CITY PLANNING COMMISSION AGENDA

ITEM NO(s):  7, 8, 9, 10, 11

STAFF: ROBERT TEGLER

FILE NOS:
CPC ZC 03-269   - QUASI-JUDICIAL
CPC DP 03-270   - QUASI-JUDICIAL
CPC V 03-271   - QUASI-JUDICIAL
CPC FP 03-272   - QUASI-JUDICIAL
CPC NV 03-273   - QUASI-JUDICIAL

PROJECT: SHOPS AT FALCON LANDING

APPLICANT: OBERING WURTH AND ASSOCIATES

OWNER: KEVIN KRATT COMMERCIAL REAL ESTATE SERVICE, INC.

PROJECT DESCRIPTION:
This is a request for a zone change from R/CR (Residential Estate with Conditions of Record) to PBC (Planned Business Center), a development plan for a shopping center, a vacation of a portion of a public street (Collins Rd.), a three lot subdivision plat, and a non-use variance to permit a 0 ft. setback for a screening wall where 25 ft. is required on the east side of Academy Blvd. between Fuller Rd. and Shrider Rd.

STAFF’S RECOMMENDATION:

ITEM No. 7:                       CPC ZC 03-269 – CHANGE OF ZONING
Approve the zone change from R/CR to PBC, based upon the findings that the Change of Zoning request complies with the three (3) criteria for granting of zone changes as set forth in Chapter 7, Article 5, Section 603 of the City Zoning Code.

ITEM No. 8:                       CPC DP 03-270 – DEVELOPMENT PLAN
Approve the Shops at Falcon Landing Development Plan, based upon the findings that the Development Plan meets the review criteria for development plans as set forth on Chapter 7, Article 5, Section 502.C. of the City Zoning Code. This recommendation for approval is subject to compliance with the changes to the Development Plan as set forth in the Development Plan Analysis portion of the CPC agenda (page 162) and the following major conditions:
1. The applicant is responsible for modifying the traffic impact analysis and development plan in a manner which achieves a LOS D on Academy Blvd. and at each access point to the development. Said modifications must be approved by the City administration.
2. Delete Note #12. A revised Note #12 may be appropriate depending upon the final outcome of the traffic impact review process

ITEM No. 9:                       CPC NV 03-273 – NON-USE VARIANCE
Approve the Non-Use Variance to permit a 0 ft. setback, based upon the findings that the Non-Use Variance meets the review criteria for non-use variance as set forth on Chapter 7, Article 5, Section 802. of the City Zoning Code. This recommendation for approval is subject to compliance with the development plan. The screening wall will have a minimum 15 ft. setback at all points except the south 80 ft. of Lot 9, Block 3, Refiling of Falcon Estates No. 3.
ITEM No. 10:  CPC V 03-271 – VACATION

Approve the vacation of a portion of Collins Rd., based upon the findings that the vacation meets the review criteria for vacation plats as set forth on Chapter 7, Article 7, Section 403. of the City Zoning Code. This recommendation for approval is subject to compliance with the changes set forth in the Vacation Plat Review portion of the CPC agenda (Page 162).

ITEM No. 11:  CPC FP 03-272 – SUBDIVISION PLAT

Approve the Falcon Landing Fil. No. 1 Subdivision Plat, based upon the finding that the subdivision plat complies with the purpose and intent of the Subdivision Regulations as set forth in Chapter 7, Article 7, Section 102 of the Subdivision Code. This recommendation for approval is subject to compliance with the changes set forth in the Final Subdivision Plat Analysis portion of the CPC agenda (Page 163).

SUMMARY:

This is the last commercial development on Academy Blvd. associated with the Falcon Estates master plan. It is, however, no less controversial than the developments that preceded it. Compatibility with the established neighborhood and traffic/access concerns are the primary issues. Neighbors are opposed because they feel that it will adversely impact their quality of life. Traffic and Transportation staffs can’t approve the plans until a solution is reached that permits adequate traffic flow at the intersections.

After considering all options, Planning staff has chosen to recommend approval of the plans with conditions that could require a significant relocation of the access to Academy Blvd. The Planning Commission will need to hear the testimony of City staff, the applicant and nearby residents before making the difficult decisions necessary for this project.

COMPREHENSIVE PLAN:

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.

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

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

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.

