPC DP 05-00092-A4MN13 and AR FP 13-00533
January 6, 2014
Page 5

- b. **Adverse Impacts of allowing administrative approval to stand:** The City may be putting itself in a position of an “illegal taking” of interest in real property and will be subject to legal consequences for such taking.
- 4) **§7.7.1103 Obligations of Landowner:** requires the landowner to construct all public improvements and utilities as set forth in the City Code. This obligation runs with the land and therefore becomes the financial obligation of the future landowner if KF103 and Keller Homes abandons the Cumbre Vista project. The attached sworn affidavit by Mr. David Keller dated April 18, 2013 states that if houses cannot be constructed on the El Glen easement, then completion of the Cumbre Vista Subdivision may not be viable. KF103’s lawyer argued that unless the easements are vacated, KF103 may no longer be interested in finishing the development. Therefore, there is a high probability that KF 103-CV, LLC and Keller Homes, Inc. will abandon the project if the appellate court issues a ruling favorable to the Neighbors. Construction of Filing 4A will then leave the City with the blight of another partially built project similar to the Dublin Terrace Townhomes fiasco. If the City waits until the litigation is resolved before granting approvals on the Cumbre Vista property east of Ski Lane then when Keller abandons the project, the property can still be developed in a manner beneficial not only to the City but also to the existing Cumbre Vista residents and respects the Neighbors’ easement rights.
- a. **Administrative decision is incorrect** because it is unreasonable in light of Keller Homes and KF103’s clear intention to abandon the project if the appellate court issues a ruling favorable to the Neighbors.
- b. **Adverse Impacts of allowing administrative approval to stand:** If this appeal is denied, and Keller Homes is allowed to build adjacent to our easement, AND the Neighbors prevail in the appellate court, then Keller may deem the rest of the project to be impractical. Mr. David Keller of Keller Homes stated in Court that if this project becomes no longer feasible that he will walk away from it. The City would then have another Dublin Townhomes fiasco on their hands.

WHEREFORE: The Neighbors pray for the Planning Commission to **reverse administrative approval** of the Amendment to the Development Plan and reverse administrative approval of Cumbre Vista Filing 4A Final Plat and **DENY** final approval of same until such time as the appeals process is complete for the associated litigation regarding the deeded roadway and utility easement that was initiated by KF103 and WHMD.

Sincerely,

William M. Peck

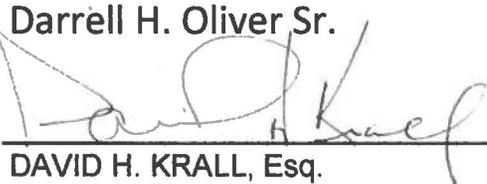
CPC Appeal of Administrative Approval of:
CPC DP 05-00092-A4MN13 and AR FP 13-00533
January 6, 2014
Page 6

SIGNATURE SHEET

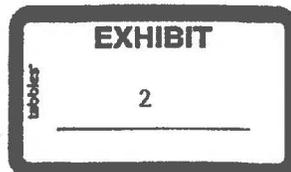
William Peck  _____
Bill Marchant _____
Maureen Marchant _____
William Howell _____
Darrell Oliver _____
Arlene Nance _____

Appeal of Administrative Decision to Approve
CPC DP 05-00092-A4MN13
Cumbre Vista No. 4 Development Plan Amendment

Signature Sheet

1.  Date 1/5/14
Bill Marchant
2.  Date 01/05/2014
Maureen Marchant
3.  Date 1/5/14
Darrell H. Oliver Sr.
4.  Date 1-6-14
DAVID H. KRALL, Esq.

<p>DISTRICT COURT, EL PASO COUNTY, COLORADO Court Address: 270 South Tejon Street Colorado Springs, CO 80903 Phone Number: (719) 452-5000</p>	
<p>Plaintiff(s): WOODMEN HEIGHTS METROPOLITAN DISTRICT NO. 1, a Title 32 Metropolitan District, <i>et al.</i></p> <p>v.</p> <p>Defendant(s): PRAIRIE VISTA, LLC, a Colorado limited liability company, <i>et al.</i></p> <p>Third-Party Plaintiff(s): KF 103-CV, LLC, a Colorado limited liability company, <i>et al.</i></p> <p>v.</p> <p>Third-Party Defendant(s): RS HOLDING COMPANY, LLC, f/k/a INFINITY HOLDING COMPANY, LLC, a Colorado limited liability company, <i>et al.</i></p> <p>Third-Party Plaintiff(s): RS HOLDING COMPANY, LLC, f/k/a INFINITY HOLDING COMPANY, LLC, a Colorado limited liability company, <i>et al.</i></p> <p>v.</p> <p>Third-Party Defendant(s): STEVEN K. MULLIKEN, <i>et al.</i></p>	
<p><u>Attorneys for Plaintiff/Third-Party Plaintiff KF 103-CV, LLC:</u></p> <p>John W. Cook, #9670 Joseph L. Lambert, #38071 HOGAN LOVELLS US LLP Two North Cascade Avenue, Suite 1300 Colorado Springs, CO 80903 Phone Number: (719) 448-5900 Fax Number: (719) 448-5922 E-mail: john.cook@hoganlovells.com joseph.lambert@hoganlovells.com</p>	<p>▲ COURT USE ONLY ▲</p> <hr/> <p>Case No.: 08-CV-4553</p> <p>Division: 5</p>
<p>AFFIDAVIT OF DAVID A. KELLER</p>	



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

I, David A. Keller, being first duly sworn, state as follows:

1. I am a manager of Plaintiff/Third-Party Plaintiff KF 103-CV, LLC ("KF 103") and President and CEO of Third-Party Defendant Keller Homes, Inc. ("Keller Homes"). I have personal knowledge of the facts set forth in this Affidavit. I am over the age of 21, I am not under any disability, and, if called to testify, I could competently testify concerning the statements set forth in this Affidavit.

2. Following the second trial in October/November 2012, the Court stated in its November 2012 Order Re: Equitable Remedies and Judgment ("November 2012 Order") that:

Ski Lane shall be reopened in its original dimensions within 30 days of this order and shall connect with Cowpoke Road. Considering the equities of this situation, a new access road may be substituted for Ski Lane when it is completed. The Neighbors shall have the same legal 30' right of way interest in the new road as they did in Ski Lane. The right of way interest in their portion of Sorpresa Lane shall conform to its new 20' dimensions. A permanent intersection shall be installed to connect the restored Sorpresa either with Ski Lane or the new connecting road in accordance with Mr. Slatter's proposal.

KF 103, Keller Homes, and the other parties held responsible for the Court's restoration order understood the Court's references to a "new access road" in the November 2012 Order were to DeAnza Peak Trail, which Mr. Gerrit L. Slatter, PE, had described during his testimony at the second trial. KF 103 and Keller Homes thus believed that the Court had approved of Mr. Slatter's proposal to substitute DeAnza Peak Trail for Ski Lane/El Glen as part of the overall partial restoration plan ordered by the Court in the November 2012 Order.

3. Following the issuance of the November 2012 Order, KF 103 and Keller Homes promptly proceeded to ensure that DeAnza Peak Trail would be constructed and opened for the Neighbors' use "within 30 days" of the November 2012 Order as ordered by the Court. DeAnza Peak Trail is a completely safe and fully drivable dirt road, very similar to the roads existing throughout the Cumbre Vista Subdivision ("Subdivision") prior to the development of the Subdivision.

KF 103 had to sacrifice two lots for Sorpresa Lane to connect directly with Cowpoke Road via DeAnza Peak Trail. The combined fair market value of these two lots is approximately \$120,000.

4. Based on the construction of DeAnza Peak Trail as a direct road from Sorpresa Lane to Cowpoke Road and the future development of Gilpin Peak Drive (the "new" Ski Lane), the Neighbors now have two direct access roads from their properties to Cowpoke Road. There is simply no good reason to have a "third access road" from Sorpresa Lane to Cowpoke Road. DeAnza Peak Trail will eventually be a fully paved, dedicated, and maintained City-street.

5. The Subdivision has already been designed – and millions of dollars in development costs have already been incurred by KF 103 – based on the assumption that El Glen would no longer exist. If the Court mandates that El Glen remain open as an access easement, KF 103 would be forced to incur an estimated \$800,000 in additional development costs to redesign Filings 4, 5, and 6 of the Subdivision in order to accommodate El Glen. Furthermore, if El Glen must remain, KF 103 will lose at least twenty (20) buildable lots, which would otherwise be situated where El Glen presently is located. These undeveloped lots have an approximate value of \$600,000. In addition, the loss of these lots would cost Keller Homes approximately \$800,000 in lost profits.

6. If KF 103 and Keller Homes are forced to bear these losses, the viability of the Subdivision to both KF 103 and Keller Homes will become highly questionable.

FURTHER AFFIANT SAYETH NOT.

