

From: Larry Bagley <coloradoturtle@comcast.net>
Sent: Sunday, March 17, 2019 9:05 PM
To: Lobato, Elena
Cc: Sexton, Daniel
Subject: North Academy Rezone Project (CPC ZC 18-00178; CPC DP 99-00215-A5MJ18 Zoning/Conditions of Record change)

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On Tuesday, 5 February 2019, during a Neighborhood Meeting with the City, Falcon Estates property owners, commercial property owners, and proposed liquor store tenants discussed the proposed zoning/Conditions of Record changes to remove restrictions and allow the following uses: Automotive and Equipment Sales and Service; Convenience Food Sales; General Food Sales; and Liquor Sales (CPC ZC 18-00178; CPC DP 99-00215-A5MJ18; 7133, 7149, 7165, 7207, and 7239 North Academy Boulevard; BSK Subdivision Fil. No. 1 Development Plan). This is a major change to BSK Subdivision Filing 1 Development Plan Conditions of Record.

The Falcon Estates residents/owners and Home Owners Association expressed objections and concerns regarding the requested changes. The objections and concerns include but are not limited to: the Conditions of Record were thoroughly discussed, thought out, and coordinated with the home owners, the City, and the developer, and agreed to as conditions for the development to occur; a liquor store would increase the crime, traffic, vagrants, and infringement on a rural type neighborhood; and open the door for further changes to the Conditions of Record. A key factor considered by the City at the time for the restrictions, is the lack of buffering between dense commercial development and the very rural type neighborhood of Falcon Estates. At the time the original Conditions of record were agreed to, marijuana (medical and/or recreational) was not legal in Colorado nor the City of Colorado Springs and was not included in use restrictions. With the subsequent legalization of medical and recreational marijuana in Colorado, and medical marijuana (and likely legalization of recreational marijuana) in Colorado Springs, medical and recreational marijuana businesses should also be included as a restricted use in the Conditions of Record.

We respectfully request:

1. Disapproval of the zoning/Conditions of Record changes to remove restrictions and allow: Automotive and Equipment Sales and Service; Convenience Food Sales; General Food Sales; and Liquor Sales (CPC ZC 18-00178; CPC DP 99-00215-A5MJ18; 7133, 7149, 7165, 7207, and 7239 North Academy Boulevard; BSK Subdivision Fil. No. 1 Development Plan),
2. Maintaining the other Conditions of Record restricted uses – Bar, Funeral services, Movie theater, Drive-in or fast food, Sexually oriented business, Night club, and Teen or young adult club: and
3. Add medical and recreational marijuana business as a restricted use.

Both of us will be out of town all next week and are unable to attend the City Planning Commission Session on 21 Mar 19 when this item is coming before the Commission.

Bonnie and Larry Bagley
Homeowners/Residents Falcon Estates
7285 Ross Drive
Colorado Springs, CO 80920