Policy N 401: Reduce Traffic-related Impacts on Existing Neighborhoods
Protect the integrity and character of existing neighborhoods as transportation improvements are planned and constructed.
BACKGROUND:
Existing Zoning/Land Use - R/CR/ vacant single family houses
Surrounding Zoning/Land Use -
  North - PBC/CR/ shopping center
  South - PBC/CR/ shopping center
  East - R/CR/ single family residential
  West - PBC/CR/ Academy Blvd., shopping center
Annexation – December 1994, FCY Addition No. 2
Zoning – R/CR with annexation.
Subdivision – Lots 1, 2, 12,13. Block 2, Lots 1, 2, 10, 11, Block 3, Refiling of Falcon Estates No. 3
Physical Characteristics - Developed single family lots. No significant features.
Master Plan – FCY (Falcon Estates, Columbine Estates, Yorkshire Estates) master plan: “Office and/or Commercial Development”

DEPARTMENTAL REPORTS:
City Engineering - The new development plan along with the, February 9, 2004, letter from Toni Wurth, satisfactorily addresses my comments. Tim Mitros
Transportation Planning –
1. Remove note 12 from the development plan as the intersection of Academy Boulevard and Shrider Road is a temporary traffic signal as designated by City Council in 1999.
2. Staff requests that the applicant furnish a traffic impact analysis identifying specific improvements to accommodate movement volumes which meet the City’s LOS standards. One solution to improve the level of service for both the neighborhood and the developments along the corridor is to relocate the access north of the existing Shrider Road intersection. The relocation of the signalized intersection benefits Academy Boulevard progression by increasing the distance between Woodmen Road and the access drive traffic signal and allows additional green time for the side access drives for the neighborhood and commercial users. This relocation improves the level of service to acceptable levels.
3. All signage shall be outside of the mile per hour line of sight requirements identified in the Subdivision Design Standards.
4. Standard comments. Kathie Haire
Traffic Engineering – FIGURE 5.
Landscape - All comments on the Final Landscape Plan for Shops at Falcon Landing (CPC DP 03-270) were addressed to my satisfaction. An Irrigation Plan was included in the resubmittal which is acceptable.
Fire –
1- The plans state "No Parking" signs are to be placed. "No Parking - Fire Lane" signs must be installed per our specifications. Update plans accordingly.
2- In addition to the easterly drive being marked as a fire lane, the following areas are to be shown on the plans as a fire lane.
  - The 28-ft drives on either side of Building B.
  - The 30 ft drive from Academy Blvd to the front of Building B.
  - Along the entire store fronts as well as the two islands at the north and south ends of the parking lot.
If access to Academy for Collins Road is provided via private roads, then an access easement must be established protecting the current access rights for Collins Road. The plans are not clear as if emergency access is being proposed anywhere. No emergency access will be permitted on or around this site to control the access from the neighborhood to the east.

All Other Reporting Departments - Standard or no comment.

PETITIONER’S JUSTIFICATION:

FIGURE 1

STAKEHOLDER PROCESS:
The public process involved with the review of these applications included posting of the site, sending of letters on two separate occasions to property owners within a 500 ft. radius of the property and several meetings. There is opposition from some adjacent neighbors regarding the location of the screening wall, intersection design, use restrictions, grading, parking classification, signage, liability for wastewater
connections, road design, etc. A letter from the Home Owners Association of Falcon Estates is included as FIGURE 6.

ANALYSIS OF MAJOR ISSUES:

This request for approval of the Shops at Falcon Landing commercial center is the last major commercial project along Academy Blvd. associated with the FCY master plan. When Falcon, Columbine and Yorkshire Estates were annexed in 1994, a master plan was approved permitting commercial uses to develop along Academy, but preserving the existing residential neighborhoods immediately adjacent to them. Over several years and many public hearings, standards have been formulated to improve the compatibility of these very different land uses. This project fills in the last space on the east side of Academy between the Fuller Center on the north and the BSK Subdivision on the south.

ZONE CHANGE REVIEW CRITERIA:
In accordance with City Zoning Code Chapter 7, Article 5, Section 603, a proposal for a change of zone classification may be approved by the City 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 City Comprehensive Plan.
3. The proposal is consistent with the master plan for the area, in which the parcel is located, unless the master plan is deemed implemented.

This request for a zone change from R/CR to PBC is in conformance with the FCY master plan and consistent with zoning actions for the developments immediately to the north and south, and across Academy Blvd. The master plan designates this site as Office and/or Commercial Development. PBC is the appropriate zone for this type of land use and provides for setbacks, use restrictions and a development plan which can improve compatibility with adjacent properties.