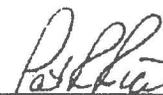


David A. Keller

Subscribed and sworn to before me this 18th day of April, 2013, by David A. Keller.

Witness my hand and official seal.





Notary Public

Hogan
Lovells

Hogan Lovells US LLP
Two North Cascade Avenue
Suite 1300
Colorado Springs, CO 80903
T +1 719 448 5900
F +1 719 448 5922
www.hoganlovells.com

February 4, 2014

RECEIVED

FEB 06 2014

Colorado Springs
Land Use Review

Via E-mail to: LLarsen@springsgov.com

Mr. Larry Larsen, AICP
Senior Planner
City of Colorado Springs
Planning and Community Development Land Use Review
30 South Nevada Avenue, Suite 301
Colorado Springs, CO 80903

Re: Response to Application Form For Appeal Of Administrative Decision; City File Numbers:
CPC DP 05-00092-A4MN13 Cumbre Vista Development Plan Amendment and AR FP 13-
00533 Cumbre Vista Subdivision Filing No. 4 Final Subdivision Plat (the "Development Plan
Amendment and Plat").

Dear Mr. Larsen:

We are writing on behalf of KF103-CV, LLC, a Colorado limited liability company ("KF103") in response to the January 6, 2014 appeal filed by William Peck, Bill Marchant, Maureen Marchant, William Howell, Darrell Oliver and Arlene Nance (collectively, the "Neighbors"), appealing the City's Administrative Decision to Approve the above-referenced Development Plan Amendment and Plat (the "Appeal"). While we believe we have more than adequately addressed all of the Neighbors' comments in our prior correspondence, we are providing this brief written statement to address the Neighbors' specific comments set forth in their Appeal.

The Appeal stems solely from the Neighbors' disappointment with Judge Schwartz's final judgment (the "Judgment") in the District Court of El Paso County, Colorado (the "Court") Case No. 2008-CV-4553 (the "Lawsuit"). The Neighbors now request that the City overturn its prior Administrative Approval of the Development Plan and Plat and prohibit any further development on the Cumbre Vista project pending conclusion of the appellate process, all in reliance upon the presumption that the Judgment can somehow be overturned. As the City is aware being one of the parties to the Lawsuit, the Court issued its final Judgment following several years of discovery, depositions, testimony, interrogatories and numerous motions from all sides, and following two trials spanning in excess of three (3) weeks. During that process, Judge Schwartz heard testimony from virtually every person and entity involved in the matter (including the City and each of the Neighbors) and reviewed virtually all of the evidence submitted by all sides of the dispute. Following this lengthy and detailed process, Judge Schwartz issued a ruling vacating the easements which are the subject of the Neighbors' comments (the "Easements"). The Neighbors would now like to essentially re-try the case before the Planning Commission and City Council and delay any further development

pending completion of their appeal of the Judgment. Based upon the extreme diligence exhibited by the Court and the lengthy and comprehensive litigation process associated with the Lawsuit, the Neighbors' chances of meeting their burden of proof and prevailing in their appeal are extremely remote. As a result, the City should not, and moreover is not entitled to, further delay completion of the Cumbre Vista development pending resolution of the Neighbors' unwarranted and ill-advised venture into the appellate process.

With respect to the Neighbors' specific points in their Appeal, they first contend in Item (1) that allowing the Development Plan Amendment and Plat to go forward will permanently establish elevations for the land underlying the Easements and make it impossible for the court to order restoration. Again, the Easements have been vacated by the Court and no longer exist and the Neighbors' position once again relies upon the extremely remote chance of success on appeal. Moreover, their argument is simply not correct. The overwhelming majority of the Cumbre Vista development lying north of Sorpresa Lane is relatively flat and will not require any material changes in elevation for either roadways or utilities. Additionally, the intersection at Sorpresa Lane and Ski Lane, which was the subject of nearly all of the primary issues addressed in the Lawsuit, was constructed and completed at its final elevation many years ago, including all of the planned utilities. Lastly, Cumbre Vista Filing No. 4A (the approved plat) is located at the extreme north end of the development on essentially flat terrain near Cowpoke Road, and the utilities and primary access to that phase of the Cumbre Vista development will come from Cowpoke Road to the north, not the intersection at Sorpresa Lane and Ski Lane to the south. Therefore, the proposed Development Plan Amendment and Plat do not propose to change the existing Sorpresa Lane and Ski Lane intersection elevations, nor do they have any material effect upon the existing elevations of the land underlying the balance of the Easements.

In Item (1) of the Appeal, the Neighbors' also threaten the City with litigation, contending that by allowing the Development Plan Amendment and Plat to go forward, the City will somehow be participating in an inverse condemnation action and an unlawful taking of the Neighbors' Easement rights. Again, the Easements have been vacated and no longer exist, and there can be no taking of rights that no longer exist. Moreover, the Court further ruled in its Judgment that "...[the Neighbors] shall not be entitled to any compensation for said vacation." Thus, in addition to ruling that the Easements were vacated, the Court further found that the Easements had no value. This determination was based upon the fact that the streets adjacent to and within the Cumbre Vista development provide the Neighbors with access rights far superior to the dirt trails comprising the vacated Easements. In fact, the Neighbors now have much better access in virtually every direction than ever existed in the past. The City's approval of the Development Plan Amendment and Plat cannot be argued to constitute a taking of rights that no longer exists, and according to the Court's final Judgment, compensation for the Easements would not be appropriate in any case.

In Item (2) of the Appeal, in addition to further threatening the City with litigation, the Neighbors complain that certain southern adjacent property owners may have to pay for the final extension of Sorpresa Lane eastward from its terminus near Ski Lane. Aside from the fact that the Neighbors' properties are not located within the City of Colorado Springs, the City has already determined the public streets which KF103 is required to construct in connection with this development, and KF103 has to date met all of those obligations. Should the Neighbors' property ever be annexed into the City of Colorado Springs, then upon such annexation and at the time of future development of that property, the City will no doubt determine who best to properly pay for any requisite street improvements necessary to accommodate that development. There is certainly

Mr. Larry Larsen

- 3 -

February 4, 2014

nothing unusual about a developing property owner having to construct public streets adjacent to and within its development, and KF103 has fulfilled all of its obligations to construct public improvements associated with its development, including construction of the overwhelming majority of Sorpresa Lane which the Neighbors now use on a daily basis and benefit from at virtually no cost to them.

In Item (3) of the Appeal, the Neighbors again rely upon the unlikely success of appealing the Judgment, and again threaten the City with litigation for taking private property Easement rights without compensation. Again, the Easements have been vacated by the Court and no longer exist, and the City cannot be found to have taken private property rights that no longer exist. The City is entitled to rely upon the Court's final Judgment formally vacating the Easements and City should not be required to, and moreover is not entitled to, hold up approval of the Development Plan Amendment and Plat pending an appeal of the Judgment. As pointed out in our earlier correspondence, the Neighbors' are essentially asking the City to do what the Court refused to do, which is to provide injunctive relief, without requiring the posting of a bond, and preclude further development of Cumbre Vista pending resolution of their appeal. The Court refused to issue this relief, and the City should not now entertain the Neighbors' request for the same relief in direct contravention of the Court's Judgment.

Item (4) suggests, as with prior letters to the City, that KF103 somehow intends to abandon the project. As stated in our earlier correspondence, the City can rest assured that KF103 remains committed to proceeding with completion of the project as shown in the Development Plan Amendment and Plat.

As the City is aware, in response to the Neighbors' concerns and as an accommodation, KF103 has agreed to restrict the lots subject to the vacated Easements by way of a "Note" in the Development Plan Amendment, which "Note" provides that those lots will not be improved until such time as the Neighbors' appeal is denied. Once the appeal of the Judgment is denied, KF103 will proceed with building upon those restricted lots. If the Neighbors' appeal is somehow miraculously successful, which it won't be, KF103 will continue to leave the lots within the Easement areas unimproved and passable as required by that "Note," and the Neighbors will once again have the right, should they so choose, to drive over dirt paths rather than using the newly paved streets within the Cumbre Vista development. It is clear, however, that the Neighbors' desire to drive on dirt paths rather than on newly paved roads is not the motivating factor behind their actions. Rather, the Neighbors' intent has been and to date remains solely to delay completion of the Cumbre Vista development until such time as KF103 or some other entity is forced to pay them a sufficient amount of money. In fact, in the Court's most recent order regarding the payment of costs in the Lawsuit, the Court paraphrases a statement by Mr. Peck expressing his belief that "the developers would be forced to buy him out." Judge Schwartz further noted in his order that "Forcing the developers to pay inflated prices for the Neighbors' properties has been a consistent theme throughout this case." Thus, the Neighbors' intent through this entire process has been made patently clear, and that intent has precious little to do with preserving their rights under the vacated Easements.

Mr. Larry Larsen

- 4 -

February 4, 2014

We are hopeful this letter adequately addresses the Neighbors' points in their Appeal, and we would be happy to speak with you further regarding any of the issues addressed herein.

