

January 17, 2023

Nicole R. Ament
Attorney at Law
303.223.1174 direct
nament@bhfs.com

Colorado Springs City Council
107 N. Nevada Ave., #300
Colorado Springs, CO 80903

Re: Request to Affirm the City of Colorado Springs Planning Commission Decision Affirming the Planning and Community Development Department Decision Approving the Application for a Major Development Plan Amendment for 1756 Silversmith Apartments

Dear City Council:

We represent Apartment Investment and Management Company ("**AIMCO**" or the "**Applicant**"), the owner of the property that is the subject of this Appeal (defined below), with respect to AIMCO's application for a Major Amendment to the Flying Horse Planned Unit Development ("**PUD**") No. 22 Filing No. 4 Development Plan (the "**Application**"), referred to as "**1765 Silversmith**", located at 1765 Silver Smith Road (the "**Property**") within the Flying Horse Master Plan (the "**Master Plan**") in the city of Colorado Springs (the "**City**").

The purpose of this letter is to respond to the claims set forth by Michael Ford (the "**Appellant**") in his Appeal to City Council ("**Council**") dated December 22, 2022 (the "**Appeal**") appealing the City's Planning Commission ("**Planning Commission**") decision on December 14, 2022 (the "**Commission Decision**") affirming the City's Planning and Community Development Department ("**PCDD**") decision dated November 7, 2022 approving the Application ("**PCDD Decision**"). This letter is supported by, and should be reviewed in conjunction with, the Project Statement dated August 19, 2022, and attached hereto for your reference as Exhibit A, submitted as part of the Application and which fully details how the Application meets all of the criteria of approval for a Major Amendment to a PUD under the City's Zoning Code (the "**Code**") and complies with the applicable City plans (the "**City Plans**"). For the reasons set forth in the Project Statement and herein below, we ask that you affirm the Commission Decision affirming the PCDD Decision.

I. Background

The Property comprises 7.45 acres of vacant land. Pursuant to Ordinance No. 19-23, approved by City Council on March 26, 2019, the Property was rezoned by the previous owner to PUD allowing for commercial and residential uses of sixteen (16) dwelling units per acre, a maximum of 120,000 square feet for nonresidential uses, with a maximum building height of forty-five (45) feet. This existing

development plan for the site (AR PUD 19-00162) (the “Existing Plan”) was approved for a four-story apartment building with 108 residential units.

The Application proposes to amend the Existing Plan to reconfigure the building footprint to include one main multi-family building consisting of 181,695 square feet and eight (8) smaller multi-family buildings, all under three (3) stories and forty (40) feet, with a total of 95 residential units (the “Project”).

The eight (8) multi-family buildings will comprise of the following:

- 4 unit – 2-to-3 story multi-family building consisting of 11,457 square feet (Building 1)
- 3 unit – 3 story multi-family building consisting of 7,948 square feet (Building 2)
- 5 unit – 3 story multi-family building consisting of 12,944 square feet (Building 3)
- 6 unit – 2-to-3 story multi-family building consisting of 15,930 square feet (Building 4)
- 7 unit – 2-to-3 story multi-family building consisting of 18,956 square feet (Building 5)
- 9 unit – 2-to-3 story multi-family building consisting of 24,252 square feet (Building 6)
- 4 unit – 2-to-3 story multi-family building consisting of 11,457 square feet (Building 7)
- 4 unit – 2-to-3 story multi-family building consisting of 11,457 square feet (Building 8)