The request is consistent with Comprehensive Plan Objective LU7 which encourages provision of shopping and service areas which are convenient to the areas to be served. The first criterion is also met. There is opposition to some elements of the development plan and issues remain to be worked out, but the establishment of the PBC zone in compliance with the master plan will not be detrimental to the public interest, health, safety, convenience or general welfare. It is the finding of the Planning Staff that the zone change proposal meets all criteria and may be approved.

DEVELOPMENT PLAN

The subject property currently consists of eight residential lots, two deep along Academy Blvd. between vacated Shrider Rd. and vacated Fuller Rd. The intent is to demolish the existing houses and build a commercial shopping center (FIGURE 2) consisting of three buildings with a total of 61,768 sq. ft. There are three accesses from Academy Blvd. consisting of vacated Shrider Rd., vacated Fuller Rd., and a driveway close to where Collins Rd. intersects today. In accordance with the FCY master plan, part of Collins Rd. is to be vacated at the eastern edge of this development. The remaining Collins Rd. will connect to a planned privately owned access road that will continue between the adjacent existing commercial centers north and south of this site.

Retail, office and restaurant uses are anticipated. A detention pond will occupy a tract at the south end of the lot. Parking, access, service, patios and landscaping occupy the rest. Before reviewing the development plan in greater detail, it is appropriate at this point to discuss the non-use variance request that accompanies this proposal.

NON-USE VARIANCE CRITERIA 7.5.802

In order for a non-use variance to be approved, the following three criteria must be met:
A. The property has extraordinary or exceptional physical conditions that do not generally exist in nearby properties in the same zoning district.

The issue of most concern to adjacent property owners is the location of the screen wall which is intended to buffer the Falcon Estates neighborhood from impacts of the shopping center. A precedent has been set by the developments north and south of this site, and by the similar developments on the west side of
Academy Blvd., for the design of the screen wall. It is to be 15 ft. high and constructed of masonry block. Typically, commercial uses must provide a 15 ft. wide landscaped buffer with a six foot high fence, berm or wall to separate them from residential neighborhoods. The negotiated 15 ft. high wall provides a much better barrier to visual and noise impacts. Zoning Code, however, considers walls higher than six feet to be structures which must meet the minimum boundary setbacks for the zone. In the case of the proposed PBC zone, 25 ft. is required.

Further complicating the issue is the irregular border between the commercial center and the neighborhood. The juxtaposition of the staggered rectangular lots and the curvilinear east access drive creates a situation where there will be great variation between the location of the wall and the property lines of the residential lots. At the north end of the site, the wall would be 130 ft. from a lot on the south side of Fuller Rd. to tie into an existing wall with an 18 ft. setback from a lot on the north side of Fuller. There are clearly exceptional physical conditions that do not generally exist in nearby properties in the same zoning district. The first criterion is met.

B. That the extraordinary or exceptional physical conditions of the property will not allow a reasonable use of the property in its current zone in the absence of relief.

Despite agreement with criterion A, the wall could be shifted so that it would be 25 ft. from the residential property at the nearest point. This would lead to a reduction in the size of the commercial buildings to accommodate a reduction in the number of available parking spaces. 7.5.802.E.2.b. states that:

“The concept of less reasonable use may be considered if a neighborhood standard exists and if it is demonstrated that the property in question has a less reasonable use by comparison with proximate and similar properties in the same zoning district.”

Both existing commercial developments north and south of this site have had screening walls approved and built with less than the required 25 ft. setback. Adhering to a strict 25 ft. minimum setback would result in a less reasonable use for this development. The second criterion is also met.

C. That the granting of the variance will not have an adverse impact upon surrounding properties.

Staff believes that some variance is reasonable for the screening wall. The question is the extent of the variance, and what impact it would have on the adjacent residential neighborhood.

Staff recommended to the applicant that the screening wall be redesigned so that its minimum setback is 15 ft. from the adjacent residential property lines, except at the far south end where it needs to taper into the existing road design. This 15-ft. dimension is equal to the standard required landscape buffer that would be expected along any other commercial/residential interface. It is what the developer would normally be expected to provide, and what a neighborhood would normally expect to encounter. The fact that the screening wall will be 15 ft. high instead of 6 ft. is not a valid reason to unnecessarily increase the setback to 25 ft. The increased height is for the benefit of the neighborhood, not the applicant. At some points, a closer wall would actually perform as a better screen for the neighborhood, particularly at the intersection of Collins Rd. and the easterly access road. Traffic visibility concerns also need to be considered.

