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Ordinance No. 92-88
EL PASO COUNTY CLERK & RECORDER

BOOK PAGE
6125 282

AN ORDINANCE ANNEXING TO THE CITY OF
COLORADO SPRINGS THAT AREA SOMETIMES
KNOWN AS THE WESTERN PORTION OF FALCON
ESTATES REFILEING NO. 2
HEREINAFTER SPECIFICALLY DESCRIBED IN
EXHIBIT "A" AND IMPOSING ADDITIONAL
TERMS AND CONDITIONS AS SET FORTH IN
EXHIBIT "B"

50-

WHEREAS, the City Council of the City of Colorado Springs ("City Council") on January 22, 1991 adopted Resolution No. 25-91 entitled "A Resolution finding a petition for annexation election of that area sometimes known as and also sometimes known as the western portion of Falcon Estates Refiling No. 2 to be in substantial compliance with Section 31-12-107(2) C.R.S. and the applicable provisions of Section 31-12-107(1) C.R.S. and setting a hearing date for the Colorado Springs City Council to hold a public hearing to consider the petition for annexation election of the area"; and

WHEREAS, pursuant to such Resolution 25-91 and after providing notice under the provisions of Section 31-12-108 C.R.S. City Council on March 12, 1991 held a public hearing to consider the petition for annexation election of the area; and

WHEREAS, pursuant to such public hearing, the City Council adopted Resolution 53-91 setting forth findings of facts and conclusions based thereon and determined that an annexation election for the area should be held in accordance with the petition for annexation election and in accordance with the provisions of the Municipal Annexation Act of 1965, Part 1 of Article 12 of Title 31 C.R.S. (the "Annexation Act") and further determined that additional terms and conditions as allowed by the Annexation Act should be imposed upon the area proposed for annexation; and

WHEREAS, an annexation election was held on October 23, 1991 which resulted in 48 votes case for the annexation and 12 votes cast against the annexation of the area subject to the additional terms and conditions imposed by Resolution No. 53-91; and

WHEREAS, the results of such annexation election were certified to the District Court in and for the County of El Paso and State of Colorado in Case No. 91-CU-3249, Division 9; and

WHEREAS, based upon such certification, the Court has issued an order determining that the western portion of Falcon Estates Refiling No. 2 annexation to City by ordinance subject to the additional terms and conditions set forth in Resolution 53-91; and

WHEREAS, City Council has determined that the western portion of Falcon, Estates Refiling No. 2 should be annexed to the City of Colorado Springs

ITEM NO. 20

subject to the additional terms and conditions imposed by Resolution No. 53-91.

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

Section 1. Attached hereto and incorporated herein by reference is Exhibit "A", the legal description of the area sometimes known as western portion of Falcon Estates Refiling No. 2.

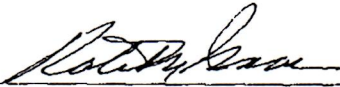
Section 2. The area sometimes known as the western portion of Falcon Estates Refiling No. 2 in Exhibit "A" is hereby annexed to the City of Colorado Springs.

Section 3. That the annexation of the area is subject to the additional terms and conditions set forth in Exhibit "B" attached to and incorporated herein by reference.

Section 4. When this annexation is complete, the area shall become a part of City of Colorado Springs for all intents and purposes on the effective date of this ordinance with the exception of general taxation, in which respect said annexation shall not be effective until on and after January 1 next ensuing.

Section 5. This ordinance shall be in full force and effective from and after its passage and publication as provided by the Charter.

Introduced, read, passed on first reading and ordered published this
14th day of July, 1992.



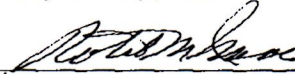
Mayor

ATTEST:



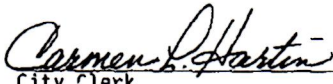
City Clerk

Finally passed, adopted and approved this 28th day of July, 1992.



Mayor

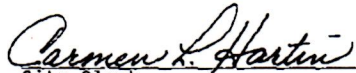
ATTEST:



City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled "AN ORDINANCE ANNEX-
ING TO THE CITY OF COLORADO SPRINGS THAT AREA SOMETIMES KNOWN AS THE WESTERN
PORTION OF FALCON ESTATES REZONING NO. 2" was introduced and read at a regular
meeting of the City Council of the City of Colorado Springs, held on July 14,
1992; that said ordinance was passed at a regular meeting of the City Council
of said City, held on the 28th day of July, 1992, and that the same was pub-
lished in full in the Colorado Springs Gazette Telegraph, a newspaper published
and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the
City, this 28th day of July, 1992.



City Clerk

EXHIBIT A

A PARCEL OF LAND BEING A PORTION OF SECTION 5, TOWNSHIP 13 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, EL PASO COUNTY, COLORADO, BEING ALL OF BLOCKS 4, 5, 6, 7, AND 8, THAT PORTION OF CRAGIN ROAD LYING WESTERLY OF ACADEMY BOULEVARD, ALL OF BURNS ROAD, ALL OF HEATH DRIVE, ALL THAT PORTION OF MILNER DRIVE AND VINCENT DRIVE LYING WITHIN THE REFILING OF FALCON ESTATES NO. 2, ALL OF TURNER ROAD LYING WEST OF ACADEMY BOULEVARD, AND ALL OF ACADEMY BOULEVARD, ALL AS SHOWN ON THE PLAT OF REFILING OF FALCON ESTATES NO. 2 AS RECORDED DECEMBER 8, 1960, IN PLAT BOOK C-2 AT PAGE 16 OF THE RECORDS OF THE CLERK AND RECORDER OF EL PASO COUNTY, COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE BEARINGS SHOWN IN THIS DESCRIPTION ARE ASSUMED AND RELATIVE TO THOSE SHOWN ON THE PLAT OF REFILING OF FALCON ESTATES NO. 2, WHICH IS THE SOUTH LINE OF SECTION 5, BEING CONSIDERED "WEST".

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF SAID REFILING OF FALCON ESTATES NO. 2 WITH THE EASTERLY LINE OF ACADEMY BOULEVARD AS SHOWN ON SAID PLAT, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE S15°28'23.5"E ON THE EASTERLY LINE OF ACADEMY BOULEVARD, A DISTANCE OF 1488.05 FEET TO THE SOUTH LINE OF SAID REFILING OF FALCON ESTATES NO. 2 (THE FOLLOWING SIX (6) COURSES ARE ALONG AND COINCIDENT WITH THE BOUNDARY LINE OF SAID REFILING OF FALCON ESTATES NO. 2):

1. THENCE WEST ALONG THE SOUTHERLY LINE OF SECTION 5, A DISTANCE OF 3609.18 FEET;
2. THENCE N34°46'50"W, A DISTANCE OF 211.00 FEET;
3. THENCE N32°36'E, A DISTANCE OF 751.80 FEET;
4. THENCE N55°50'E, A DISTANCE OF 150.80 FEET;
5. THENCE N02°03'W, A DISTANCE OF 543.00 FEET;
6. THENCE EAST, A DISTANCE OF 2822.18 FEET

TO THE POINT OF BEGINNING, CONTAINING 105.68 ACRES, MORE OR LESS.