As such, the Project provides a lower height and a lower density than the Existing Plan. The Project does not include any commercial uses. Amenities for the Project focus on outdoor space and enhancement of the natural beauty of the surroundings to emphasize distinctive mountain views to the west. The main multi-family building includes accessible parking spaces and a two-level parking garage that is interior to the building and largely shielded from view from the main road and the surrounding neighborhood. The Project also includes extensive landscaping that exceeds the Code’s landscaping requirements. The exterior character of the buildings aligns with the existing Flying Horse community’s architectural guidelines and utilizes earthy tones and a “mountain village” aesthetic. The Property is surrounded by the residential homes that comprise the Flying Horse community and the existing golf course, the Club at Flying Horse (the “Golf Club”), to the north and south, with multi-family residential and assisted living to the east and west. The Positano Point Townhomes are located to the west of the Property and the Stone Creek Assisted Living is located to the east. The Discovery Canyon Campus High School is located approximately a half mile north of the Property on the northeast corner of North Gate Boulevard and the Old North Gate Road intersection.

AIMCO filed its initial Application on May 16, 2022. AIMCO held two (2) neighborhood meetings with the community – one on June 1, 2022 which was conducted virtually and another on July 27, 2022 at the Golf Club. AIMCO also contacted the twenty-five (25) Flying Horse residents that sent comments to the City and offered to meet one-on-one, of which six (6) agreed to meet. Those meetings took place on July 22, 2022 at the Property or at the Decadent coffee shop. During these meetings, many residents expressed gratitude to AIMCO for taking the time to meet, listen to concerns and answer questions. In response to community concerns, AIMCO adjusted the Application to include the following: screened amenity space with perennial gardens and a thick species tree canopy; increased the number of parking

spaces which is significantly more than that contemplated by the Existing Plan and what is required by the City's minimum standards; adjusted views from the townhome on the northwest corner to the south and west to avoid facing the Appellant's home; committed to planting additional trees and shrubs to address privacy concerns; committed to reducing light pollution by increasing buffers to screen vehicle lights; and committed to including a final grading plan in the Application.

The Application was administratively approved by the PCDD on November 7, 2022. The Appellant appealed the PCDD Decision to the Planning Commission. The Planning Commission denied the Appellant's appeal and affirmed the PCDD Decision on December 14, 2022. The Appellant now appeals the Commission Decision to this Council. Please note that if the PCDD Decision is not upheld, the site will revert to the entitlements applications approved under the Existing Plan, which allows for a 108 unit four (4) story apartment building. Thus, AIMCO may build pursuant to the Existing Plan. Further, AIMCO has until 2025 to either commence such use or seek a building permit under the Existing Plan. However, we believe that the Project is a more suitable development for the Property than the Existing Plan.

For the reasons set forth below, AIMCO respectfully requests that the Commission Decision affirming the PCDD Decision approving the Application be upheld.

II. The Appeal

Pursuant to Section 7.5.906.A.4 of the Code, a decision made by the Planning Commission that was originally an administrative decision may be appealed to Council and must substantiate the following:

- Identify the explicit ordinance provisions which are in dispute.
- Show that the administrative decision is incorrect because of one or more of the following:
 - It was against the express language of the City's zoning ordinance; or
 - It was against the express intent of the City's zoning ordinance; or
 - It is unreasonable; or
 - It is erroneous; or
 - It is clearly contrary to law.
- Identify the benefits and adverse impacts created by the decision, describe the distribution of the benefits and impacts between the community and the Appellant, and show that the burdens placed on the Appellant outweigh the benefits accrued by the community.

The Appellant filed an appeal to the Commission Decision on December 22, 2022. The Appellant appeals approval of the Project on the grounds that the administrative decision is incorrect because it violates the intent and purpose of Section 7.2.102 of the Code, and the Planning Commission therefore erred in affirming the PCDD Decision.

The Appellant claims that the Commission Decision affirming the PCDD Decision approving the Project should be reversed for the following reasons:

- The Appellant's property value will be significantly injured with the building of apartments adjacent to his property.
- The Appellant's views will be significantly injured with the construction of a three-story structure adjacent to his property.
- The Appellant's property will be subject to adjacent nuisances including noise, light and excessive traffic.
- The Appellant's neighborhood will not be preserved with the introduction of a massive structure directly across the street.
- The Application proposes to put three-story balconies hovering over the Appellant's property directly across the street from his home and looking down into his bedroom, shower and back yard. The Appellant would lose all privacy.
- There are no other structures more than two-stories above grade in the area.
- The Existing Plan does not place a structure directly adjacent to the Appellant's property.
- This Project violates the "adjacency items" of the Code.