The applicant responded to staff’s suggestion by exploring a redesign of the wall. They were able to revise the plan to provide a minimum 15 ft. setback for the wall at almost all points. The revision also permitted a safety improvement for the Collins Rd. intersection alignment, and enabled the road and wall to provide better separation from the two residential properties at this location. Improved drainage, relocation of some trash enclosures, reduced off-site grading and less impact on existing vegetation were among the additional benefits.

The lots in Falcon Estates are larger than most residential properties in the City, and the nearest house is 67 ft. away from the common boundary with the proposed commercial center. Staff does not believe that the variance, as recommended, will have an adverse impact upon surrounding properties. The 25 ft. setback provision of the PBC zone is intended primarily for structures such as buildings, not screening walls. The closest distance from a commercial building corner to a residential property line is
approximately 65 ft. The area between the wall and the residential land will be heavily landscaped by the developer to further screen the wall from homes.

Staff recommends a 0 ft. setback variance for the wall to permit the wall to cross the property line of Lot 9, Block 3 at the south end of the development. The adjacent residential property owner has requested that the wall be continued on his property to provide screening from the road and commercial center to the south. The applicant has agreed to construct the wall in this location. At all other locations, the screening wall will maintain a minimum 15 ft. separation from the adjacent residential properties. Some adjacent residents are opposed to this variance request and insist that the 25 ft. setback be adhered to.

Staff finds that all criteria are met to approve a 0 ft. setback for the screening wall as described above and shown on the accompanying development plan.

DEVELOPMENT PLAN REVIEW CRITERIA:
In accordance with City Zoning Code Chapter 7, Article 5, Section 502.C, a Development Plan shall be reviewed for substantial conformance with the criteria found in said section. Further, 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 purposes of the City Zoning Code and is compatible with the land uses surrounding the site.

1. Will the project design be harmonious with 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/or 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 this proposal?
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 in a manner which minimizes traffic friction, noise and pollution and to promotes free traffic flow without excessive interruptions?
6. Will all streets and drives provide logical, safe, convenient vehicular access to all 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 provisions for the 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 in the project design?

Given the difficulty of designing a commercial center immediately adjacent to an established large lot single family residential neighborhood, the development plan for the Shops at Falcon Landing does a commendable job of complying with the criteria listed above. Many features such as the access road and screening wall on the east side of the site are continuations of precedents set with the other commercial developments in the area. With a few exceptions, the development plan notes, responsibilities and restrictions are the same as those approved for the commercial center across Academy Blvd. There, nevertheless, remain issues of contention between the developer, the adjacent neighbors and the Homeowners Association of Falcon Estates.
Internally, the site works well. There is one direct right in/right out access to Academy Blvd. and two accesses between buildings from the frontage road to the east. The site is classified as a Neighborhood Commercial Center with a required parking ratio of one space per 250 sq. ft. Neighborhood commercial centers often have, but are not required to have, an anchor business. In this case 268 parking spaces are required for this center and 459 are provided, including adequate and well located handicapped parking. Sidewalks are designed to provide safe pedestrian access between Academy Blvd., the businesses, and the easterly frontage road.

There is only one vehicular access from this development to the Falcon Estates neighborhood. The intersection of Collins Rd. and the frontage road will enable residents to enter and exit their neighborhood to access Academy. At the request of the residents, the developer redesigned the site to place a building directly west of the intersection. This makes the connection less obvious to traffic along Academy and discourages through traffic in the neighborhood.

The Development Plan Review Criteria make several important references to harmonious and compatible development with minimal impact and buffering of negative off-site influences. It is staff's opinion that the proposed development plan is quite effective in meeting these criteria. The 15 ft. high masonry screening wall, described in the variance section above, provides a visual, physical and noise barrier for the neighborhood. A significant landscape screen on the neighborhood's side will enhance the screening effect of this barrier. The distance of the commercial buildings from the residential zone and the fact that their activity and signage is oriented away from the neighborhood also improve compatibility.

The building height will be a maximum of 30 ft. where the PBC zone normally permits 45 ft. Full cutoff lighting standards no higher than 15 ft. are specified. Screening of HVAC units, time restrictions for construction and deliveries, restriction of outside loudspeakers, etc. are similar to those approved with other area commercial centers. There is disagreement between the applicant and the neighbors regarding the hours of operation for the restaurants. Neighbors want a 12:00 PM closing time. The applicant proposes no restriction. These are restaurants that serve liquor, not designated bars. Given the distance of these businesses from the closest houses and the intervening wall, staff believes that a 12:00 closing time might be a reasonable restriction, but the City has no ability to enforce this restriction. Staff has confidence that the Planning Commission can judiciously decide whether to impose a curfew after hearing the testimony of affected parties.