EXHIBIT B
ADDITIONAL TERMS AND CONDITIONS
FALCON ESTATES REZONING #2

Upon annexation, the area proposed to be annexed shall be subject to the following additional terms and conditions.

1. Upon request by a property owner or owners, upon a change in land use from the land use existing at the date of annexation, upon development or redevelopment, or where necessary to maintain minimum health and safety standards as determined by the City of Colorado Springs (City), the infrastructure shall be upgraded at the expense of the property owner or owners to meet City standards. Such infrastructure may include roads, drainage facilities, signals, street lights, water, wastewater, or other utility facilities, or any other public or private infrastructure. This infrastructure may be designed, financed, or constructed by mechanisms such as special districts or other entities.
2. If the majority of the voters vote for the annexation and before the City of Colorado Springs City Council (City Council) finally approves the annexation, the property owners shall submit a master plan and development phasing plan for review by the Colorado Springs City Planning Commission and the City Council. Development and redevelopment of the site shall be in conformance with the approved master plan and development phasing plan.
3. Upon annexation, an R, Residential Estate zone shall be established on the entire site since it is most compatible with the existing uses.
4. Rezoning shall be in conformance with the approved master plan.
5. The property owners will provide avigation easements when the property is platted.
6. It appears that the existing roads can be maintained by the City without any substantial upgrades at the time of annexation. If the property owners request that the existing roads be upgraded, those upgrades shall be done at the expense of the property owners. If a change of land use or a change in the master plan that requires roads to meet City standards occurs, then those areas affected by the change will be required to upgrade the roads to City standards. The property owners of property adjoining Academy Boulevard may be required to dedicate without compensation to the City land for additional right of way when their properties are developed or redeveloped.
7. There is no need for street lighting or traffic control signals at this time. The property owners will be responsible for the cost of street lights or signals which they request. Traffic control devices shall be installed only when warranted.
8. At the time of Master Plan submittal, the property owners must also submit a Master Development Drainage Plan (MDDP) for City Engineer approval. The MDDP will evaluate existing and future drainage needs. Until such time as the property develops or redevelops in accordance with a Master Plan, the

(3/18/91)

property owners will be required to accept the present level of service provided by the existing drainage facilities. If the property owners request that the existing drainage facilities be upgraded, those upgrades will be done at the expense of the property owners.

9. Upon development or redevelopment of the area in accordance with an approved master plan, El Paso County (County) may provide recommendations to the City regarding roads in the remaining unincorporated County that will be affected by the development. The property owners will be required to pay the costs for road upgrades required by the City.
10. If a special district or other entity is formed to fund the development of the grade separated interchange at the intersection of Academy Blvd and Woodmen Road, the property owners will be required to participate. The level of participation will be a pro rata share based on the intensity of development or redevelopment and the associated traffic impacts as determined by the City Council.
11. City of Colorado Springs Utilities agrees to continue to provide gas and electric service to the area.
12. Wastewater service will be provided by the City upon request at the expense of the property owners; however, capacity of the system is not guaranteed. The property owners will be required to pay to the City a pro rata share of treatment plant facilities, trunk sewer, and relief sewers.
13. Water service will be provided by the City upon request at the expense of the property owners, but availability is not guaranteed. The majority of the area is within the Woodmen Water and Sanitation District, and the City will not serve any property until it has been excluded from the District.
14. The property owners may be required to dedicate easements without compensation to the City and provide necessary facilities when their properties are developed or redeveloped.
15. City of Colorado Springs Utilities' rules, regulations, ordinances, policies, and codes may change, and these conditions do not limit the ability of the City to adopt and apply different rules, regulations, ordinances, policies, and codes to the area if the new rules apply to the City generally.
16. Fire Prevention
 - a. The area may continue to exist in a rural fire service delivery configuration until such time as the property owners request that City water service be provided. At the time of the request, the City may require that water main size and fire hydrant configuration be installed to current City standards in effect at that time.
 - b. If a special improvement district or other entity is established in the annexed area, the City may require that the water distribution system and fire hydrants be included in the district.
 - c. Until a water delivery system is installed in the area that meets City standards, water may not be available in a sufficient volume to extinguish a residential fire in the area.

(3/18/91)

17. The Annexation of the area by the City grants to the City the sole and exclusive right to withdraw, appropriate, and use any and all groundwater underlying the owners' property except for groundwater previously permitted or decreed to the property owners or to third parties.
18. Upon construction of wastewater lines and facilities and if determined necessary by the City Engineer, the property owners may be responsible for the construction of facilities associated with the wastewater service that are necessary for the safe discharge of all subsurface water into a drainage conveyance facility. Such facilities are not eligible for drainage basin credits or reimbursements.
19. All existing City codes, ordinances, resolutions or policies except as modified by these conditions will apply to this area upon annexation.
20. These additional terms and conditions shall be recorded by the City with the El Paso County Clerk and Recorder, shall apply to the area annexed to the City, and shall constitute constructive notice of such additional terms and conditions to all subsequent property owners and persons who have an interest in property located within the area annexed.

(3/18/91)

I, Carmen L. Hartin, City Clerk of the City of Colorado Springs, Colorado, do hereby certify the foregoing to be a true and correct copy of Ordinance No. 92-88, finally passed by the City Council of the City of Colorado Springs the 28th day of July, 1992, the original of which is on file in the City Clerk's Office.

Dated at Colorado Springs, Colorado, this 22nd day of February, 1993.



10. Another meeting should be held with area residents. The amended plan (based on the above comments) should show all road closures, realignments, and disconnections. The plan should also show the phasing of development with all necessary buffers for remaining residential properties. Adjacent property owners as well as owners within the subject annexation should be invited to the public meeting.

Until these issues are resolved, the City Staff cannot properly outline the alternatives and recommendations the Planning Commission should consider.

Annexation Impact Report and General Land Use Plan: In December, 1990, the City of Colorado Springs Planning, Development, and Finance Department prepared an annexation election impact report that was sent to the County. That report describes the annexation area, the current land uses, adjacent availability of municipal services, affected special districts, and proposed land use patterns (FIGURE 3).

The general land use plan in the Impact Report recommends that Falcon Estates No. 2 (west) remain as a low density, viable single family residential neighborhood along the interior lots. It also recommends an area of low intensity, transitional, nonresidential uses such as offices could be designed to provide buffering to protect the bulk of the existing single family area and provide the owners along the arterials with a different use of their land (see map 5, FIGURE 3). The intensity of office uses would be less than the adjacent major arterials and greater than the existing residential, creating a transition into the neighborhood.