Sincerely,



David W. Isbell

cc: Dave Keller (*via e-mail*)
Dave Mersman (*via e-mail*)
Thomas J. Florczak, Esq. (*via e-mail*)
Shane White, Esq. (*via e-mail*)

CITY PLANNING COMMISSION AGENDA

ITEM NO: 6

STAFF: MICHAEL SCHULTZ

FILE NO.:
CPC UV 13-00129 – QUASI-JUDICIAL

PROJECT: 623 N. SPRUCE STREET

APPLICANT: OLIVER E. WATTS, INC.

OWNER: HELEN COLLIER TRUST



PROJECT SUMMARY:

1. Project Description: The applicant is requesting to legalize the use of the home as a triplex (multi-family residential) on the subject property located at the southeast corner of N. Spruce Street and W. Willamette Avenue. The current and surrounding zoning of the property is R-2 (Two-family Residential).

Approval of the use variance would allow the structure in this R-2 (Two-Family Residential) zone district to be used for multi-family residential of up to three (3) dwelling units.

2. Applicant's Project Statement and Site Plan: **(FIGURES 1 & 2)**.
3. Planning and Development Department's Recommendation: Staff recommends denial of the application.

BACKGROUND:

1. Site Address: The site is addressed as 623 N. Spruce Street and is located at the southeast corner of N. Spruce St. and Willamette Ave.
2. Existing Zoning/Land Use: The property is currently zoned R-2 (Two-Family Residential). The home is currently being used as a triplex.
3. Surrounding Zoning/Land Use:
North: R-2/Religious Institution and Single-family Residential
South: R-2/Single-family Residential
East: R-2/Single-family Residential
West: R-2/Single-family Residential
4. Comprehensive Plan/Designated 2020 Land Use: General Residential
5. Annexation: The property was annexed in 1872 as a part of the original Town of Colorado Springs Annexation.
6. Master Plan/Designated Master Plan Land Use: The Westside Plan, adopted in January, 1980, designates the land use as "Residential Low Density."
7. Subdivision: Loomis Addition
8. Zoning Enforcement Action: None
9. Physical Characteristics: Property is developed with an existing residential triplex and off-street parking.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public process included posting the site and sending postcards to 104 property owners within 500 feet including notification to the Organization of Westside Neighbors (OWN) and members of the press (Westside Pioneer).

Staff did not receive any written correspondence from property owners following the notification process. Staff did talk with Welling Clark, President of OWN concerning the proposal to clarify questions about the property.

Prior to the City Planning Commission hearing, the site will be posted and postcards mailed once again.

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

1. Review Criteria / Design & Development Issues:

The subject building is located within an R-2 (Two-family Residential) zone district and according to information provided by the applicant from the El Paso County Assessor's Office, the property has been used as a triplex since at least 1998 (**FIGURE 3**). Staff has investigated the use of the property and provides the following information:

Structure/Lot information:

- Home constructed: 1919
- Bedrooms: 4
- Bathrooms: 3
- Living Area: 2,449
(Above information from El Paso County Assessor's Office)
- Provided parking: 6 stalls

Zoning information/history:

- 1968 - Earliest modern zoning map: R-3 (*Two-family Residential*),
The Zoning Code in 1968 did allow for conversions of structures to multi-family but only if the unit was 2,400 square feet or larger, there was no physical addition to the dwelling, and the conversion was approved by the building official; based on the below information, it does not appear this occurred with the property.
- In 1980 the Zoning Code was amended with the above exception struck from the Code. Zoning maps amended removing the R-3 zone district; subject area remained as a two-family zone but now under current R-2 zoning standards.

Use History for 623 N. Spruce St. based on Assessor card information (FIGURE 3**)**

- 1976 – The County Assessor's card implies a "Triplex" in the design notes but staff believes this was only an update to the records; under "Other Items and Remarks" the property is noted as having a "front unit" and "rear unit".
- 1981 – Assessor's card notes, "Fire damage repaired 100% no changes to hse (house) or lot".
- 1998 – Assessor's card notes "prop. (property) has (3) units" and later notes "triplex".
- 2000 – Assessor's Office notes sale of property to William & Helen Collier.

Use History for 623 N. Spruce St. based Polk Directory (Polk Directories assembled business and household data on almost a yearly basis; the directories can be found in the Pikes Peak Library)

- 1921 to 1956 – Directory lists property as having only a single unit.
- 1957 – 1960 – Lists property as having a "rear" unit (duplex).
- 1965 & 1967 – No second unit listed.
- 1970 – Directory has the addresses of "623 and 623½" appear in the listing.
- 1975 – 2 addresses listed.
- 1980 – Single address again only listed.
- 1993 – Address not listed (however 622 N. Spruce St. listed having 3 units (typo?)).
- 1996 – Polk lists a single unit.
- 1998, 1999, 2000 & 2001 – Polk lists 3 units.

- 2002 – Polk lists 3 units; William & Helen Collier listed as being residents of unit for previous 5 years.
- 2006 – Polk lists 3 units; Colliers' no longer listed as residents.
- 2011 – Single unit listed.
- 2012 – Single unit listed.
- 2013 – Polk lists 3 units

(It should be noted that the Polk Directory is for reference purposes only and is not intended to provide census type data or a wholly accurate account of the household conditions; but it does provide enough historical background to compare with other information for staff to make an educated determination).

It is staff's determination that the home is not a legal non-conforming use and was illegally converted into a 3-unit dwelling on or around 1998, possibly prior to the Colliers' purchasing the property.

There are three (3) criteria for granting a use variance as outlined in City Code Section 7.5.803.B. All three criteria must be met in order to support the request:

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***

The applicant has not been able to demonstrate to staff that the property carries any extraordinary or exception physical conditions that may differ from the immediate neighborhood. The applicant argues that the home was constructed in 1919 and an addition was added in 1939 and claims the Assessor listed the property as a triplex since 1966. Staff believes the Assessor's card was later amended (possibly in 1998) noting three units that existed on the property after noting recent building permits and alterations.

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

The petitioner is currently attempting to sell the property in which the buyer and lender are requesting the petitioner demonstrate the legal standing of the property. An approval of the use variance would allow the petitioner to preserve the "value" of the additional (third) unit as when the property was purchased in 2000.

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.***

The property is squarely located within an R-2 (Two-family Residential) zone district (**FIGURE 4**) with most of the homes being largely single-family residential (it appears very few contain more than one dwelling unit). Although staff supports additional density in and around the Westside, the zoning limits additional density in this area to two dwelling units on a single property.

It is staff's position that the applicant has not been able to demonstrate sufficient hardship relating to the above criteria in order to support the use variance. In addition, staff's own research has determined that although the property may have been converted to a duplex in or around the early 1970's, it was not until the late 1990's when a third dwelling unit was added.

The current Zoning Code was adopted in 2001, but the basis of today's Code was taken from the adoption of the 1980 Zoning Code, neither of which allowed for the use of a triplex within the R-2 zone district.

Staff's recommendation would be for the property to be brought into compliance by eliminating one of the dwelling units by removing the kitchen appliances, thus creating a duplex, no later than 18 months after the final disposition of this application. The Code definition of a "dwelling unit" includes the provision of a "kitchen and sanitary facilities"; the removal of the kitchen would constitute the elimination of one of the dwelling units. (See **FIGURE 5** for full Zoning Code definitions).

Should the Planning Commission disagree with staff's recommendation, the applicant should address the following technical and informational modifications on the development plan:

1. Label the parking dimensions of each parking stall.
2. Note the width of the drive near the alley.

2. Conformance with the City Comprehensive Plan:

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.

Strategy LU 502e: Locate Higher Density Housing as a Transition and Buffer to Residential Areas

Locate higher density housing in relation to activity centers and gradually decrease the density of that housing as a transition and buffer to the surrounding residential areas.

It is the finding of the Land Use Review Division that the use variance will not substantially conform to the City Comprehensive Plan's goals and objectives. This area is single-family residential and not in a transitional zone or next to commercial uses that would warrant higher density.

3. Conformance with the Area's Master Plan:

The property is within The Westside Plan, formally adopted by City Council in January, 1980. The plan shows this area as "Residential Low Density". Within the Westside Plan there are identified subareas and land use recommendations for those areas; the subject property is located within the Near West Residential subarea. The recommendation for this area is to "reinforce the intent of the original plan by endorsing the following proposal: preserve the single-family character and land use".

It is the finding of the Land Use Review Division that the use variance will not substantially conform to the Area's Master Plan.

STAFF RECOMMENDATION:

Item No: 6 CPC UV 13-00129 – Use Variance

Deny the use variance for 623 N. Spruce Street to legalize an existing triplex (multi-family) dwelling located within an R-2 (Two-family Residential) zone district based on the finding that the use variance does not comply with the review criteria in City Code Section 7.5.803.B. In addition, the property shall be brought into compliance by eliminating at least one of the units (by the removal of a kitchen) no later than 18 months after the date of final disposition of this application.