This letter demonstrates that all of the Appellants' claims are without merit and that therefore, the Commission Decision approving the PCDD Decision should be upheld.

III. The Project furthers the intent and purpose of Section 7.2.102 of the Code. Therefore the PCDD properly approved the Project.

The Appellant claims that the Project violates Section 7.2.102 of the Code. Section 7.2.102 of the Code provides that the Code:

is designed to ensure the most appropriate use of land throughout the City; to ensure a logical growth of the various physical elements of the City; to lessen congestion in the streets and to facilitate the adequate provision of transportation; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to improve housing standards; to conserve property values; to facilitate adequate provision of utilities, schools, parks and other public infrastructure services; to protect against flood conditions and poor geologic and topographic conditions; and in general to promote health, safety and general welfare. The regulations within this Zoning Code have been made with reasonable consideration to the character of each zone district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the City. It is the intent and purpose of this Zoning Code to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions.

For all of the reasons discussed below, the Project not only furthers the intent and purpose of Section 7.2.102 of the Code, but its benefits outweigh any burdens to the surrounding community. Thus, the Planning Commission properly affirmed the PCDD Decision approving the Project.

a. The Project will not negatively impact property values of the Appellant's property.

The Appellant claims that the Project will negatively impact his home value. This assertion is inaccurate. A certified real estate appraiser at Integra Realty Resources analyzed this issue and concluded in a letter dated July 28, 2022 (the "**Appraiser Letter**"), attached hereto as Exhibit B, that "the development would be appropriate for the site and consistent with the surrounding development, with no negative impact on the value or condition of surrounding properties." Additionally, the Appraiser Letter states that "No evidence exists indicating the adjacent multifamily/attached residential/senior housing product have had a negative impact on property values within the neighborhood." Further, the Appraiser Letter provides that the Project "in the long term, such apartment complexes probably raise the overall value of detached homes relative to their absence."

Thus, the Project furthers the intent and purpose of Section 7.2.102 of the Code by protecting property values, and the Planning Commission properly affirmed the PCDD Decision on this basis.

b. The Project will not significantly obstruct views.

Contrary to the Appellants' claims, the Project does not significantly obstruct views. As compared to the Existing Plan, the Project is less intensive and is lower in height in the corner closest to the Appellant's property. The Existing Plan allows for a maximum of four (4) stories and forty-five (45) feet in building height. To improve compatibility with the existing area and minimize any obstruction of views, AIMCO is proposing two- (2-) or three- (3-) story buildings that will not exceed forty (40) feet in height and better utilizes existing grades. The building that is closest to the Appellant's property is only two (2) stories at the northwest corner.

The Project also proposes multiple, smaller scale buildings that are oriented north-south on the west side of the Property, thereby preserving view corridors from the north of the foothills throughout the development. Comparatively, the Existing Plan includes only one large apartment building with a retaining wall that does not offer the benefit of view corridors. Additionally, the closest homes to the Property from the Red Bank Drive / Kitty Joe Court / Silver Rose Lane area are 650-800 feet away and are at least thirty (30) feet higher in elevation than the Project, meaning views to the south and west from these properties will be preserved and unobstructed.

Thus, the Project furthers the intent and purpose of Section 7.2.102 of the Code by ensuring that views are not obstructed, and the Commission Decision affirming the PCDD Decision was properly decided on this basis.

c. The Project incorporates measures to protect the neighboring community from light pollution.