The proposed depth of the transition area was determined by the existing road alignment and the existing topography. The office uses go as far south as Fuller Road since it has always been anticipated that a signal would be placed at that intersection of Fuller Road and Academy Boulevard. The same office uses go as far west as Heath Drive, but due to topographic variations could go further west beyond Heath Drive.

The applicant's proposed Master Plan for Falcon Estates No. 2 outlines a variety of uses that are not contemplated by the Impact Report. In order to properly analyze these changes, the unresolved issues stated above need to be answered.

The City staff has always taken the position that all of Falcon Estates Nos. 1, 2, and 3 should be master planned concurrently and all attempts to do "piece meal" master plans should be done in the context of planning future land uses for all three Falcon Estates filings. The City staff needs all the above unresolved issues answered before recommendations can be made concerning Falcon Estates No. 2.

Annexation Conformance with the Comprehensive Plan: Policies 2.1.1 and 2.2.1 state that annexations should be "a logical extension of the city boundary" and the City should "consider property in the County which is totally surrounded by the City and peninsulas for annexation".

The Planning, Development and Finance Department has always taken the position that the Falcon Estates/Brookwood/Yorkshire/Columbine Estates area is a completely surrounded peninsula that should be evaluated in its entirety. As stated in the Impact Report, these four subdivisions are a part of a larger subcommunity defined by the following major arterials: Research Parkway, I-25, Woodmen Road and Rangewood Drive. The existing mix of commercial, residential, and employment uses should be studied in the larger subcommunity area to determine whether Woodmen Plaza Addition is a proper fit.

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ARDIS W. SCHMITT
EL PASO COUNTY CLERK & RECORDER

BOOK PAGE
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Zoning in Conformance with the Comprehensive Plan: The City Staff recommends that the zoning of PBC-2 not take place. It is normal for a holding zone to be established before "hard" zoning is placed on an annexed piece of ground. Many non-conforming uses will result from this zoning and it does not pass the community benefit test of Policy 5.1.3. This application does not follow the department's normal procedures.

In addition, given the number of conditions placed on the master plan and the uncertainty of the timing of State Highway Department approvals, the City staff would recommend against zoning this parcel PBC-2 at this time.

DEVELOPMENT SERVICES DIVISION RECOMMENDATION: The City Staff recommends approval of the annexation and master plan with the following conditions which shall be placed on the master plan:

1. On the Office Complex (OC) property, a preservation area shall be reserved in the northernmost part of this site to preserve the existing stand of cottonwood trees.
2. The Office Residential (OR) property shall have the following development conditions:
 - a) No buildings shall exceed two stories in height.
 - b) A landscape buffer of 50 feet shall be required along the border of the residential property to the west and the residential property (El Paso County) to the south.
 - c) The landscape buffer shall be designed so as to screen the buildings from the adjacent residential properties through the use of a wood fence, berms, and mature trees. The 50 landscape buffer must be on the property designated office/residential and must be in place and maintained before development takes place.
 - d) All buildings shall be constructed of natural materials, rustic in nature, so as to be compatible with the residential character of the adjacent neighborhood.
 - e) No development shall be permitted until a detailed development plan is submitted and approved by the City.
 - f) No multiple dwelling units (2 or more) may locate in the OR master planned area.
3. The Lots in the designated R(Estate) area will have these minimum requirements:
 - a) No lot can be subdivided less than 1/2 acre, 21,780 square feet.
 - b) All Lots will have 100 foot frontages along private and public roadways.
 - c) There will be a 75 foot open space buffer between the designated R(Estate) area and Falcon Estates Filing No. 1. This buffer should be designated on the Master Plan.
 - d) Tax Map Number 63053-04-001, which is Lot 1, Block 4 of the Falcon Estates No. 2 Filing will only have four (4) lots, a lot for the existing house and no more than three (3) additional Lots.
4. Cragin Road will keep the name "Cragin" west of its intersection with Milner Street.
5. The following lots will remain single family residential and will not be subdivided:
 1. Tax number 63053-03-004, 7535 Vincent Drive.
 2. Tax number 63053-02-024, 870 Cragin Road.
 3. Tax number 63053-02-025, 860 Cragin Road.
 4. Tax number 63053-02-026, 7518 Vincent Drive.
6. In accordance with CDOT comments, the RI/RO access 850 feet north of Cragin Road should be deleted on the Master Plan. Cragin Road should also be RI/RO.
7. A ten (10') foot dedication along Academy Boulevard is required of the properties that are redeveloped.

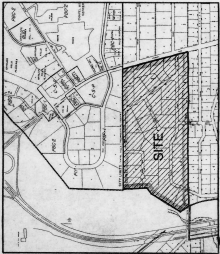
8. Assurances should be provide to the City Traffic Dept. guaranteeing access to Kelly Johnson Boulevard.
9. All costs associated with road reconfigurations and upgrades, both on-site and off-site, that are created as a result of redevelopment of Falcon Estates No. 2 will be borne by the property owners.
10. All road disconnections affecting County property must receive approval from El Paso County.

The staff recommends denial of the PBC-2 zoning request.