The developer has included the same use restrictions that were approved in other Falcon Estates area developments with one exception. The other commercial centers have excluded all liquor stores. This one proposes to permit wine sales further defined as “stores that derive a minimum of 75% of their revenue from wine sales”. Some neighbors have expressed a concern that liquor stores experience more robberies than most other businesses, and that they are concerned about increased crime and the possibility that escaping criminals will exit through their neighborhood. Staff has no recommendation concerning this issue although we are reluctant to include a provision that would be so difficult to enforce. Again, we will rely upon the Planning Commission to resolve it after hearing opposing arguments. Staff has added a recommendation for a development plan note that distinguishes between conditions that the City is able to enforce, and conditions that the applicant intends to enforce as part of his lease agreements.

The property owners on Collins Rd. bordering the site are among those most impacted by this development. Part of Collins Rd. will need to be graded to permit drainage from Falcon Estates neighborhood to be conveyed to a detention pond on the Shops at Falcon Landing project. Road grades also need to meet City standards for intersections. The lowered elevation of Collins would require some additional grading of the residential driveways. At least one of the neighbors is opposed to any changes to their property. There are also concerns that the excavation may damage existing trees in and near the Collins right of way.

In keeping with previously approved developments, Fuller Rd. to the north is to be formally closed and capped with a cul-de-sac bulb. The property owner of Lot 3, Block 2 opposes the design and location of the cul-de-sac. He also doesn’t want trees planted along the wall behind his lot, although the owner of nearby Lot 3, Block 1 does want trees in this location. This is another minor issue to be resolved.
Access and traffic control on Academy Blvd. is the major source of discussion for the commercial center among City departments. There is currently a temporary traffic signal at the intersection of Academy Blvd. and Shrider Rd. that was designated temporary by City Council in 1999. The applicant has included a detailed Note #12 in the development plan note section, which essentially states that the existing traffic signal must remain in this location. Unfortunately, Traffic Engineering and Transportation Planning staff agree that maintaining a traffic signal at this location negatively impacts Academy Boulevard corridor progression and is not consistent with the City's intersection operational criteria of Level of Service (LOS) D or better.

Both the developer and the neighborhood are in agreement that a traffic signal is important to their access to Academy Blvd. Traffic Engineering and Transportation Planning staff must balance this goal with the larger goal of protecting through movement traffic along Academy Blvd. and preserving adequate LOS for this intersection and others north and south of the commercial center. One solution to improve the level of service for both the neighborhood and the developments along the corridor may be to relocate the access north of the existing Shrider Road intersection. The relocation of the signalized intersection could benefit Academy Boulevard progress by increasing the distance between Woodmen Road and the access drive traffic signal, and allowing additional green time for the side access drives for the neighborhood and commercial users. This relocation could improve the level of service to acceptable levels. There will be considerable discussion from all parties at the Planning Commission hearing regarding the history and relative merits of their positions on the intersection design issue.

Transportation Planning has requested that the note regarding the traffic signal be deleted from the development plan. According to City code, traffic control devices are under the authority of the Traffic Engineer and that no property owner has a vested right to their continued existence in a specific location. Instead staff requests that the applicant furnish a traffic impact analysis identifying specific improvements to accommodate movement volumes which meet the City's LOS standards. This has not been accomplished at the time of preparation of this staff report.

It is the finding of the Planning Staff that the proposed Development Plan will be in substantial compliance with said criteria if the Development Plan is modified as follows:

**Significant Modification to the Development Plan:**
1. The applicant is responsible for modifying the traffic impact analysis and development plan in a manner which achieves a LOS D on Academy Blvd. and at each access point to the development. Said modifications must be approved by the City administration.
2. Delete Note #12. A revised Note #12 may be appropriate depending upon the final outcome of the traffic impact review process

**Technical and Informational Modifications to the Development Plan:**
1. Revise the Parking Tabulation Table to show the total area of buildings plus patios, and that 268 parking spaces are required and 459 spaces are being provided.
2. Address Fire comments.
3. Add the following note to the development plan: "It is anticipated that enforcement of the conditions listed in notes #19, 20, 21 and 28 shall be by the owner of the property. The City shall not be responsible for enforcing these provisions."