OLIVER E. WATTS PE-LS
OLIVER E. WATTS, CONSULTING ENGINEER, INC.
CIVIL ENGINEERING AND SURVEYING
614 ELKTON DRIVE
COLORADO SPRINGS, COLORADO 80907
(719) 593-0173
FAX (719) 265-9660
CELL (719) 964-0733
olliewatts@aol.com
Celebrating over 34 years in business

November 11, 2013

City Planning Department
30 South Nevada Ave.
Suite 105,
Colorado Springs, CO 80903

ATTN: *Erin McCauley*

SUBJECT: Use Variance 623 N. Spruce

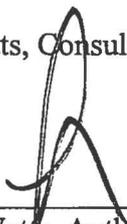
Ms. McCauley,

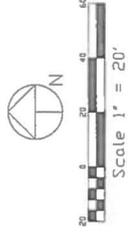
623 N. Spruce is a 2600 SF multi-family residence. Currently it house three separate occupants. The site is zoned R-2 (two-family residential), the Assessor's Parcel No.: 74124-15-003. The existing lot size is 7500 sf, which exceeds the minimum allowed by the zone. All utilities, curb, gutter and sidewalk are in to serve the site. The original portion of the residence was constructed in 1919 according to Assessor's office records. The house has been added onto over the years. Said Assessor's office records extend back only to 1966; at which time the use for this site was listed as tri-plex.

We ask the City to grant a Variance: Allow a tri-plex use in an R-2 zone, based on the above. The site has been a tri-plex since at least 1966. The current use will continue. There have been no injurious effects on the surround community due to said use.

Please contact our office if we may provide further information on this request.

Oliver E. Watts, Consulting Engineer, Inc.

BY: 
Erik S. Watts, Authorized Representative



Client: Cedar Creek
 A/TN Urban Color
 1000 S. Spruce
 Boulder, CO 80520
 719-229-7425

Address: 623 N Spruce
 Assessor's Parcel No. 7418415 003

Legal Description:
 Lot 2, Block 2, Lundy Addition to Colorado Springs, in the City of Colorado Springs, in Park County, State of Colorado, according to the plat thereof registered in Plat Book 8, Page 61, of the records of said County, and containing 7,500 sq. ft.

Kind of Instrument: US Survey (see Note)

Per No. 0136, 20361 Amendment No. 1, the Colorado Statewide Title Examination Ordinance of 2007.

The survey does not constitute a title search or opinion.

Notes:
 1. Only residential in plan.
 2. Lot 1 = 2 bedrooms
 3. Lot 2 = 2 bedrooms
 4. Lot 3 = 3 bedrooms

Overall: 7,500 sq. ft.
 Garage: 1,417 sq. ft.
 Garage: 1,417 sq. ft.
 Landscape: 3,228 sq. ft.

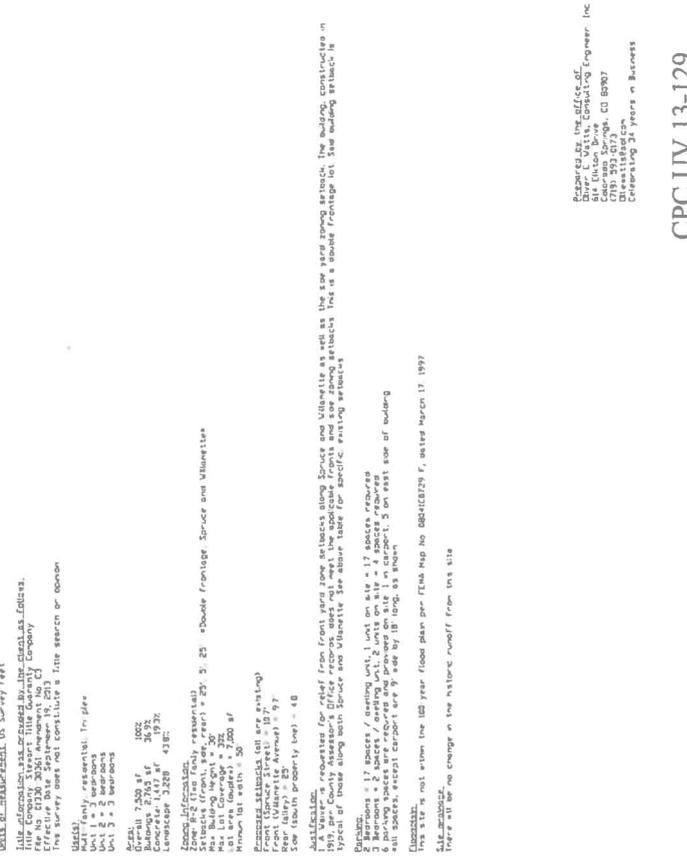
Zone Information, Assessor's Parcel No. 7418415 003:
 Spruce (front, rear) = 23'; S: 23' double frontage Spruce and Willamette
 Willamette (right) = 200'
 Lot area (total) = 7,500 sq. ft.
 Assessor's Parcel No. 7418415 003

Front (Spruce Street) = 107.77'
 Rear (Willamette Ave) = 97'
 Side (North property line) = 48'

Justification: Submittal for review from front yard zone setbacks along Spruce and Willamette as well as the side yard zones setbacks. The subject, applicant in 1979, per County Assessor's Office records does not meet the applicable front and side zone setbacks. This is a double frontage lot. The building setback is typical of those along both Spruce and Willamette. See above table for specific zoning setbacks.

Setbacks:
 1. 17' setbacks / existing lot, 1 unit on site = 17' setbacks, rear/side
 2. 17' setbacks / existing lot, 2 units on site = 17' setbacks, rear/side
 3. 17' setbacks / existing lot, 3 units on site = 17' setbacks, rear/side
 4. 17' setbacks / existing lot, 4 units on site = 17' setbacks, rear/side
 5. 17' setbacks / existing lot, 5 units on site = 17' setbacks, rear/side
 6. 17' setbacks / existing lot, 6 units on site = 17' setbacks, rear/side
 7. 17' setbacks / existing lot, 7 units on site = 17' setbacks, rear/side
 8. 17' setbacks / existing lot, 8 units on site = 17' setbacks, rear/side
 9. 17' setbacks / existing lot, 9 units on site = 17' setbacks, rear/side

Conclusion:
 This site is not within the 100 year flood plain per FEMA Map No. 080100729 F, dated March 17, 1997.
 There will be no change in the historic runoff from this site.



Prepared by: the office of
 Oliver E. Watts, Consulting Engineer, Inc.
 1000 S. Spruce
 Boulder, CO 80520
 (719) 229-7425
 Celebrating 31 years in business

CPC UV 13-129

APPROVED BY:	APPROVED BY:	DATE:	DATE:
OLIVER E. WATTS	OLIVER E. WATTS	1/21/14	1/21/14
PROJECT:	PROJECT:	REVISED PER CITY REVIEW:	REVISED PER CITY REVIEW:
623 N SPRUCE	623 N SPRUCE		
LOT 1, BLOCK 2, LUNDY SUB	LOT 1, BLOCK 2, LUNDY SUB		
COLORADO SPRINGS	COLORADO SPRINGS		
SHEET NO.:		SHEET NO.:	
1		1	