MASTER PLAN FOR

FALCON ESTATES REFINING NO. 2 WEST SIDE

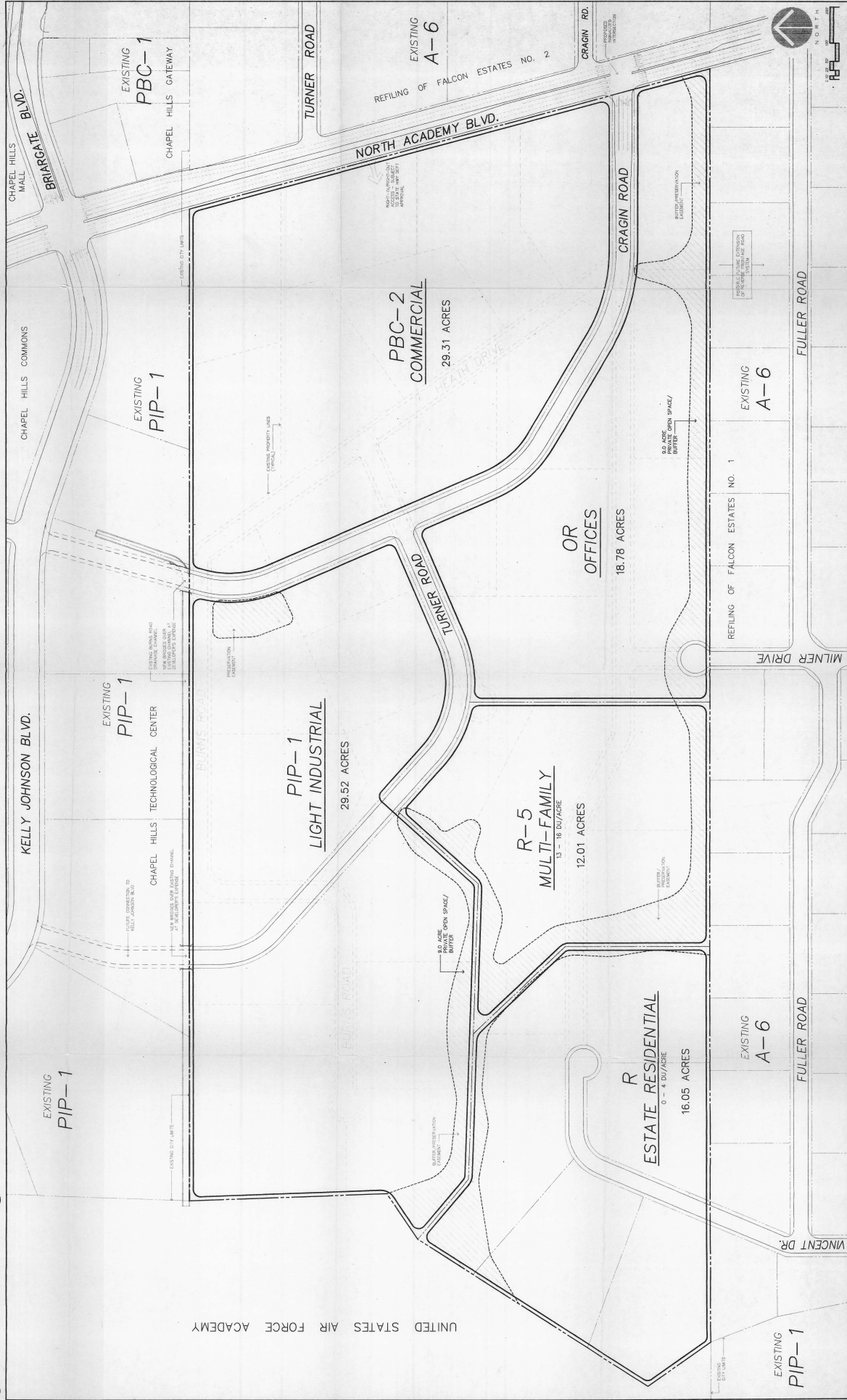
FALCON ESTATES REFINING NO. 2 TRUST
 DAVID KRALL, ATTORNEY AT LAW
 830 N. TELON STREET, SUITE 200
 COLORADO SPRINGS, COLORADO



29 VICINITY MAP

LAND USE	AREA	FEET
COMMERCIAL	29.31 AC	2177
LIGHT INDUSTRIAL	29.52 AC	2719
OFFICE	18.78 AC	1718
MULTI-FAMILY	12.01 AC	1114
SINGLE FAMILY	16.05 AC	1512
TOTALS	105.67 AC	1000

28 SITE DATA



29 MASTER PLAN - REFINING OF FALCON ESTATES NO. 2 - WEST SIDE

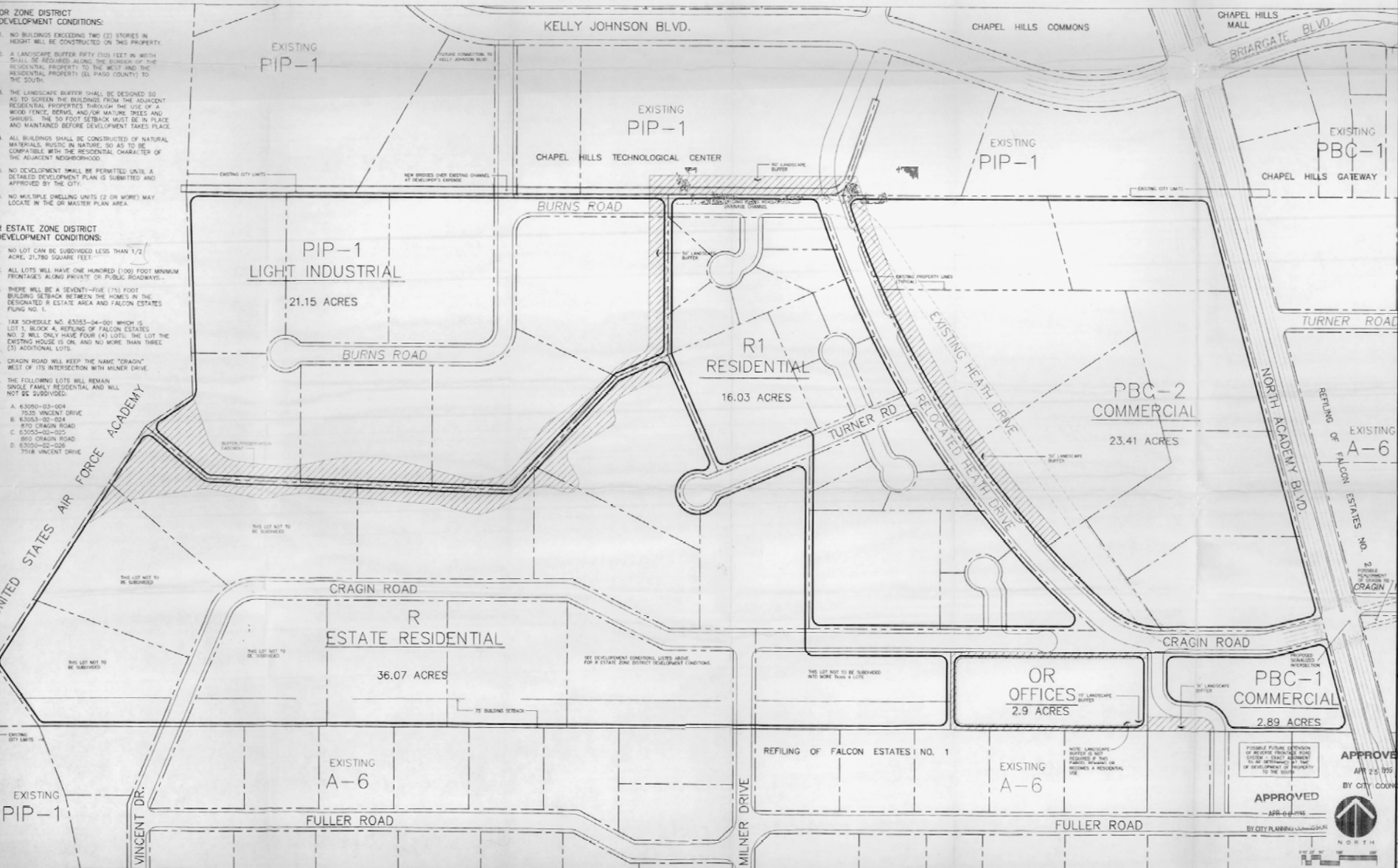
LAND USE	AREA	%
PBC-2 COMMERCIAL	23.41 AC	22.9
PBC-1 COMMERCIAL	2.89 AC	2.8
LIGHT INDUSTRIAL	21.15 AC	20.6
OR OFFICE	2.9 AC	2.8
R ESTATE RESIDENTIAL	36.07 AC	35.2
R1 RESIDENTIAL	16.03 AC	15.7
TOTALS	102.45 AC	100.0

