

## Sexton, Daniel

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**From:** Gene Parrish <genenancypar@yahoo.com>  
**Sent:** Thursday, January 10, 2019 12:25 PM  
**To:** Sexton, Daniel  
**Subject:** North Academy Rezone 7133, 7149, 7169, 7207 & 7239

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Mr. Dan Sexton  
Senior Planner Colorado Springs

Dan,  
The proposed rezoning of Shooting Star Enterprises properties at 7133, 7149, 7169, 7207, & 7239 to remove the following restrictions:  
E. Automotive and Equipment Sales and Services  
F. General Food and Convenience Food Sales  
H. Liquor Sales

The removal of these restrictions are too **open ended** with no designation as to what limits are defined and allowed for future use. Items E., F., & G. are to generalized.

Within Scope labeled **Conformance with Development Plan Criteria** paragraph A. states " The site is separated visually from the adjacent neighborhood by a colored concrete block screen wall and landscaping that remains unchanged with this amendment." is only true behind 7149 N Academy. 7207 N. Academy does not have a colored concrete block wall behind building as only the back of the building exists. The neighbors on Berglind and Shrider already have problems with homeless camps trying to setup their shelters behind buildings. We find grocery carts with clothes and sleeping bags from the ARC behind Shooting Star Enterprises. That stated, we are concerned about a liquor store going in one of their properties drawing more homeless. **I would like to see the walking entrance to Falcon Estates at both the end of Berglind and the end of Shrider blocked off with continuation of block wall at North end and South end of Shooting Star Enterprises properties. No ingress from commercial business to Falcon Estates.** When Ultimate Electronics was located at 7207 N Academy they had RV's and other vehicles in the cul-de-sac on Shrider within Falcon Estates installing their commercial electronics in those vehicles in a residential neighborhood.

Sincerely,  
Marvin E. Parrish  
1707 Berglind Rd.  
Colorado Springs, CO 80920  
719-352-7458  
genenancypar@yahoo.com

## Sexton, Daniel

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**From:** Garrett Flood <gpflood2hoa@hotmail.com>  
**Sent:** Thursday, January 10, 2019 2:09 PM  
**To:** Sexton, Daniel  
**Cc:** Jim Torley; Dave Draves; Lynn Murphy; Greg Floyd; Karl Peterson; JON PAUKOVICH; Bob Cunha  
**Subject:** Regarding CPC ZC 18-00178 - Request by Shooting Star Enterprises, with representation by N.E.S, Inc., for zone change.

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Hello Daniel,

The board would like to thank you for the time you took speaking to our various members and the information you provided. Two HOA board members at the time these restrictions were put in place are still residents in our community. The board reached out to them for additional background. They both explained these specific restrictions were intentionally negotiated and added to help alleviate negative impacts of the development to our community. These negative impacts include noise, increased community cross through traffic, clientele attracted by the shops, etc.

As a reference, we've included a direct quote from one of their responses, "No liquor sales and no auto shops was considered to be critical Conditions of Record during the original planning sessions years ago – as expected, the CRs are being incrementally removed (camel In the tent)."

As you can see the original board felt strongly about these restrictions being in place when the development occurred and the stance of the current board is the same. The Homeowners Association of Falcon Estates would like this email to serve as a formal objection to the proposed zone change by Shooting Star Enterprises.

If there are any questions or further discussion required for this matter please contact one of the Falcon Estates board members listed below:

Jim Torley - jrtorley@comcast.net  
Greg Floyd - retrvrman@gmail.com  
Garrett Flood - gpflood2hao@hotmail.com

Best Regards,

Falcon Estates HOA Board

## Sexton, Daniel

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**From:** Scott Toniolli <breckenridgebeds@gmail.com>  
**Sent:** Friday, January 11, 2019 11:29 AM  
**To:** Sexton, Daniel  
**Subject:** North Academy Rezoning

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My name is Scott Toniolli. I live at 1374 Venhorst Road Colorado Springs Co. I am adjacent to this proposed zoning change and NOT in favor of making any of the described changes which have been shared with me to include but not limited to automotive sales, convenience sales, liquor store sales, etc...