**VACATION PLAT REVIEW**

The applicant is requesting a vacation of a portion of Collins Rd. as shown in FIGURE 3. The configuration of the vacation is slightly revised from the geometry shown on the development plan as result of comments from City Engineering. The remaining part of Collins Rd. will connect to the easterly frontage road of the Falcon Landing development to provide indirect access into and out of the adjoining neighborhood. The vacation is in compliance with the FCY master plan, which approved vacation of Collins and the two adjacent east-west streets in this area. All vacation plat information has been submitted, but must submit the following:

**Technical Requirements:**
The revised alignment must be shown on the accompanying subdivision plat prior to scheduling this request for City Council.
SUBDIVISION PLAT REVIEW CRITERIA:
In accordance with City Subdivision Code Chapter 7, Article 7, Section 102 of the City Subdivision Code Chapter 7, a subdivision plat shall be reviewed using the standards found in said section. Specifically, to promote the health, safety, convenience, and general welfare of the citizens of the City; to set forth appropriate standards for subdivision design; to set forth appropriate standards for utilities and services; to assure the provision of adequate and safe circulation; to assure adequate public facilities can be provided; and that the development conforms to the goals and policies of City Comprehensive Plan.

The subdivision plat (FIGURE 4) for Falcon Landing Fil. No. 1 is a replat of the eight original residential lots, (to be) vacated Collins Rd. and parts of vacated Fuller Rd. and Shrider Rd. The new configuration would consist of three lots corresponding to the three commercial buildings, a cul-de-sac bulb for Fuller Rd., a detention pond tract, and four tracts of land between the proposed screening wall and the adjacent residential lots. The latter four tracts are intended for landscape and drainage purposes. The developer is willing, at the discretion of the individual adjacent property owners, to deed these tracts to them while retaining responsibility for drainage, irrigation, landscape maintenance and trash collection.

It is the finding of the Planning Staff that the Falcon Landing Fil. No. 1 Subdivision Plat will be in substantial compliance with the standards found in City Subdivision Code Chapter 7, Article 7, and Section 102 if modified as follows:

Technical and Informational Modifications to the Subdivision Plat:
Revise the boundaries between Lots 1-3 and Tracts A-D to conform to the final approved development plan.
This project statement accompanies five entitlement requests including a Zone Change request, a Vacation of Public Right-of-way request, a Development Plan request, a Non-Use Variance request and a Subdivision Replat request for property located on the East side of North Academy Boulevard lying between Fuller Road on the North and Shrider Road on the South. The property is currently zoned R/cr (Residential/conditions of record) and is included in the approved "Falcon Estates, Columbine Estates and Yorkshire Estates Master Plan". The land use for this property designated in the referenced approved Master Plan is office and/or commercial uses.

The proposed Zone Change request is for a PBC/cr zone which conforms to the land use approved in the referenced Master Plan. The properties on the North and South and across Academy Boulevard from this project are currently zoned PBC/cr and are fully developed accordingly.

The Vacation of Public Right-of-way request involves vacation of that portion of existing sixty foot (60') wide Collins Road running East/West through the center of the proposed development and is again, in conformance with the approved Master Plan. Fuller Road adjacent on the North was vacated in conjunction with the development of the Fuller Commercial Center. Shrider Road adjacent on the South was vacated in conjunction with the development of BSK Subdivision Filing No. 1. Both Fuller Road and Shrider Road to the East of this proposed development are proposed to be dead-end streets with a cul-de-sac. The Shrider Road cul-de-sac was constructed in conjunction with the BSK Subdivision development on the South. The Fuller Road cul-de-sac is proposed to be constructed in conjunction with this development. An indirect connection to the neighborhood from the private drive will be implemented at Collins Road as included in the approved Master Plan.

The Development Plan request for this project indicates three buildings are proposed to be constructed with both retail and restaurant uses. A parking field lies between the buildings and Academy Boulevard with parking provided in excess of that required for a Neighborhood Commercial Center (1 space/300 square feet of building). A private drive will be constructed along the Easterly edge of the development to connect to the existing private drives located within the developments on the North and South of this project. A fifteen foot (15') high screen wall will be constructed along the Easterly boundary of the development in accordance with the conditions of record for the property. A Non-Use Variance Request is included in the submittal to
accommodate construction of the screen wall closer (in some cases) than the twenty-five feet (25’) currently required. The screen wall location varies in relationship to the adjacent residential property line as indicated on the referenced Development Plan.

Development Plan Notes are provided which outline the conditions of record associated with this project and include: restrictions of types of uses, restrictions of heights and types of lighting, restrictions of hours of operations, sign restrictions with respect to locations and height, restrictions of hours of construction, and other restrictions affecting construction and operation of this development.