MASTER PLAN FOR FALCON ESTATES REFILE NO. 2 WEST SIDE

VICINITY MAP SITE DATA

- OR ZONE DISTRICT DEVELOPMENT CONDITIONS:**
- NO BUILDINGS EXCEEDING TWO (2) STORIES IN HEIGHT WILL BE CONSTRUCTED ON THIS PROPERTY.
 - A LANDSCAPE BUFFER FIFTY (50) FEET IN WIDTH SHALL BE REQUIRED ALONG THE SIDINGS OF THE RESIDENTIAL PROPERTY TO THE WEST AND THE RESIDENTIAL PROPERTY (EL PASO COUNTY) TO THE SOUTH.
 - THE LANDSCAPE BUFFER SHALL BE DESIGNED SO AS TO SCREEN THE BUILDINGS FROM THE ADJACENT RESIDENTIAL PROPERTIES THROUGH THE USE OF A WOOD FENCE, BERRYS, AND/OR MATURE TREES AND SHRUBS. THE 50 FOOT SETBACK MUST BE IN PLACE AND MAINTAINED BEFORE DEVELOPMENT TAKES PLACE.
 - ALL BUILDINGS SHALL BE CONSTRUCTED OF NATURAL MATERIALS, RUSTIC IN NATURE, SO AS TO BE COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE ADJACENT NEIGHBORHOOD.
 - NO DEVELOPMENT SHALL BE PERMITTED UNTIL A DETAILED DEVELOPMENT PLAN IS SUBMITTED AND APPROVED BY THE CITY.
 - NO MULTIPLE DWELLING UNITS (2 OR MORE) MAY LOCATE IN THE OR MASTER PLAN AREA.

- R ESTATE ZONE DISTRICT DEVELOPMENT CONDITIONS:**
- NO LOT CAN BE SUBDIVIDED LESS THAN 1/2 ACRE/ 21,780 SQUARE FEET.
 - ALL LOTS WILL HAVE ONE HUNDRED (100) FOOT MINIMUM FRONTAGES ALONG PRIVATE OR PUBLIC ROADWAYS.
 - THERE WILL BE A SEVENTY-FIVE (75) FOOT BUILDING SETBACK BETWEEN THE HOMES IN THE DESIGNATED R ESTATE AREA AND FALCON ESTATES TRING NO. 1.
 - TAX SCHEDULE NO. 63003-04-001 WHICH IS LOT 1, BLOCK 4, REFILE OF FALCON ESTATES NO. 2 WILL ONLY HAVE FOUR (4) LOTS; THE LOT THE EXISTING HOUSE IS ON, AND NO MORE THAN THREE (3) ADDITIONAL LOTS.
 - CRAGIN ROAD WILL KEEP THE NAME "CRAGIN" WEST OF ITS INTERSECTION WITH MILNER DRIVE.
 - THE FOLLOWING LOTS WILL REMAIN SINGLE FAMILY RESIDENTIAL, AND WILL NOT BE SUBDIVIDED:
 - A. 63000-03-004
 - B. 63003-02-004
 - C. 63000-02-005
 - D. 63000-02-006
 - E. 63000-02-008
 - F. 7518 VINCENT DRIVE



COMSTOCK + ASSOCIATES
ARCHITECTURE AND PLANNING
1022 CHERRY STREET, SUITE 100, COLORADO SPRINGS, COLORADO 80904
PHONE: 719.586.7800 FAX: 719.586.7801

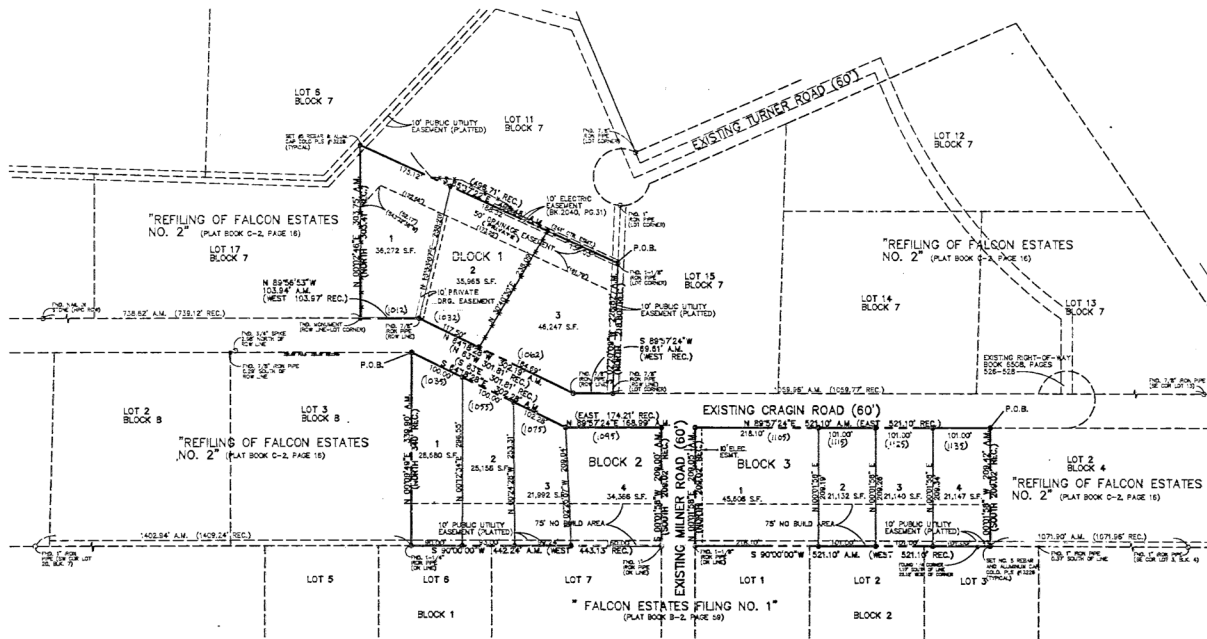
REVISION OF: REFILE OF FALCON ESTATES NO. 2
NORTH ACADEMY BOULEVARD
COLORADO SPRINGS, CO 80920

PROPOSED MINOR MASTER PLAN AMENDMENT
DATE: 2/26/95
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 4/23/95
APPROVED BY: [Signature]
BY CITY PLANNING COMMISSION

FALCON ESTATES FILING NO. 4, SUBDIVISION NO. 1

9179

A REPLAT OF LOT 1, BLOCK 4; LOT 18, BLOCK 7; AND LOT 4, BLOCK 8 IN
 REPLAT OF FALCON ESTATES NO. 2, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO



AS REPLATED

BE IT KNOWN BY THESE PRESENTS:

THAT ROGER E. HODGETRA & RUTH E. HODGETRA, GERALD D. DANIELS & MARY JANE DANIELS, AND WILLARD C. PORT & GERALDINE S. PORT, BEING THE OWNERS OF THE FOLLOWING DESCRIBED TRACTS OF LAND, TO WIT:

LOT 1, BLOCK 4; LOT 18, BLOCK 7; AND LOT 4, BLOCK 8 IN REPLAT OF FALCON ESTATES NO. 2, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO AS RECORDED IN PLAT BOOK C-2, PAGE 16 OF THE RECORDS OF EL PASO COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF APPLICABLE LOT 3, BLOCK 4; THENCE S 00°00'00" E ALONG THE EASTERN LINE THEREOF 204.41 FEET TO THE POINT OF BEGINNING; THENCE S 89°07'24" W ALONG THE SOUTHWESTERLY LINE THEREOF 121.10 FEET TO THE SOUTHWEST CORNER THEREOF; SAID POINT BEING ALSO ON THE WESTERN RIGHT-OF-WAY LINE OF EXISTING 60 FOOT WIDE CRAGIN ROAD AS PLATTED IN SAID SUBDIVISION; THENCE S 89°07'24" W ALONG SAID SOUTHWESTERLY LINE THEREOF 121.10 FEET TO THE SOUTHWEST CORNER THEREOF; SAID POINT BEING ALSO ON THE WESTERN RIGHT-OF-WAY LINE OF EXISTING 60 FOOT WIDE CRAGIN ROAD; THENCE S 89°07'24" W ALONG SAID SOUTHWESTERLY LINE THEREOF 121.10 FEET TO THE POINT OF BEGINNING. CONTAINING 11,144 SQUARE FEET, MORE OR LESS.

TOGETHER WITH

BEGINNING AT THE NORTHWEST CORNER OF APPLICABLE LOT 18, BLOCK 7; THENCE S 00°00'00" E ALONG THE EASTERN LINE THEREOF 258.00 FEET TO THE SOUTHWEST CORNER THEREOF; SAID POINT BEING ALSO ON THE WESTERN RIGHT-OF-WAY LINE OF EXISTING 60 FOOT WIDE TURNER ROAD AS PLATTED IN SAID SUBDIVISION; THENCE S 00°00'00" E ALONG SAID SOUTHWESTERLY LINE THEREOF 258.00 FEET TO THE SOUTHWEST CORNER THEREOF; SAID POINT BEING ALSO ON THE WESTERN RIGHT-OF-WAY LINE OF EXISTING 60 FOOT WIDE TURNER ROAD; THENCE S 00°00'00" E ALONG SAID SOUTHWESTERLY LINE THEREOF 258.00 FEET TO THE POINT OF BEGINNING. CONTAINING 11,144 SQUARE FEET, MORE OR LESS.

TOGETHER WITH

BEGINNING AT THE NORTHWEST CORNER OF APPLICABLE LOT 4, BLOCK 8; THENCE S 89°07'24" W ALONG THE NORTHERLY LINE THEREOF 121.10 FEET TO THE SOUTHWEST CORNER THEREOF; SAID POINT BEING ALSO ON THE WESTERN RIGHT-OF-WAY LINE OF EXISTING 60 FOOT WIDE CRAGIN ROAD AS PLATTED IN SAID SUBDIVISION; THENCE S 89°07'24" W ALONG SAID SOUTHWESTERLY LINE THEREOF 121.10 FEET TO THE SOUTHWEST CORNER THEREOF; SAID POINT BEING ALSO ON THE WESTERN RIGHT-OF-WAY LINE OF EXISTING 60 FOOT WIDE CRAGIN ROAD; THENCE S 89°07'24" W ALONG SAID SOUTHWESTERLY LINE THEREOF 121.10 FEET TO THE POINT OF BEGINNING. CONTAINING 11,144 SQUARE FEET, MORE OR LESS.

DEDICATION:

THE ABOVE PARTIES IN INTEREST HAVE CAUSED SAID TRACTS TO BE PLATTED INTO LOTS AND EASEMENTS AS SHOWN ON THIS PLAT. THE UNDERSIGNED DO HEREBY GRANT TO THE CITY OF COLORADO SPRINGS THESE PUBLIC EASEMENTS AS SHOWN ON THIS PLAT AND FURTHER WARRANTS THE CITY OF COLORADO SPRINGS TO TAKE POSSESSION OF SAID TRACTS AND EASEMENTS AS SOON AS POSSIBLE. HOWEVER, THAT THE SOLE RIGHTS AND AUTHORITY TO RELEASE OR GRANT CLAIM ANY SUCH EASEMENTS SHALL REMAIN EXCLUSIVELY WITH THE CITY OF COLORADO SPRINGS. THE CITY OF COLORADO SPRINGS SHALL BE KNOWN AS FALCON ESTATES FILING NO. 4, SUBDIVISION NO. 1, IN THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO.

REPLAT STATEMENT:

THE APPROVAL OF THIS REPLAT VACATES ALL PRIOR PLATS FOR THE AREA DESCRIBED BY THIS REPLAT.

IN WITNESS WHEREOF:

THE ABOVEMENTIONED ROGER E. HODGETRA & RUTH E. HODGETRA, GERALD D. DANIELS & MARY JANE DANIELS, AND WILLARD C. PORT & GERALDINE S. PORT HAVE DEVISED THIS INSTRUMENT THIS 12TH DAY OF August 1998.

Roger E. Hodgetra
 ROGER E. HODGETRA
Ruth E. Hodgetra
 RUTH E. HODGETRA
Gerald D. Daniels
 GERALD D. DANIELS
Mary Jane Daniels
 MARY JANE DANIELS
Willard C. Port
 WILLARD C. PORT
Geraldine S. Port
 GERALDINE S. PORT

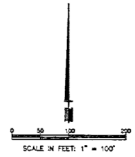
NOTARIAL STATEMENTS:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 12TH DAY OF August 1998, BY ROGER E. HODGETRA AND RUTH E. HODGETRA, AND BY GERALD D. DANIELS AND MARY JANE DANIELS, AND BY WILLARD C. PORT AND GERALDINE S. PORT.

WITNESS MY HAND AND OFFICIAL SEAL:

MY COMMISSION EXPIRES: 8/29/98

Carol J. Sandberg
 CAROL J. SANDBERG
 NOTARY PUBLIC



- FOUND MONUMENT AS DESCRIBED
- SET IN REAR AND ALUMINUM CAP PINS AT ALL OTHER CORNERS

REFER TO SHEET 2 OF 2 FOR VENTNY MAP

PLAT NO. 95012
 DATED MAY 10, 1998
 SHEET 1 OF 2
 PREPARED BY:
Obering, Wirth & Associates
 Consulting Civil Engineers
 Registered Land Surveyors
 1010 Garden Drive
 Colorado Springs, Colorado
 Phone (719) 531-8200

DRAWN BY: L. HARTY, C.E. CHECKED BY: M. J. DANIELS, C.E. DATE: 8/10/98

ED DRL

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9179



Home Owners Association of Falcon Estates, Inc.