FIGURE 2

DESIGN		DW. UNITS		BATHS (AQ)		BEDROOMS (AP)		BATHS (AQ)																																																																																																																				
(AN)	(AO)	9	3	4	3	3	3	3	3																																																																																																																			
<p>WALL CONSTRUCTION</p> <table border="1"> <tr> <th>CODE</th> <th>II</th> <th>12</th> <th>13</th> <th>CODE</th> <th>Sq. Ft. AREA</th> </tr> <tr> <td>AB (FR.) MA.</td> <td>AA</td> <td>X</td> <td></td> <td>BA</td> <td>2449</td> </tr> <tr> <td>AD FR. MA.</td> <td>AA</td> <td></td> <td></td> <td>BB</td> <td></td> </tr> <tr> <td>AD FR. MA.</td> <td>AJ</td> <td></td> <td></td> <td>BC</td> <td></td> </tr> </table>										CODE	II	12	13	CODE	Sq. Ft. AREA	AB (FR.) MA.	AA	X		BA	2449	AD FR. MA.	AA			BB		AD FR. MA.	AJ			BC																																																																																												
CODE	II	12	13	CODE	Sq. Ft. AREA																																																																																																																							
AB (FR.) MA.	AA	X		BA	2449																																																																																																																							
AD FR. MA.	AA			BB																																																																																																																								
AD FR. MA.	AJ			BC																																																																																																																								
<p>Col. 58-6</p> <table border="1"> <tr> <th>UNF. BSMT.</th> <th>AC</th> <th>FL</th> <th>NO</th> <th>AK</th> <th>X</th> <th>BD</th> <th>524</th> </tr> <tr> <th>FIN. BSMT.</th> <th></th> <th></th> <th></th> <th>AL</th> <td></td> <th>BE</th> <td></td> </tr> </table>										UNF. BSMT.	AC	FL	NO	AK	X	BD	524	FIN. BSMT.				AL		BE																																																																																																				
UNF. BSMT.	AC	FL	NO	AK	X	BD	524																																																																																																																					
FIN. BSMT.				AL		BE																																																																																																																						
<p>Col. 60-9</p> <table border="1"> <tr> <th>CAFÉ</th> <th>AF</th> <th>PL</th> <th>F</th> <th>AE</th> <th>X</th> <th>BF</th> <th>216</th> </tr> </table>										CAFÉ	AF	PL	F	AE	X	BF	216																																																																																																											
CAFÉ	AF	PL	F	AE	X	BF	216																																																																																																																					
<p>Col. 43-11</p> <table border="1"> <tr> <th>FR. MA.</th> <th>AG</th> <th>AG</th> <th>AG</th> <th>BG</th> <th></th> </tr> <tr> <th>ATT.</th> <th>DET.</th> <th>BSMT.</th> <th></th> <th></th> <th></th> </tr> </table>										FR. MA.	AG	AG	AG	BG		ATT.	DET.	BSMT.																																																																																																										
FR. MA.	AG	AG	AG	BG																																																																																																																								
ATT.	DET.	BSMT.																																																																																																																										
<p>Col. 12-5</p> <table border="1"> <tr> <th>AM</th> <th>II</th> <th>12</th> <th>13</th> <th>CODE</th> <th>Sq. Ft. AREA</th> </tr> <tr> <td>OA</td> <td></td> <td></td> <td></td> <td>OA</td> <td></td> </tr> <tr> <td>OB</td> <td></td> <td></td> <td></td> <td>OB</td> <td></td> </tr> <tr> <td>OC</td> <td></td> <td></td> <td></td> <td>OC</td> <td>1426</td> </tr> <tr> <td>OD</td> <td></td> <td></td> <td></td> <td>OD</td> <td></td> </tr> <tr> <td>OE</td> <td></td> <td></td> <td></td> <td>OE</td> <td>18</td> </tr> </table>										AM	II	12	13	CODE	Sq. Ft. AREA	OA				OA		OB				OB		OC				OC	1426	OD				OD		OE				OE	18																																																																															
AM	II	12	13	CODE	Sq. Ft. AREA																																																																																																																							
OA				OA																																																																																																																								
OB				OB																																																																																																																								
OC				OC	1426																																																																																																																							
OD				OD																																																																																																																								
OE				OE	18																																																																																																																							
<p>Col. 12-11 (OPTIONAL)</p> <table border="1"> <tr> <th>CODE</th> <th>COST</th> <th>AREA</th> <th>EST. RCN</th> </tr> <tr> <td>ZA</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZB</td> <td></td> <td></td> <td>450.00</td> </tr> <tr> <td>ZC</td> <td>1.88</td> <td></td> <td></td> </tr> <tr> <td>ZD</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZE</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZZ</td> <td></td> <td></td> <td></td> </tr> </table>										CODE	COST	AREA	EST. RCN	ZA				ZB			450.00	ZC	1.88			ZD				ZE				ZZ																																																																																										
CODE	COST	AREA	EST. RCN																																																																																																																									
ZA																																																																																																																												
ZB			450.00																																																																																																																									
ZC	1.88																																																																																																																											
ZD																																																																																																																												
ZE																																																																																																																												
ZZ																																																																																																																												
<p>Col. 12-6</p> <table border="1"> <tr> <th>QUALITY ADJ.</th> <th>IAT TIME OF CONSTRUCTION</th> <th>CA</th> <th>+</th> </tr> <tr> <td>DESIGN (MAX 2%)</td> <td></td> <td>CA</td> <td></td> </tr> <tr> <td>EXTERIOR (MAX 3%)</td> <td></td> <td>CB</td> <td></td> </tr> <tr> <td>INTERIOR (MAX 11%)</td> <td></td> <td>CC</td> <td></td> </tr> <tr> <td>NET VARIANCE</td> <td></td> <td>CD</td> <td></td> </tr> </table>										QUALITY ADJ.	IAT TIME OF CONSTRUCTION	CA	+	DESIGN (MAX 2%)		CA		EXTERIOR (MAX 3%)		CB		INTERIOR (MAX 11%)		CC		NET VARIANCE		CD																																																																																																
QUALITY ADJ.	IAT TIME OF CONSTRUCTION	CA	+																																																																																																																									
DESIGN (MAX 2%)		CA																																																																																																																										
EXTERIOR (MAX 3%)		CB																																																																																																																										
INTERIOR (MAX 11%)		CC																																																																																																																										
NET VARIANCE		CD																																																																																																																										
<p>Col. 27-6</p> <table border="1"> <tr> <th>YEAR BUILT</th> <th>DA</th> <th>1919</th> </tr> <tr> <th>YEAR REMODELED</th> <th>DB</th> <td></td> </tr> <tr> <th>% REMODELED</th> <th>DC</th> <td></td> </tr> <tr> <th>ADJ YEAR BUILT</th> <th>DD</th> <td>1939</td> </tr> <tr> <th>NORMAL % GOOD</th> <th>DE</th> <td></td> </tr> </table>										YEAR BUILT	DA	1919	YEAR REMODELED	DB		% REMODELED	DC		ADJ YEAR BUILT	DD	1939	NORMAL % GOOD	DE																																																																																																					
YEAR BUILT	DA	1919																																																																																																																										
YEAR REMODELED	DB																																																																																																																											
% REMODELED	DC																																																																																																																											
ADJ YEAR BUILT	DD	1939																																																																																																																										
NORMAL % GOOD	DE																																																																																																																											
<p>Col. 12-4</p> <table border="1"> <tr> <th>(L) PLUMBING</th> <th>II</th> <th>12</th> <th>13</th> <th>NO.</th> </tr> <tr> <td>BASE</td> <td>LA</td> <td>X</td> <td></td> <td>1</td> </tr> <tr> <td>3 FIXTURE BATH</td> <td>LB</td> <td>X</td> <td></td> <td>2</td> </tr> <tr> <td>3/4 BATH</td> <td>LC</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2 FIXTURE BATH</td> <td>LD</td> <td></td> <td></td> <td></td> </tr> <tr> <td>LAVATORY</td> <td>LE</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WATER CLOSET</td> <td>LF</td> <td></td> <td></td> <td></td> </tr> <tr> <td>BATH TUB</td> <td>LG</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ROMAN TUB</td> <td>LH</td> <td></td> <td></td> <td></td> </tr> <tr> <td>STALL SHOWER</td> <td>LI</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ST. SHOWER W/DOOR</td> <td>LJ</td> <td></td> <td></td> <td></td> </tr> <tr> <td>KITCHEN SINK</td> <td>LK</td> <td>X</td> <td></td> <td>2</td> </tr> <tr> <td>WATER HEATER</td> <td>LL</td> <td>X</td> <td></td> <td>2</td> </tr> <tr> <td>LAUNDRY TRAY</td> <td>LM</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DISPOSAL</td> <td>LN</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DISHWASHER</td> <td>LO</td> <td></td> <td></td> <td></td> </tr> <tr> <td>R. I. 3 FIXTURE BATH</td> <td>LP</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SEPARATE STACK</td> <td>LQ</td> <td>X</td> <td></td> <td>1</td> </tr> <tr> <td>SLIDING TUB ENCL.</td> <td>LR</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WATER SOFTENER</td> <td>LS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SAUNA BATH</td> <td>LT</td> <td></td> <td></td> <td></td> </tr> <tr> <td>BIDET</td> <td>LU</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>LZ</td> <td></td> <td></td> <td></td> </tr> </table>										(L) PLUMBING	II	12	13	NO.	BASE	LA	X		1	3 FIXTURE BATH	LB	X		2	3/4 BATH	LC				2 FIXTURE BATH	LD				LAVATORY	LE				WATER CLOSET	LF				BATH TUB	LG				ROMAN TUB	LH				STALL SHOWER	LI				ST. SHOWER W/DOOR	LJ				KITCHEN SINK	LK	X		2	WATER HEATER	LL	X		2	LAUNDRY TRAY	LM				DISPOSAL	LN				DISHWASHER	LO				R. I. 3 FIXTURE BATH	LP				SEPARATE STACK	LQ	X		1	SLIDING TUB ENCL.	LR				WATER SOFTENER	LS				SAUNA BATH	LT				BIDET	LU					LZ			