When I purchased my home, it was in the County surrounded by other homes/families. Though a lengthy process, my home was zoned into the City of Colorado Springs a master plan was developed (Quinn Pietz - Planning Department) and development was placed adjacent to my home. Again, this was a lengthy processes. It involved extensive analysis/negotiations as what kind of businesses would be placed where (density), conditions of record, traffic impacts, etc.. on the west side of Academy Blvd from Woodmen Road north to Fuller Road. The development adjacent to my home was called Rusinak Development. Vince Rusinak, City of Colorado Springs Planning Department Larry Larson, City Council, Falcon Estates Homeowners Association and all the adjacent Homeowners who wanted to participate (including myself) worked very hard to get to an amenable agreement. To include the zoning on this property.

When the applicant/the owner of this property purchased this development they understood the zoning on the property. They knew the sensitive nature of this narrow development so close to residential property.

My concern of what is being proposed, among other things, is an increase in density this rezoning will bring. While I feel strongly about this position, I am willing to hear more details.

Sincerely.

--

Scott Toniolli  
Colorado  
719-439-6008

## Sexton, Daniel

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**From:** Gene And Fran Steinkirchner <stonechurch99@gmail.com>  
**Sent:** Wednesday, February 13, 2019 9:16 AM  
**To:** Sexton, Daniel  
**Subject:** North Academy Rezone Project

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Mr. Sexton. I live at 7147 Bell Dr. 2 Question. 1 Can the wall behind the Ark be build to where there is no entry into Falcon Estates. And can the road at Collins that goes into the shopping center be closed. This would stop a lot of the cross-through traffic into Falcon Estates . Thank You Gene Steinkirchner

## Sexton, Daniel

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**From:** Jeff Atkinson <moo@racingcows.com>  
**Sent:** Monday, February 4, 2019 7:55 PM  
**To:** Sexton, Daniel  
**Cc:** 'Garrett Flood'; Greg Floyd; Jon Paukobnich; Jim Torley; Dave Draves; Karl Peterson  
**Subject:** North Academy rezone, 7133, 7149, 7169, 7207, 7239

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Hello Dan,

I am sorry but I am not able to make it to the public meeting tomorrow evening, I have a previously scheduled engagement. I want to convey my concerns on the rezoning.

In order for me to be in favor of the rezoning, I would like to see the following restrictions in place in a permanent form such as zoning restrictions, deed amendment or other legally binding form.

- No marijuana facility not limited to medical or recreational sales, clubs, churches, warehouses, growing facilities, accessories/paraphernalia, or distributors.
- Methadone clinics
- Adult stores i.e. adult movies, books, clothes and adult entertainment.
- Any establishment requiring age of 21 to be a patron.
- No additional drive-thrus to include ATMs.
- No establishments that of any kind are associated with products that are not legal under federal law, i.e. psychedelic mushrooms, marijuana, etc...

My primary concerns are the traffic and parking. Currently on any given weekend, the parking lot is already overflowing with parking along the fenced road meant to allow access to the adjacent shopping center and reduce traffic through the walking traffic areas. Currently there is a stop sign near the ARC thrift store. Virtually NO ONE observes this stop sign making access to my home difficult and dangerous most any time day or night. If you would like video confirmation, please let me know. I can obtain numerous instances of near misses and the stop sign running in just a short time with a video camera. I **require** the stop sign to be relocated to the intersection making a 2 way stop on the 3 way intersection. This would allow if the stop sign is observed, opportunities to enter and exit the intersection hopefully with less fear of being hit by someone running the stop sign and increases the stakes for the vehicles exiting the ARC parking area encouraging compliance with the stop sign. Also some enforcement occasionally would be welcome.

I understand that some of these restrictions are difficult to implement, but to be honest, that is not my problem. The property owner is responsible for figuring out how to make it work in a reasonable manner agreeable to the community. I am a reasonable person as you are aware and request to be contacted and notified of any proceedings regarding this rezoning request.

Thank you Daniel for all your work.

Jeff Atkinson  
7325 Grashio Dr.  
720-289-4595  
moo@racingcows.com



## Sexton, Daniel

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**From:** John Comes <comesjp63@gmail.com>  
**Sent:** Monday, February 11, 2019 2:24 PM  
**To:** Sexton, Daniel  
**Subject:** CPC ZC 18-00178, CPC DP 99-00215-A5MJ18

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Mr. Sexton –

I'm writing to register my opposition to the proposed zoning changes documented in the subject filings.