The Appellant contends that the Project will generate light pollution. This argument is misguided. The Code requires that “[a]ll exterior lighting for multi-family, office, commercial, industrial, institutional and public facility uses shall be arranged to reflect away from any adjoining premises and any public right-of-way, and shall be shielded to contain all direct rays on the site.” *Code, § 7.4.102.D*. AIMCO has thoughtfully designed lighting for the Project to ensure that light levels are suitable for a residential development nestled in nature, while also considering safety and ease of circulating the property at night. Although under the Existing Plan AIMCO may construct a surface parking lot, the Application proposes to amend the Existing Plan to include wrapped parking structures and private garages to ensure almost complete screening of the resident parking areas. Thus, headlight glare from vehicles will be largely eliminated on the site, and parking lot lighting will be hidden from view. Moreover, the Application incorporates low ground level lighting and “Dark Sky” design principles with the intent of protecting and preserving the night skies. Dark Sky lighting principles include:

- Considering the “backup, uplight and glare” (“**BUG**”) rating of the light fixtures.
- Utilizing full cut-off luminaries, per the BUG rating reference, with downward directed light. Luminaries will be residentially styled, low in height and avoidant of poles where possible. A limited number of small scale landscape accent luminaries will be utilized to highlight select trees and landscape forms across the site.
- The lighting design seeks to evaluate and limit light crossing the property line and maximum light levels on sign to ensure that the Project lighting complies with prudent design measures and local jurisdictional requirements.

Additionally, all windows within the Project will be equipped with shades, which will be maintained by building management. The Project will also serve as a buffer to prevent light pollution coming from the vehicles and street lights on the future Powers Blvd. to the homes within the Flying Horse community.

Accordingly, the Project furthers the intent and purpose of Section 7.2.102 of the Code by protecting the neighboring community from light pollution and limiting light pollution on the Property, and the Planning Commission properly considered this in affirming the PCDD Decision approving the Project.

d. AIMCO has and will take measures to protect the neighboring community from noise pollution.

Contrary to the Appellant's claims, the Project will not create excessive noise pollution. AIMCO will ensure that residents follow all applicable laws, regulations and community rules, which all serve to protect residents' reasonable and quiet enjoyment of their property, so that the tranquility of the Flying Horse community is preserved. A clause will be contained in all leases to residents that will prevent residents from engaging in improper conduct, including actions that threaten the rights, comfort, health and safety of the others in or near the community, and from engaging in acts that will injure the reputation of the Project community or harm others. Additionally, as part of their lease agreement, AIMCO's intended building operator, AIR Communities ("**AIR**") requires that all residents sign a binding "good neighbor commitment" stating that the resident agrees to "be respectful to your neighbors" and "help foster a peaceful environment." The building operator also has the right to take punitive action, which may involve lease termination, against residents who violate the lease terms. Lastly, the Project will serve to buffer the Flying Horse neighboring community from the loud highway noise that will come from the future Powers Blvd. According to the Federal Highway Administration, levels of highway traffic noise typically range from seventy (70) to eighty (80) decibels at a distance of fifty (50) feet from the highway.

Thus, because the Project incorporates measures to protect the neighboring community from noise pollution, the Project furthers the intent and purpose of Section 7.2.102 of the Code, and the Planning Commission properly considered this in affirming the PCDD decision approving the Project.

e. The Project does not generate excessive traffic.

As part of the Application, a Traffic Impact Study ("**Traffic Study**") dated July 2022 was prepared by Kimley-Horn and Associates, Inc. ("**Kimley-Horn**") in accordance with the City's Traffic Manual. The Traffic Study concludes that 1765 Silversmith "will be successfully incorporated into the existing and future roadway network." *Traffic Study, at 25*. The Project provides two accesses along the south side of Silversmith Road and will operate with stop control with an R1-1 "STOP" sign installed on the existing northbound approaches. The Project is expected to generate 662 weekday daily trips, with forty-one (41) occurring during the morning peak hour and fifty-one (51) occurring during the afternoon peak hour. *Traffic Study, at 13*. The Traffic Study concluded that the key intersections are all expected to operate acceptably with the existing lane configurations and control throughout the 2045 horizon. Additionally, a Vehicle Queuing Analysis at each key intersection determined that all vehicle queues are expected to be managed in the available storage length throughout the 2045 horizon. *Traffic Study, at 2*.