(L) PLUMBING	II	12	13	NO.																																																																																																																								
BASE	LA	X		1																																																																																																																								
3 FIXTURE BATH	LB	X		2																																																																																																																								
3/4 BATH	LC																																																																																																																											
2 FIXTURE BATH	LD																																																																																																																											
LAVATORY	LE																																																																																																																											
WATER CLOSET	LF																																																																																																																											
BATH TUB	LG																																																																																																																											
ROMAN TUB	LH																																																																																																																											
STALL SHOWER	LI																																																																																																																											
ST. SHOWER W/DOOR	LJ																																																																																																																											
KITCHEN SINK	LK	X		2																																																																																																																								
WATER HEATER	LL	X		2																																																																																																																								
LAUNDRY TRAY	LM																																																																																																																											
DISPOSAL	LN																																																																																																																											
DISHWASHER	LO																																																																																																																											
R. I. 3 FIXTURE BATH	LP																																																																																																																											
SEPARATE STACK	LQ	X		1																																																																																																																								
SLIDING TUB ENCL.	LR																																																																																																																											
WATER SOFTENER	LS																																																																																																																											
SAUNA BATH	LT																																																																																																																											
BIDET	LU																																																																																																																											
	LZ																																																																																																																											
<p>Col. 60-7</p> <table border="1"> <tr> <th>Col. 60-7</th> <th>Sq. Ft. AREA</th> <th>BUILDING PERMITS</th> </tr> <tr> <td>FORCED AIR</td> <td>1298</td> <td>519-43 1000 sq feet down (any)</td> </tr> <tr> <td>GRAVITY</td> <td>1151</td> <td></td> </tr> <tr> <td>HOT WTR. OR STEAM</td> <td></td> <td></td> </tr> </table>										Col. 60-7	Sq. Ft. AREA	BUILDING PERMITS	FORCED AIR	1298	519-43 1000 sq feet down (any)	GRAVITY	1151		HOT WTR. OR STEAM																																																																																																									
Col. 60-7	Sq. Ft. AREA	BUILDING PERMITS																																																																																																																										
FORCED AIR	1298	519-43 1000 sq feet down (any)																																																																																																																										
GRAVITY	1151																																																																																																																											
HOT WTR. OR STEAM																																																																																																																												
<p>Col. 12-11 (OPTIONAL)</p> <table border="1"> <tr> <th>CODE</th> <th>COST</th> <th>AREA</th> <th>EST. RCN</th> </tr> <tr> <td>ZA</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZB</td> <td></td> <td></td> <td>450.00</td> </tr> <tr> <td>ZC</td> <td>1.88</td> <td></td> <td></td> </tr> <tr> <td>ZD</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZE</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZZ</td> <td></td> <td></td> <td></td> </tr> </table>										CODE	COST	AREA	EST. RCN	ZA				ZB			450.00	ZC	1.88			ZD				ZE				ZZ																																																																																										
CODE	COST	AREA	EST. RCN																																																																																																																									
ZA																																																																																																																												
ZB			450.00																																																																																																																									
ZC	1.88																																																																																																																											
ZD																																																																																																																												
ZE																																																																																																																												
ZZ																																																																																																																												
<p>Col. 12-6</p> <table border="1"> <tr> <th>QUALITY ADJ.</th> <th>IAT TIME OF CONSTRUCTION</th> <th>CA</th> <th>+</th> </tr> <tr> <td>DESIGN (MAX 2%)</td> <td></td> <td>CA</td> <td></td> </tr> <tr> <td>EXTERIOR (MAX 3%)</td> <td></td> <td>CB</td> <td></td> </tr> <tr> <td>INTERIOR (MAX 11%)</td> <td></td> <td>CC</td> <td></td> </tr> <tr> <td>NET VARIANCE</td> <td></td> <td>CD</td> <td></td> </tr> </table>										QUALITY ADJ.	IAT TIME OF CONSTRUCTION	CA	+	DESIGN (MAX 2%)		CA		EXTERIOR (MAX 3%)		CB		INTERIOR (MAX 11%)		CC		NET VARIANCE		CD																																																																																																
QUALITY ADJ.	IAT TIME OF CONSTRUCTION	CA	+																																																																																																																									
DESIGN (MAX 2%)		CA																																																																																																																										
EXTERIOR (MAX 3%)		CB																																																																																																																										
INTERIOR (MAX 11%)		CC																																																																																																																										
NET VARIANCE		CD																																																																																																																										
<p>Col. 27-6</p> <table border="1"> <tr> <th>YEAR BUILT</th> <th>DA</th> <th>1919</th> </tr> <tr> <th>YEAR REMODELED</th> <th>DB</th> <td></td> </tr> <tr> <th>% REMODELED</th> <th>DC</th> <td></td> </tr> <tr> <th>ADJ YEAR BUILT</th> <th>DD</th> <td>1939</td> </tr> <tr> <th>NORMAL % GOOD</th> <th>DE</th> <td></td> </tr> </table>										YEAR BUILT	DA	1919	YEAR REMODELED	DB		% REMODELED	DC		ADJ YEAR BUILT	DD	1939	NORMAL % GOOD	DE																																																																																																					
YEAR BUILT	DA	1919																																																																																																																										
YEAR REMODELED	DB																																																																																																																											
% REMODELED	DC																																																																																																																											
ADJ YEAR BUILT	DD	1939																																																																																																																										
NORMAL % GOOD	DE																																																																																																																											
<p>Col. 12-4</p> <table border="1"> <tr> <th>(L) PLUMBING</th> <th>II</th> <th>12</th> <th>13</th> <th>NO.</th> </tr> <tr> <td>BASE</td> <td>LA</td> <td>X</td> <td></td> <td>1</td> </tr> <tr> <td>3 FIXTURE BATH</td> <td>LB</td> <td>X</td> <td></td> <td>2</td> </tr> <tr> <td>3/4 BATH</td> <td>LC</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2 FIXTURE BATH</td> <td>LD</td> <td></td> <td></td> <td></td> </tr> <tr> <td>LAVATORY</td> <td>LE</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WATER CLOSET</td> <td>LF</td> <td></td> <td></td> <td></td> </tr> <tr> <td>BATH TUB</td> <td>LG</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ROMAN TUB</td> <td>LH</td> <td></td> <td></td> <td></td> </tr> <tr> <td>STALL SHOWER</td> <td>LI</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ST. SHOWER W/DOOR</td> <td>LJ</td> <td></td> <td></td> <td></td> </tr> <tr> <td>KITCHEN SINK</td> <td>LK</td> <td>X</td> <td></td> <td>2</td> </tr> <tr> <td>WATER HEATER</td> <td>LL</td> <td>X</td> <td></td> <td>2</td> </tr> <tr> <td>LAUNDRY TRAY</td> <td>LM</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DISPOSAL</td> <td>LN</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DISHWASHER</td> <td>LO</td> <td></td> <td></td> <td></td> </tr> <tr> <td>R. I. 3 FIXTURE BATH</td> <td>LP</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SEPARATE STACK</td> <td>LQ</td> <td>X</td> <td></td> <td>1</td> </tr> <tr> <td>SLIDING TUB ENCL.</td> <td>LR</td> <td></td> <td></td> <td></td> </tr> <tr> <td>WATER SOFTENER</td> <td>LS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SAUNA BATH</td> <td>LT</td> <td></td> <td></td> <td></td> </tr> <tr> <td>BIDET</td> <td>LU</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td>LZ</td> <td></td> <td></td> <td></td> </tr> </table>										(L) PLUMBING	II	12	13	NO.	BASE	LA	X		1	3 FIXTURE BATH	LB	X		2	3/4 BATH	LC				2 FIXTURE BATH	LD				LAVATORY	LE				WATER CLOSET	LF				BATH TUB	LG				ROMAN TUB	LH				STALL SHOWER	LI				ST. SHOWER W/DOOR	LJ				KITCHEN SINK	LK	X		2	WATER HEATER	LL	X		2	LAUNDRY TRAY	LM				DISPOSAL	LN				DISHWASHER	LO				R. I. 3 FIXTURE BATH	LP				SEPARATE STACK	LQ	X		1	SLIDING TUB ENCL.	LR				WATER SOFTENER	LS				SAUNA BATH	LT				BIDET	LU					LZ			