Neighbors Dedicated to the Protection and Preservation of Our Neighborhood!

P.O. Box 63183, Colorado Springs, Colorado 80962

Falcon Estates HOA Board
PO Box 63183
Colorado Springs, CO 80962

March 10, 2022

Colorado Springs Land Use Rvw
30 S. Nevada Ave
#105
Colorado Springs, CO 80903

Dear Mr. Drew Foxx:

While, we the Board of Directors for Falcon Estates Homeowners Association, stand by the rights of individual property owners to manage their property as they desire, we also recognize that the property owners in Falcon Estates are neighbors and as such, we all owe it to our neighbors to preserve the appearance and desirability of our neighborhood. These are the reasons we chose to purchase our property and live in Falcon Estates

Therefore, with this communication, the Falcon Estates Homeowners Association Board of Directors goes on record as opposing the request for the plat amendment cited in file AR APR 22-00128. We feel that granting such an amendment will set precedent to approve such future requests that will have a negative effect on our neighborhood which was established decades ago for maintaining the semi-rural quality of living we all enjoy.

Sincerely,

FEHOA Board

Falcon Estates HOA

Neighbors Dedicated to the Protection and Preservation of Our Neighborhood

Home

Greetings to all Falcon Estates homeowners and the greater Colorado Springs community, from the HOAFE Board of Directors: The Home Owners Association of Falcon Estates (HOAFE) is a non-profit corporation established to preserve and protect one of the most unique neighborhoods in Colorado Springs. Originally isolated and well north of the City, Colorado Springs has grown considerably, surrounding Falcon Estates with additional residential and commercial development. Over the years, HOAFE has been instrumental in protecting the majority of residences and retaining much of the original, semi-rural atmosphere of the neighborhood. The primary goal of HOAFE is to preserve the unique character of Falcon Estates, keeping this one of the best places in Colorado Springs to live and own a home. This is accomplished through representation at local government meetings, enforcement of protective covenants, and sponsorship of membership meetings and neighborhood events. Above all, we wish to uphold a strong sense of neighborliness among all residents. HOAFE membership for property owners is voluntary, as is service on the Board of Directors or Architectural Control Committee (ACC). As such, HOAFE activity and success is solely dependent on the contributions of its members. Volunteers for the Board or ACC are always welcomed, as are ideas for neighborhood events, concerns about Falcon Estates, and community events that may be of interest to Falcon Estates residents. Feel free to browse this site for membership information, HOAFE documentation, useful links and references, and other material.

EAGLE FINANCIAL SERVICES
1115 CRAGIN RD, COLORADO SPRINGS, CO 80920
OFF (719) 635-7761, FAX (719) 471-7260

03/24/2022

Response to HOAFE

To Whom It May Concern,

I have reviewed the concerns of the HOA regarding preserving the appearance of the neighborhood. It is our desire as well to make sure that we do only those things that will assist in improving the value of our property and that of the neighborhood. We also recognize that the HOA has no jurisdiction over our property since we are not part of the HOA. We do not intend to put up a tacky shed, but a prebuilt shed that will have a presentable appearance.

As to the precedent referred to in their correspondence, another property owner in our neighborhood also requested and received an amendment on their property for the exact same thing a few years ago. We are not establishing a new precedent, that precedent has already been set.

Sincerely

Greg Bianchi

A handwritten signature in black ink, appearing to read 'Greg Bianchi', with a large, stylized initial 'G'.

Sheri Bianchi

A handwritten signature in black ink, appearing to read 'Sheri Bianchi', with a long horizontal line extending to the right.

7.3.805: FBZ REGULATING PLAN REQUIREMENTS:



An FBZ regulating plan is a representation of the proposed development of land, together with a written narrative and graphic characterization. An FBZ regulating plan shall consist of a unified document which includes the following:

- A. Boundaries, acreage and description of the area to be rezoned:
 1. Textual and legal description of the area.
 2. Location of areas with unique or significant natural features and areas with natural conditions that constrain development (e.g. floodway/floodplains, severe geologic hazard conditions, no build areas).
 3. Locations of existing and proposed major public streets and transit facilities.
- B. Correlation with a legislatively adopted master plan;
- C. Authority, applicability and purpose for the proposed district.
- D. Description of any subareas, transects or sectors.
- E. Building form standards that clearly describe and regulate the allowable building types and forms related to height, scale, potential use, placement on blocks, lots or parcels, frontage on public streets, setbacks, fenestration and servicing and loading, including:
 1. Illustrations and descriptive information shall be provided to adequately support implementation of the standards.
 2. Building form standards shall be provided for each subarea, transect or sector where standards are proposed to vary, with minimum and maximum standards, if applicable.
 3. Building form standards shall stipulate which building types are permitted, prohibited or allowed by conditional approval.
 4. Building form standards shall stipulate which dimensional standards may be waived, and under what criteria and process.
- F. Public space standards which clearly describe and regulate the public realm and the relationship of buildings to it, to include access, street types with cross sections, multimodal transportation facilities and linkages, sidewalk widths, requirements for on and off street parking, treatment of parking facilities, parks, open space and public plazas, streetscape requirements, landscaping, alleys, utility locations and loading areas, encroachment into public spaces, on and off premises signage, street and/or building lighting, walls and fences, and any other relevant requirements which would enhance the public realm.
 1. Illustrations and descriptive information shall be provided to adequately support implementation of the standards.
 2. Public space standards shall be provided for each by subarea or sector where standards are proposed to vary, if applicable.
 3. Public space standards shall stipulate which standards may be waived, and under what criteria and process.
 4. Block standards governing minimum and/or maximum block dimensions shall be provided unless this requirement is waived based on a unique justification.
 5. The FBZ regulating plan should include a detailed description of the pedestrian realm, and how pedestrian connections will be provided to building entrances, as well as from parking area to buildings.
 6. Utility facilities and parking should be located on private property and screened from the public realm except in the case of unique circumstances.
- G. Listing of those uses that will be prohibited or which require conditional or other specific approval.
- H. Listing of all specific subdivision requirements in article 7 of this chapter that are proposed to be modified or waived as part of the FBZ regulating plan.
- I. Listing of any standards and/or development requirements that may be exceeded in exchange for provision of incentives, along with a listing of, and standards for eligible incentives, if applicable.
- J. Glossary of specific terms used in the FBZ regulating plan.
- K. Administrative procedures, with cross references to the City Code as applicable. If a review board is proposed in conjunction with the FBZ District, the FBZ regulating plan shall establish clear approval authority, responsibilities and procedures for this board. (Ord. 09-50; Ord. 09-88; Ord. 12-24)

7.7.503: RESOLUTIONS FOR AMENDING PLAT RESTRICTIONS:

It is recognized that restrictions and conditions, which are placed on recorded plats, may need to be removed because they no longer apply or are unnecessary.