As I'm sure you are aware, when Falcon Estates was annexed in the early 90s, significant effort was expended by the city and local residents to establish the Falcon Estates, Columbine Estates and Yorkshire (FCY) Conditions of Record. Despite the restrictions stated therein, the commercial developments along Academy Blvd and Woodmen Road have resulted in a number of persistent and problematic issues as described by other respondents.

I fully concur with the concerns expressed by the Falcon Estates HOA and my neighbors at the 05 Feb meeting. I believe the property owners and potential tenants will strive to be good neighbors, however they cannot control the unintended consequences of crime, vagrancy, traffic and other problems that liquor and grocery stores, automotive businesses and the like may bring to the area. Such problems bleed into the surrounding neighborhoods, putting residents at risk and further de-valuing our properties.

To the property owners, I say: TRY HARDER. These are prime retail locations, so I cannot imagine why it should be so difficult to attract businesses that conform to the FCY Conditions of Record.

To the potential tenants, I say: Look elsewhere. The retail corridor along North Academy Blvd in particular should offer other opportunities for their businesses that do not require zoning changes, but would still serve the same customer base.

Finally, to the City Planning office, I say: Please do not approve the proposed zoning changes. Once changed, these conditions cannot be reversed. Over time, this will lead to further degradation of the retail climate in this area, which will continue to have negative effects on the surrounding neighborhoods. Falcon Estates is one of a few remaining refuges within city limits with a rural look and feel, abundant wildlife, and relative quiet. The FCY Conditions of Record are the only buffer we have against the onslaught of retail traffic and other consequences to our homes, and should remain unchanged.

Thank you for your time and consideration.  
Respectfully,

John Comes  
982 Venhorst Road (Falcon Estates Filing 1)  
Colorado Springs, CO 80920-3128  
719-659-1300

## Sexton, Daniel

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**From:** LARRY CRIST <crisbetty@msn.com>  
**Sent:** Monday, February 11, 2019 4:29 PM  
**To:** Sexton, Daniel  
**Subject:** Shooting Star Enterprises rezoning proposal

**CAUTION! - External Email. Malware is most commonly spread through unknown email attachments and links. DO NOT open attachments or click links from unknown senders or unexpected email!**

Dear Mr. Sexton,

We are writing regarding the requested rezoning changes by Shooting Star Enterprises of 7133, 7149, 7165, 7207 and [7239 North Academy Blvd.](#), file numbers: CPC ZC [18-00178](#) and CPC DP 99-00215-A5MJ18. We strongly OBJECT to the proposed changes. Approval of this rezoning will be a detriment to this area.

There are already 5 liquor stores within 1 mile of this development. In addition, King Soopers and Sam's now sell liquor. Another 8 liquor stores are within 2 miles. We know you are already aware of the negative aspects expressed at the meeting on Feb. 5th. The current zoning restrictions negotiated with the city by Falcon Estates residents many years ago were in good faith and explicitly restricted, amongst other things, a liquor store in this development. We realize change happens, however, the city must also realize our neighborhood has dealt with many changes since we purchased our home.

Unlike other residential neighborhoods, we have no sidewalks nor street lights to keep our neighborhood safe also we have no parks or trails in our area. Being surrounded by very busy streets, Academy, Woodmen, Union, we have limited areas to walk or children to be safe even playing in a front yard The area behind this strip mall does have a small trail and grassy area and it is all we have. Unfortunately, we have already had to deal with a severely intoxicated man, homeless camps, trash, needles, increased traffic and speeders in the vicinity. The proposed changes would surely increase these concerns.

We understand that the Falcon Estates Homeowner's Association shared these concerns and has also objected to the zoning changes. We respectfully ask for no zoning change.

Please help us to save our neighborhood.