(L) PLUMBING	II	12	13	NO.																																																																																																																								
BASE	LA	X		1																																																																																																																								
3 FIXTURE BATH	LB	X		2																																																																																																																								
3/4 BATH	LC																																																																																																																											
2 FIXTURE BATH	LD																																																																																																																											
LAVATORY	LE																																																																																																																											
WATER CLOSET	LF																																																																																																																											
BATH TUB	LG																																																																																																																											
ROMAN TUB	LH																																																																																																																											
STALL SHOWER	LI																																																																																																																											
ST. SHOWER W/DOOR	LJ																																																																																																																											
KITCHEN SINK	LK	X		2																																																																																																																								
WATER HEATER	LL	X		2																																																																																																																								
LAUNDRY TRAY	LM																																																																																																																											
DISPOSAL	LN																																																																																																																											
DISHWASHER	LO																																																																																																																											
R. I. 3 FIXTURE BATH	LP																																																																																																																											
SEPARATE STACK	LQ	X		1																																																																																																																								
SLIDING TUB ENCL.	LR																																																																																																																											
WATER SOFTENER	LS																																																																																																																											
SAUNA BATH	LT																																																																																																																											
BIDET	LU																																																																																																																											
	LZ																																																																																																																											
<p>OTHER ITEMS AND REMARKS:</p> <p>SHED (1) - 2.000 sq ft</p> <p>SHED (2) - 2.000 sq ft</p> <p>SHED (3) - 2.000 sq ft</p> <p>SHED (4) - 2.000 sq ft</p> <p>SHED (5) - 2.000 sq ft</p> <p>SHED (6) - 2.000 sq ft</p> <p>SHED (7) - 2.000 sq ft</p> <p>SHED (8) - 2.000 sq ft</p> <p>SHED (9) - 2.000 sq ft</p> <p>SHED (10) - 2.000 sq ft</p> <p>SHED (11) - 2.000 sq ft</p> <p>SHED (12) - 2.000 sq ft</p> <p>SHED (13) - 2.000 sq ft</p> <p>SHED (14) - 2.000 sq ft</p> <p>SHED (15) - 2.000 sq ft</p> <p>SHED (16) - 2.000 sq ft</p> <p>SHED (17) - 2.000 sq ft</p> <p>SHED (18) - 2.000 sq ft</p> <p>SHED (19) - 2.000 sq ft</p> <p>SHED (20) - 2.000 sq ft</p> <p>SHED (21) - 2.000 sq ft</p> <p>SHED (22) - 2.000 sq ft</p> <p>SHED (23) - 2.000 sq ft</p> <p>SHED (24) - 2.000 sq ft</p> <p>SHED (25) - 2.000 sq ft</p> <p>SHED (26) - 2.000 sq ft</p> <p>SHED (27) - 2.000 sq ft</p> <p>SHED (28) - 2.000 sq ft</p> <p>SHED (29) - 2.000 sq ft</p> <p>SHED (30) - 2.000 sq ft</p> <p>SHED (31) - 2.000 sq ft</p> <p>SHED (32) - 2.000 sq ft</p> <p>SHED (33) - 2.000 sq ft</p> <p>SHED (34) - 2.000 sq ft</p> <p>SHED (35) - 2.000 sq ft</p> <p>SHED (36) - 2.000 sq ft</p> <p>SHED (37) - 2.000 sq ft</p> <p>SHED (38) - 2.000 sq ft</p> <p>SHED (39) - 2.000 sq ft</p> <p>SHED (40) - 2.000 sq ft</p> <p>SHED (41) - 2.000 sq ft</p> <p>SHED (42) - 2.000 sq ft</p> <p>SHED (43) - 2.000 sq ft</p> <p>SHED (44) - 2.000 sq ft</p> <p>SHED (45) - 2.000 sq ft</p> <p>SHED (46) - 2.000 sq ft</p> <p>SHED (47) - 2.000 sq ft</p> <p>SHED (48) - 2.000 sq ft</p> <p>SHED (49) - 2.000 sq ft</p> <p>SHED (50) - 2.000 sq ft</p> <p>SHED (51) - 2.000 sq ft</p> <p>SHED (52) - 2.000 sq ft</p> <p>SHED (53) - 2.000 sq ft</p> <p>SHED (54) - 2.000 sq ft</p> <p>SHED (55) - 2.000 sq ft</p> <p>SHED (56) - 2.000 sq ft</p> <p>SHED (57) - 2.000 sq ft</p> <p>SHED (58) - 2.000 sq ft</p> <p>SHED (59) - 2.000 sq ft</p> <p>SHED (60) - 2.000 sq ft</p> <p>SHED (61) - 2.000 sq ft</p> <p>SHED (62) - 2.000 sq ft</p> <p>SHED (63) - 2.000 sq ft</p> <p>SHED (64) - 2.000 sq ft</p> <p>SHED (65) - 2.000 sq ft</p> <p>SHED (66) - 2.000 sq ft</p> <p>SHED (67) - 2.000 sq ft</p> <p>SHED (68) - 2.000 sq ft</p> <p>SHED (69) - 2.000 sq ft</p> <p>SHED (70) - 2.000 sq ft</p> <p>SHED (71) - 2.000 sq ft</p> <p>SHED (72) - 2.000 sq ft</p> <p>SHED (73) - 2.000 sq ft</p> <p>SHED (74) - 2.000 sq ft</p> <p>SHED (75) - 2.000 sq ft</p> <p>SHED (76) - 2.000 sq ft</p> <p>SHED (77) - 2.000 sq ft</p> <p>SHED (78) - 2.000 sq ft</p> <p>SHED (79) - 2.000 sq ft</p> <p>SHED (80) - 2.000 sq ft</p> <p>SHED (81) - 2.000 sq ft</p> <p>SHED (82) - 2.000 sq ft</p> <p>SHED (83) - 2.000 sq ft</p> <p>SHED (84) - 2.000 sq ft</p> <p>SHED (85) - 2.000 sq ft</p> <p>SHED (86) - 2.000 sq ft</p> <p>SHED (87) - 2.000 sq ft</p> <p>SHED (88) - 2.000 sq ft</p> <p>SHED (89) - 2.000 sq ft</p> <p>SHED (90) - 2.000 sq ft</p> <p>SHED (91) - 2.000 sq ft</p> <p>SHED (92) - 2.000 sq ft</p> <p>SHED (93) - 2.000 sq ft</p> <p>SHED (94) - 2.000 sq ft</p> <p>SHED (95) - 2.000 sq ft</p> <p>SHED (96) - 2.000 sq ft</p> <p>SHED (97) - 2.000 sq ft</p> <p>SHED (98) - 2.000 sq ft</p> <p>SHED (99) - 2.000 sq ft</p> <p>SHED (100) - 2.000 sq ft</p>																																																																																																																												
<p>Col. 12-11 (OPTIONAL)</p> <table border="1"> <tr> <th>CODE</th> <th>COST</th> <th>AREA</th> <th>EST. RCN</th> </tr> <tr> <td>ZA</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZB</td> <td></td> <td></td> <td>450.00</td> </tr> <tr> <td>ZC</td> <td>1.88</td> <td></td> <td></td> </tr> <tr> <td>ZD</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZE</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZZ</td> <td></td> <td></td> <td></td> </tr> </table>										CODE	COST	AREA	EST. RCN	ZA				ZB			450.00	ZC	1.88			ZD				ZE				ZZ																																																																																										
CODE	COST	AREA	EST. RCN																																																																																																																									
ZA																																																																																																																												
ZB			450.00																																																																																																																									
ZC	1.88																																																																																																																											
ZD																																																																																																																												
ZE																																																																																																																												
ZZ																																																																																																																												
<p>Col. 12-6</p> <table border="1"> <tr> <th>QUALITY ADJ.</th> <th>IAT TIME OF CONSTRUCTION</th> <th>CA</th> <th>+</th> </tr> <tr> <td>DESIGN (MAX 2%)</td> <td></td> <td>CA</td> <td></td> </tr> <tr> <td>EXTERIOR (MAX 3%)</td> <td></td> <td>CB</td> <td></td> </tr> <tr> <td>INTERIOR (MAX 11%)</td> <td></td> <td>CC</td> <td></td> </tr> <tr> <td>NET VARIANCE</td> <td></td> <td>CD</td> <td></td> </tr> </table>										QUALITY ADJ.	IAT TIME OF CONSTRUCTION	CA	+	DESIGN (MAX 2%)		CA		EXTERIOR (MAX 3%)		CB		INTERIOR (MAX 11%)		CC		NET VARIANCE		CD																																																																																																
QUALITY ADJ.	IAT TIME OF CONSTRUCTION	CA	+																																																																																																																									
DESIGN (MAX 2%)		CA																																																																																																																										
EXTERIOR (MAX 3%)		CB																																																																																																																										
INTERIOR (MAX 11%)		CC																																																																																																																										
NET VARIANCE		CD																																																																																																																										
<p>Col. 27-6</p> <table border="1"> <tr> <th>YEAR BUILT</th> <th>DA</th> <th>1919</th> </tr> <tr> <th>YEAR REMODELED</th> <th>DB</th> <td></td> </tr> <tr> <th>% REMODELED</th> <th>DC</th> <td></td> </tr> <tr> <th>ADJ YEAR BUILT</th> <th>DD</th> <td>1939</td> </tr> <tr> <th>NORMAL % GOOD</th> <th>DE</th> <td></td> </tr> </table>										YEAR BUILT	DA	1919	YEAR REMODELED	DB		% REMODELED	DC		ADJ YEAR BUILT	DD	1939	NORMAL % GOOD	DE																																																																																																					
YEAR BUILT	DA	1919																																																																																																																										
YEAR REMODELED	DB																																																																																																																											
% REMODELED	DC																																																																																																																											
ADJ YEAR BUILT	DD	1939																																																																																																																										
NORMAL % GOOD	DE																																																																																																																											