A. Requirements: Restrictions and conditions on recorded plats may be removed if it is determined after a review by the Community Development Department, the City Engineer and the Utilities Executive Director, the requirements or conditions are no longer necessary or no longer applicable.

B. Submission.

1. Letter; Filing Fee: A letter setting forth the reasons for removing the restriction in question together with the filing fee established by City Council.

2. Copies Of Recorded Plat: A sufficient number of copies of the recorded plat to provide a copy to each agency with an interest in the restriction.

3. Public Notice: The public notice requirements as defined by part 1 of this article shall apply.

C. Distribution: The Community Development Department shall date and file the application and within the three (3) working days of submission shall transmit copies of the recorded plat to those agencies having an interest in the restriction that is to be removed for their review and comments.

D. Community Development Department Action: The Community Development Department shall either approve or disapprove the request.

1. Approval: If the Community Development Department, upon concurrence of the City Engineer and the Utilities Executive Director approves the request, a resolution detailing the amendment shall be placed upon the next available City Council agenda as a report item.

2. Disapproval: The Community Development Department shall notify the applicant with all reasons for denial clearly specified.

3. Appeals: Any person aggrieved by any action of the Community Development Department in relation to this section may appeal such action to the Planning Commission in writing specifying the reasons for the appeal within ten (10) days of the date of said action.

E. Appeal To Planning Commission: The Planning Commission shall hear requests for removal of plat conditions and restrictions, which have been appealed from a decision of the Community Development Department.

1. Approval: If the Planning Commission approves the amendment, a resolution shall be recorded detailing the action.

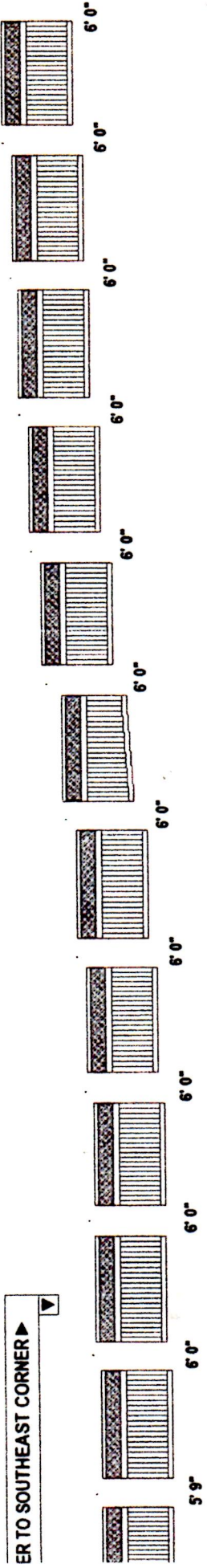
2. Disapproval: If the Planning Commission finds the restrictions or conditions are necessary, then the amendment shall be denied.

F. Appeal To City Council: The City Council shall hear requests for removal of plat conditions and restrictions, which have been appealed from a decision of the Planning Commission.

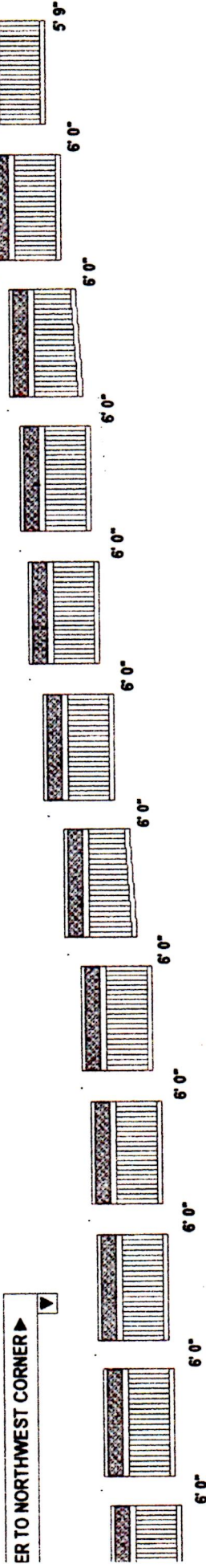
1. Approval: If the City Council approves the amendment, a resolution shall be recorded detailing the action.

2. Disapproval: If the City Council finds the restrictions or conditions are necessary, then the amendment shall be denied. (Ord. 96-44; Ord. 98-185; Ord. 01-42; Ord. 09-80)

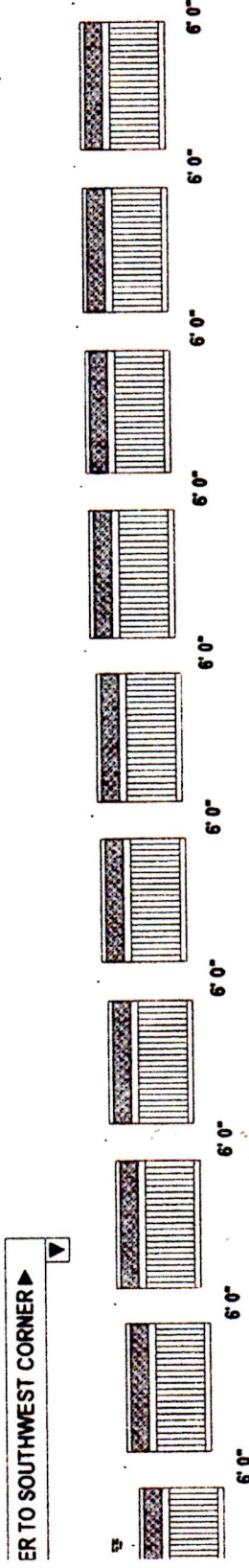
ER TO SOUTHEAST CORNER



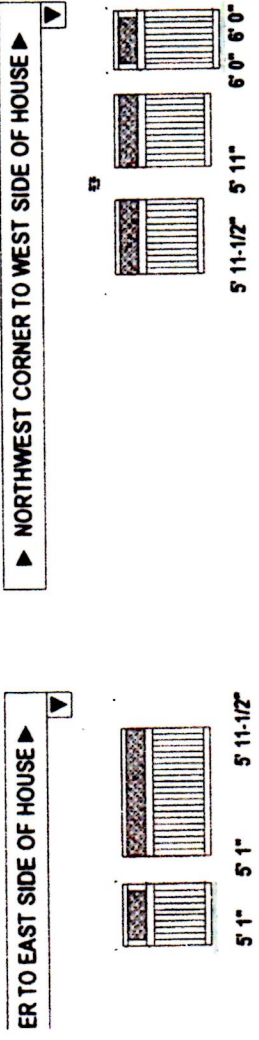
ER TO NORTHWEST CORNER



ER TO SOUTHWEST CORNER



ER TO EAST SIDE OF HOUSE



ER TO NORTHWEST CORNER TO WEST SIDE OF HOUSE

Jim Pearl
 (719) 260-5982
 1125 Cragin Road
 Colorado Springs, CO 80920