Sincerely  
Larry and Betty Crist  
7257 Ross Dr  
Colorado Springs, Colorado  
crisbetty@msn.com  
7199301735

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## Sexton, Daniel

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**From:** Linda Peterson <lindapcs@outlook.com>  
**Sent:** Sunday, February 10, 2019 3:22 PM  
**To:** Sexton, Daniel  
**Cc:** Garrett Flood; davedraves@yahoo.com  
**Subject:** CPC ZC 18-00178 and CPC DP 99-00215-A5MJ18

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Dear Mr. Sexton,

I am writing regarding the requested rezoning changes by Shooting Star Enterprises of 7133, 7149, 7165, 7207 and 7239 North Academy Blvd., file numbers: CPC ZC 18-00178 and CPC DP 99-00215-A5MJ18. I strongly OBJECT to the proposed changes. Approval of this rezoning will be a detriment to this area.

There are already 5 liquor stores within 1 mile of this development. In addition, King Soopers and Sam's now sell liquor. Another 8 liquor stores are within 2 miles. I know you are already aware of the negative aspects expressed at the meeting on Feb. 5th. The current zoning restrictions negotiated with the city by Falcon Estates residents many years ago were in good faith and explicitly restricted, amongst other things, a liquor store in this development. I realize change happens, however, the city must also realize our neighborhood has dealt with many changes since we purchased our home and this area was in the county.

Unlike other residential neighborhoods, we have no parks or trails in our area. Being surrounded by very busy streets, Academy, Woodmen, Union, we have limited areas to walk. The area behind this strip mall does have a small trail and grassy area and it is all we have. Unfortunately, we have already had to deal with homeless camps, trash, needles, increased traffic and speeders in the vicinity. The proposed changes would surely increase these concerns.

I understand that the Falcon Estates Homeowner's Association share these concerns and has also objected to the zoning changes. I respectfully ask for no zoning change.

Sincerely,

Linda Peterson  
2125 Shrider Rd.  
Colorado Springs, CO 80920  
lindapcs@comcast.net  
719-238-2971

## Sexton, Daniel

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**From:** Mugshot Films <mugshotfilms@gmail.com>  
**Sent:** Thursday, February 7, 2019 11:32 AM  
**To:** Sexton, Daniel  
**Cc:** Garrett Flood; Valerie Andrews  
**Subject:** OBJECTION TO the North Academy Rezone Project

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Dear Mr Sexton, I trust this finds you well?

My wife and I are residents of Falcon Estates and wanted to air our objections to the proposed North Academy Rezone Project.

Our main objections are the potential for Increased vehicle cross-through traffic, increased walk-through traffic, Increased Noise and vagrancy.

As a couple who recently moved to the neighborhood about a year ago we have already experienced several robberies in our street, excessive noise in the early hours of the morning due to road construction on academy which unfortunately travels up the hill and right into our house, keeping my wife and I up at night.

Vagrancy is also becoming an increased concern and the potential for increased traffic flow where we have already a significant flow of cut through traffic in our neighborhood at speeds far exceeding the posted 25mph limit and few people stopping at the stop signs because there is little preventing people from getting away with it, is of paramount concern.

This by the way has been validated by the city already who did a traffic study and found speeds of 60mph+ and average speeds of 35mph+ and more than 700 vehicles in one day. If there were to be a liquor store, I have no doubt in my mind that this would increase the volume of traffic and subsequently all of the aforementioned issues of speed, circumventing traffic signs and of course pollution.

Please therefore note our formal objections to the re-zoning.

Thank you.

Mark Andrews  
President  
MugShot Films  
US Cell: 310 795 4065  
[www.mugshotfilms.com](http://www.mugshotfilms.com)



## Sexton, Daniel

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**From:** Tim Ottaway <designtim@comcast.net>  
**Sent:** Thursday, February 7, 2019 9:26 PM  
**To:** Sexton, Daniel  
**Cc:** CEA\_Board@yahoogroups.com  
**Subject:** Oppose rezone to allow liquor store at Harbor Freight plaza

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I am a home owner in the Columbine Estates HOA as well as a member of the Architectural Committee. I oppose the rezoning to allow a non permitted use in the harbor freight plaza. As residential neighbors this zoning was already negotiated at the time of conversion from residential to commercial. It will be a betrayal of trust to modify the zoning now and bring in a liquor store when it is clearly unwanted by the residential property owners that surround the plaza and are most affected.