The Subdivision Replat request for this project replats the currently platted eight (8) residential lots into a three lot commercial property together with four (4) Tracts which lie to the East of the proposed private drive and a Tract for Detention and Water Quality Facilities. The East Tracts will be deeded to the adjacent residential property owners upon their request. If not requested, ownership of the tracts will remain with the Developer. The Developer will be responsible for construction and maintenance of all stormwater management facilities and required landscaping within the Tracts. The replat dedicates additional right-of-way for Academy Boulevard and includes dedication of right-of-way for the Fuller Road cul-de-sac.

**Obering, Wurth & Associates (OWA),** on behalf of the Developer, Kevin Kratt Commercial Real Estate Service, Inc., hereby requests favorable response for the entitlement actions being requested in this submittal.

C:\WP51\MEMO\238JUST.LTR
PROJECT NO. 02038
OCTOBER 17, 2003
Date: March 23, 2004
To: Jim Hauck, City Traffic Engineer
From: John Merritt, Principal Traffic Engineer

RE: Academy & Shrider Signal Installation Review

I have reviewed the technical reports supplied by the applicant and his consultant LSC as well as historical reports regarding the development and traffic conditions in the area of the Academy & Shrider intersection.

**Background**

The land adjacent to Academy Blvd, between Goddard St./Agora Pt on the north and Woodmen on the south was master planned and annexed into the City in 1994. In the August, 1994 traffic analysis report, prepared by Leigh, Scott & Cleary, Inc. for that annexation, the following assumptions and recommendations were made:

- The land use for the properties on the east side of Academy was O/C with 60,000 sq. ft. of office and 60,000 sq. feet of commercial. The trips generated from this mix of office and commercial is 5230 trips per day, 527 trips in the PM Peak.
- The recommended traffic plan for the O/C parcels fronting Academy showed no signalized access between Woodmen and Fuller and only one right-in, right-out in that same reach of roadway. (Attachment 1)
- All other access was by internal frontage roads that terminated at Goddard/Agora Pt and Woodmen Rd.

Over time a number of alterations to the plan occurred:

- The signal planned for Fuller was relocated to Agora Pt.
- With the developments of the southeast and west side parcels, additional right-in, right-outs were allowed.
- The City Council agreed to allow a temporary signal at Shrider as is was impossible to complete the west side internal frontage road to Agora Pt.

**Existing Situation**

The development plan being reviewed today completes the development on the east side of Academy. Including this plan, the combined east O/C parcels of the annexation:

- Contain approximately 140,000 sq. ft. of commercial which will generate 9,898 trips per day, 918 trips in the pm peak.
- Include an additional two right-in, right-out driveways
- Are requesting the temporary signal at Shrider be made permanent

**FIGURE 5**
Signal Request Review

Leigh, Scott & Cleary, Inc (LSC) has prepared another study (Feb. 5, 2004) for the Applicant to justify the permanent placement of a traffic signal at Shrider. I have reviewed that study and the situation in the field and have the following observations and concerns.

- Nowhere in that study does LSC explain what has changed from their first recommendations of no full access found in the 1994 study.
- The Shrider signal is causing significant traffic problems.
  - The signal is located at a point on the road that detracts from the traffic progression. We are only able to give the side street a minimal amount of time, and cannot add more time or left-turns without disrupting traffic on Academy to a much greater extent. Our analysis of installing left-turns indicates that vehicles on Academy required to stop would double.
  - The median/left-turn bay at Shrider isn’t wide enough for efficient left-turn operations (it was supposed be a solid median with right-in right-out access only). The problem is that the opposing left-turn vehicles are blocking each others visibility and the median is not wide enough to create an offset to improve sight distance.
  - The Shrider intersection is presently experiencing backups from the Academy/Woodmen intersection that extend through the intersection making it impossible for east-west traffic to exit.

- The location of the Shrider intersection may be in the influence area of the future interchange at Academy and Woodmen

LSC recommends that lead/lag left-turns be installed. While we have installed a few lead-lag left-turns, they are not well received by the citizens of Colorado Springs and therefore are only installed as a last resort. In addition, due to the heavy flow of traffic on Academy the lead-lag will stop and delay more traffic than delayed today.

The study also recommends an unconventional method to reduce the gridlock problems. They recommend that specialized detection be placed upstream of the intersection that would recognize backups and make changes the signal timing at Shrider to try to alleviate the gridlock. Their recommendation is not workable with a central master signal system. The implementation of what amounts to be a pre-empt will create disruptions backups on both Academy and on Shrider that could last for as much as 10 to 15 minutes.