See attached blow up of change notes

FIGURE 3

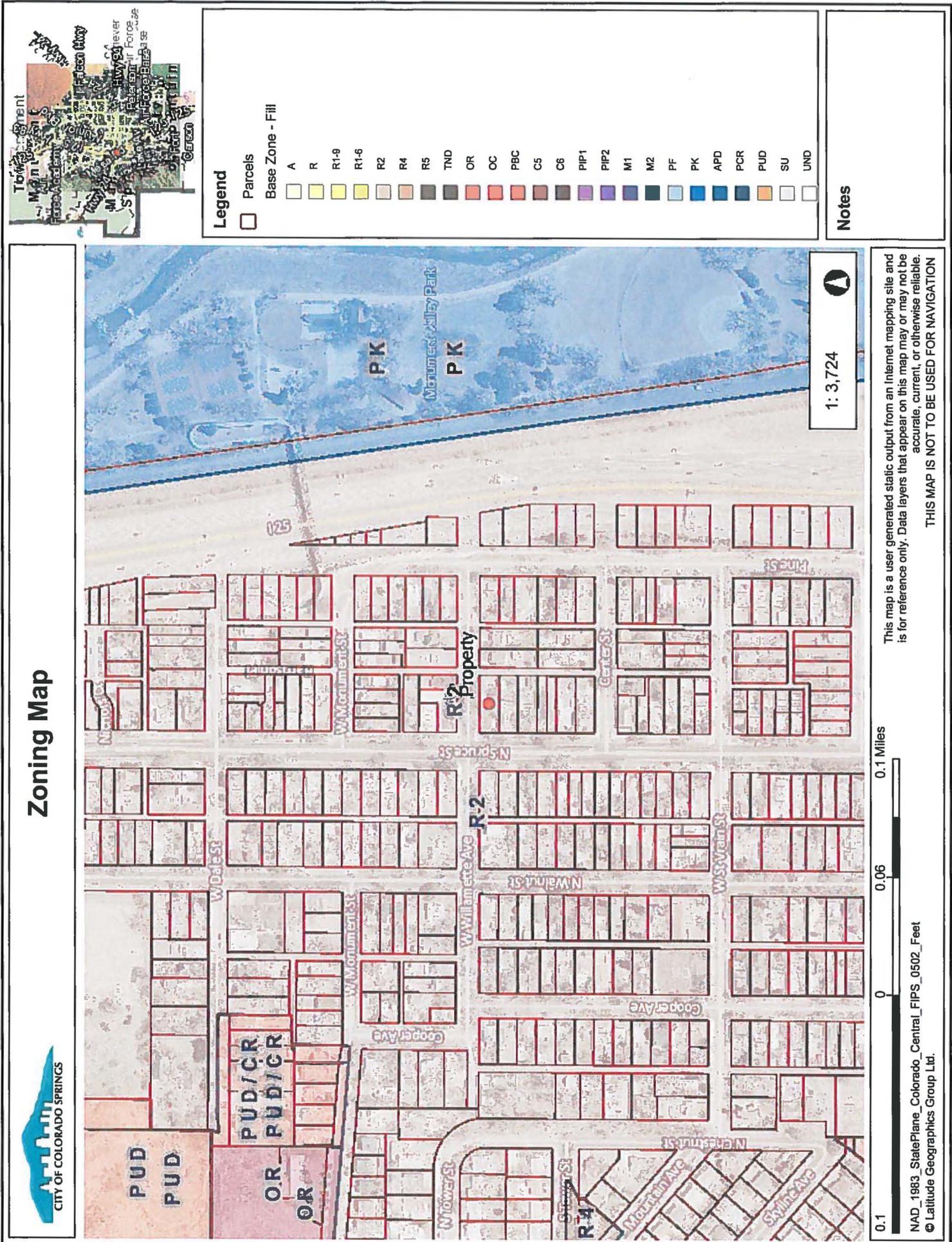


FIGURE 4

Zoning Code definitions:

DWELLING UNIT: Any room or group of rooms, including a kitchen and sanitary facilities, located within a building and forming a single habitable area with facilities that are used or intended to be used for living, sleeping, cooking and eating.

KITCHEN: A room with the necessary facilities to store, prepare, and cook food that includes a two hundred twenty (220) volt outlet for an electric stove or connection for a gas or propane stove.

APPENDIX

Development Application Review Criteria

DEVELOPMENT PLAN IN A STREAMSIDE OVERLAY ZONE

7.3.508 (C): DEVELOPMENT PLAN REVIEW CRITERIA:

- C. Development Plan Review Criteria: The purpose of this section is to prescribe criteria to be used to review and evaluate development projects located within streamside overlay areas. In addition to the development plan review criteria as set forth in article 5, part 5, section 502 of this chapter, all development plans submitted for review for property wholly or partially contained within the streamside overlay zone shall be consistent with the recommendations of the 1) streamside design guidelines manual, 2) the development project's land suitability analysis and 3) shall conform with the following streamside development plan review criteria:
1. Has natural landform been maintained within the overlay area and does grading conform to the specific grading limitations of the streamside ordinance as well as all other City grading and filling regulations?
 2. Does the development incorporate the stream ecosystem into the project design and complement the natural streamside setting? Has the project been designed to link and integrate adjacent properties with the stream corridor using access ways, creek front plazas, employee recreational areas or other site planning and landscaping techniques which include the stream corridor as an amenity?
 3. Has the project been designed to minimize impact upon wildlife habitat and the riparian ecosystem which exists on or adjacent to the site? Does the project design protect established habitat or any known populations of any threatened or endangered species or species of special concern?
 4. Have existing or potential community trail networks and other recreational opportunities been identified and incorporated into the project design?
 5. Has the project been designed to protect the subject property from potential flood damage and to accommodate flood storage and conveyance needs?
 6. Have all significant natural features within the project streamside area been identified, and has the project been designed to minimize the impact on these features?

7. Does the project identify and implement the recommendations of any approved subarea plans (such as the City Greenway master plan, City open space plan or a specific drainage basin planning study) and of any approved public works projects and habitat conservation plans?
8. Does the project design:
 - a. Implement a riparian buffer of specified width between the developed portions of the site and the adjacent waterway to assist in preventing point and non-point source pollutants and sediment from entering the waterway?
 - b. Exclude impervious surfaces from the inner buffer zone and meet imperviousness restrictions across the entire overlay?
 - c. Incorporate all stormwater best management practices required by City Engineering throughout the developed site and adjacent to the buffer to encourage onsite filtration of stormwater and protect water quality?
 - d. Incorporate visual buffer opportunities of the stream between identified existing and/or proposed projects on opposing sides of the stream?
9. Are inner and outer buffer zone landscaping standards met? Have disturbed areas been revegetated to minimize erosion and stabilize landscape areas and does the project landscaping design specify plants selected from the riparian plant communities as set forth in appendix A of the landscape policy manual? Does the proposal meet all other requirements of the City's Landscape Code?
10. Have stream bank and slope areas been identified (particularly those over fifteen percent (15%) slope)? Has the disturbance to these areas and any protective or stabilizing vegetative cover been minimized? Does the plan provide for the suitable revegetation and stabilization of any disturbed areas?
11. Have opportunities to reclaim the drainageway been identified and implemented where practical? For this criterion, reclamation constitutes any action that improves the quality of that drainageway visually, functionally or recreationally, and brings that drainageway into a more natural condition.

Judgment of the above criteria shall be made using the project justification statement submitted with streamside development plan applications which shall include a narrative discussion of how each of the streamside development plan review criteria have been considered and applied in the design of the project and should demonstrate consistency with the opportunities and constraints identified in the project's land suitability analysis. This requirement may be satisfied by the written summary submitted with the land suitability analysis if that summary has

been broadened to include analysis of the streamside development plan review criteria. (Ord. 07-179)

PUD ZONE CHANGE REVIEW CRITERIA:

7.3.603: ESTABLISHMENT AND DEVELOPMENT OF A PUD ZONE:

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

7.3.606: REVIEW CRITERIA FOR DEVELOPMENT PLAN:

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

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

G. Pedestrian Circulation:

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

H. Landscaping:

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

I. Open Space:

1. Residential Area:

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

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

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

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

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)

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

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

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

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)

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.

7.5.906 (A)(4) : CRITERIA FOR REVIEW OF AN APPEAL OF ADMINISTRATIVE DECISION:

4. Criteria For Review Of An Appeal Of An Administrative Decision: In the written notice, the appellant must substantiate the following:
 - a. Identify the explicit ordinance provisions which are in dispute.
 - b. Show that the administrative decision is incorrect because of one or more of the following:
 - (1) It was against the express language of this zoning ordinance, or
 - (2) It was against the express intent of this zoning ordinance, or
 - (3) It is unreasonable, or
 - (4) It is erroneous, or
 - (5) It is clearly contrary to law.
 - c. Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the appellant, and show that the burdens placed on the appellant outweigh the benefits accrued by the community.