Regards,

Tim Ottaway  
719.210.1090

## Sexton, Daniel

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**From:** Audray Flood <audraybuhs@hotmail.com>  
**Sent:** Friday, February 8, 2019 7:36 PM  
**To:** Sexton, Daniel  
**Subject:** re-zoning near Woodmen and Academy

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To Mr. Sexton,

I am a resident of Falcon Estates neighborhood and oppose the re-zoning of the nearby strip mall for the following reasons:

- Increased vehicle cross-through traffic in neighborhood (it is hard enough as it is to walk around with my two toddlers)
- Increased walk-through traffic
- Increased hours of operation for the liquor store.
- increased homeless and other vagabonds
- original zoning should be honored

Thank you,

Audray Flood  
7433 Grashio Dr  
719-213-4204

## Sexton, Daniel

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**From:** degrush@comcast.net  
**Sent:** Thursday, February 7, 2019 9:50 AM  
**To:** Sexton, Daniel  
**Subject:** Falcon Estates Rezoning for liquor store

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Dear Mr. Sexton,

I attended the neighborhood meeting on February 5, 2019 concerning rezoning the property known as the mall where Harbor Freight is located so that a liquor store can become a tenant.

I have lived in this neighborhood since 1991 and was part of the thoughtful conversation and document known as our Conditions of Record. It was a long process, but has protected our neighborhood since the late 1990's. I came to this meeting because I don't understand how one business can come in and erode our Conditions of Record by asking for a rezoning. Our conditions explicitly state: NO LIQUOR STORES.

Dan explained we needed concrete reasons for not allowing a liquor store:

1. Security: Jared Jewelers was robbed twice and the get away car was parked on Berglind Road in our neighborhood.

We have openings in two cul-de-cacs for emergency vehicle access. These cul-de-sacs are vulnerable accesses to our neighborhood. Many liquor stores have been targets for theft in Colorado Springs and these cul-de-sacs are convenient get a way accesses.

2. We have 2 liquor stores already in close proximity: on Briargate and King Soopers so why do we need another one?

3. How convenient for the homeless to camp in our neighborhood, loiter, leave trash, discard needles, and leave their feces. A liquor store so convenient to our neighborhood would, in my opinion promote more of this behavior.

4. Tenants of the liquor store: One lives out of state and the other lives in Denver. They have no buy in as to how long it took us to produce these Conditions of Record, our unique neighborhood (acre lots and horse property) or the problems a liquor store would create as noted above.

5. Because of our unique neighborhood, there would be more foot and vehicle traffic cutting through to access this liquor store, which is why we live here: for the peace and quiet.

I am formally objecting to a zoning change for Falcon Estates based on the reasons above. How can one "special interest" group (liquor store), come into our neighborhood when we have our "Conditions of Record" that have been in place since the late 1990's and be able to change them without many meetings that the whole neighborhood can participate in, not just the properties within 1000 feet? Other businesses have complied with our "Conditions of Record" for years. I don't think it is fair for an out of state person or family to come in and be able to nullify our conditions.

Please let me know if you recieved this letter and when I can speak at a planning commission meeting. I can't seem to navigate when and where this meeting will be held.

Sincerely,

Barbara DeGrush

degrush@comcast.net



## Sexton, Daniel

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**From:** Ed <ebilot@comcast.net>  
**Sent:** Monday, February 11, 2019 12:15 PM  
**To:** Sexton, Daniel  
**Subject:** liquor store zoning, North Academy

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Mr. Sexton,

I have lived in Falcon Estates for over 30 years and had to live with city encroachments from rezoning the property along Academy to allow bushiness. We spent lots of money to block a Walmart from going in there, we succeeded only to see a Sam's Club go in it's place. We the ,Home Owners Association, with approximately 150 members, listen to us. There was a petition against having an ARC open up, stating it would draw transients, how you have them camping behind the wall, bringing our property values down. Now we would like you to complete the existing wall to make it harder for them to come through the wall at the end of Shrider.

We would like you to help us make or neighborhood a safer. Please do not grant a change in zoning to allow a liquor store.

While your at it, make it illegal to panhandle in Colorado Springs, it would cut in half the amount of camps I have to pay for.

*Ed Bilot  
7237 Whitley Dr.  
Colorado Springs, CO  
(719) 339-1108*