Alternative Solution

When the applicant formally submitted his request and study for the retention of the traffic signal on Feb. 5th, Traffic Engineering’s review found the above listed problems that argued for the removal of the signal. Instead of recommending denial, staff performed their own study to see if there was a way to accommodate the commercial development without substantially impacting traffic on Academy. Figures 2, 3, & 4 are three possible alternatives that mitigate the problems found at Shrider. Those problems mitigated include:
The signal is at a better location for progression, allowing more time to be given to the side street.

- Less vehicles would be stopped on Academy which should translate into less accidents
- The median is wider allowing the left-turn bays to be designed with improved sight distance.
- The location is outside the influence area of Academy/Woodmen so that Academy traffic will not block the intersection. Also, the location will not cause problems when the Academy/Woodmen interchange is constructed.

**Conclusion**

The reason City Council approved the temporary signal at Shrider was to provide access to Academy for the neighbors until the interior road could be completed to Goddard St. on the north. With the higher than expected intensity of development on the O/C parcels, the alternate location for a permanent signal preserves the neighbors access, improves access to the commercial developments and provides the increased level of access the applicant is requesting.
March 23, 2004

To: Mr. Bob Tegler  
  Colorado Springs City Planning

The Home Owners Association of Falcon Estates (HOAFE) Board, with the adjacent homeowners, has reviewed and discussed the Shops at Falcon Landing Development plan dated 8 March 2004. The Board has identified areas that violate the intent to preserve the neighborhood, violate the FCY Master Plan, and degrade the quality of life for Falcon Estates residents.

The intent of the FCY Master Plan was and is to recognize and maintain the unique, and essentially rural family, environment of Falcon Estates; and to minimize the impact of a dense commercial area abutting directly on a residential area. To do this, the Master Plan limited the development area to two lots deep (approx. 400 feet) parcels of land along Academy Boulevard, and stipulated a definite significant buffer zone to separate the dense commercial from the essentially rural residential area. The city intended all setbacks and easements to be included inside the bounds of the parcel since it is immediately adjacent to a rural residential neighborhood. The master plan includes the following: "Buffers must ensure land use compatibility" and "Setbacks may be required in excess of those required by city zoning ordinance in order to ensure compatibility with existing land uses."

Master Plan Violations:

1. Setback: The reduced setback shown on the development plan violates the 25-foot setback required by the FCY Master Plan wording and intent, i.e., "land use compatibility", "city zoning ordinance", and the buffering between dense commercial development and rural residential areas.

2. Liquor (wine) sales: The inclusion of liquor and wine sales in the development plan is a violation of the FCY Master Plan Conditions of Record. The “75% wine sales” leaves 25% for liquor/beer and can’t be enforced – definition is not clear and there are no personnel available to enforce it.

Design Features:

1. Wall height: The effective wall height should be a minimum of fifteen feet as measured from the top of each residential property line to minimize the impact on the residents. The required buffering wall is to provide visual and sound buffering for the Falcon Estates resident to the east of the development. The wording of the plan Conditions of Record should reflect “east” side versus “west” side of Academy to include the eastward upslope.

2. Grade at Collins: All grade changes should occur on the developer’s side of the wall and not on the residential side or property so as to minimize any impacts to residents.

FIGURE 6
3. Traffic calming: While the developer has agreed to provide traffic calming within Falcon Estates, a firm commitment to the installation of calming measures should be included in the plan.

4. Hours of operation: Restaurant hours of operation shall not exceed midnight.

Development Plan Review

Only the first page revision of the development plan was provided for review. It is essential that all pages of the Development Plan (grading plan, landscaping plan, etc.) be provided to and reviewed by The Homeowners Association of Falcon Estates Board and affected Homeowners in order to complete an adequate review of the development. Subsequently, additional comments may/may not be required. It is essential that Mr. Bob Tegler has a complete input from the homeowners to fairly present concerns before providing recommendations/comments to the Planning Commission. Since we are familiar with this project, we may only require a few business days to review the entire development plan package. However, some additional time will be required to evaluate the entire development plan once it becomes available. The plan should not be submitted to the Planning Commission until the appropriate residents and the HOAFE Board have had an opportunity to provide input on the entire plan.

Sincerely,

Larry Bagley
Chairman
Homeowners Association of Falcon Estates

Cc: Kevin Kratt

LB/dj