Accordingly, the Planning Commission properly considered that the Project does not generate excessive traffic when it affirmed the PCDD Decision approving the Application.

f. The Project is compatible with the surrounding neighborhood.

The Appellant argues that the Project is not compatible with the neighborhood. However, the proposed two- and three- story buildings are compatible with adjacent multi-family land uses and the existing homes in the area. Compatibility does not mean “the same as.” Rather, compatibility means that two structures that are different can coexist harmoniously. Here, the proposed buildings are designed to coexist harmoniously with the surrounding neighborhood both in terms of height and architecture. The single-family and multi-family homes of this area are generally two stories in height. The Application proposes two (2)- and three (3)- story buildings. Under the Existing Plan, three (3)- and four (4) story buildings were approved, with the western portion of the building built on top of a nine (9) to sixteen (16) foot retaining wall, which would result in an apartment building with greater bulk and height. Thus, the Project is more compatible with the surrounding neighborhood than the Existing Plan.

As mentioned above, the exterior character of the buildings aligns with the existing Flying Horse community’s architectural guidelines and utilizes earthy tones and a “mountain village” aesthetic. The buildings will include pitched roofs, dormers and chimneys to add interest and variety. The exterior materials will utilize high quality material such as masonry, wood siding, timber columns and truss elements to complement materials used in the Flying Horse Community. The Project will feature colors and materials that draw inspiration from the natural landscape and will complement the surrounding community. The Application has been reviewed and approved by the Flying Horse Architectural Committee (the “**Committee**”), and AIMCO will provide the Committee with final façade materials. Accordingly, the Project furthers the intent and purpose of Section 7.2.102 of the Code by ensuring building designs are compatible with the existing and surrounding neighborhood.

Thus, the Planning Commission properly considered that the Project is compatible with the surrounding neighborhood in affirming the PCDD Decision approving the Project.

g. AIMCO has taken adequate steps to protect the Appellant and the neighboring community from privacy concerns which could result from the Project.

The Appellant argues that the Project will create privacy concerns because residents of the buildings will be able to see into backyards and perhaps peer into the windows of homes, particularly the home of the Appellant. The Appellant also suggests that the Project proposes a building adjacent to his home, but that the Existing Plan does not. However, contrary to the Appellant’s claims, the Existing Plan does provide for a building near the Appellant’s property. Specifically, the Existing Plan envisions a building

that is approximately 155 feet from the Appellant's house and 112 feet from the Appellant's backyard fence.

Comparatively, the closest building to the Appellant's property under the Project is Building 7, which is approximately 95 feet from the Appellant's house and 85 feet from his backyard fence. Although the Application proposes a building that is only a short distance closer to the Appellant's property than the building under the Existing Plan, the Project meets the Code's setback requirements and is of a lesser density and lower building height than what is allowed by the current zoning under the Existing Plan. The Project also proposes separate smaller buildings that are two (2) and three (3) stories in height, and that utilize the existing lower grade on the west side of the property near the Appellant's house, with no retaining wall. As mentioned earlier, under the Existing Plan, a four (4) story, 108-unit apartment building with a nine- (9-) to sixteen- (16-) foot retaining wall is permitted. Thus, the roof of Building 7 closest to the Appellant's house under the Project will be twenty-one (21) feet and six (6) inches shorter than that of the building under the Existing Plan. Additionally, at the Appellant's request, AIMCO has committed to providing additional landscaping on both sides of Silversmith Road to buffer the Appellant's property from Building 7.

Accordingly, the Project furthers the intent and purpose of Section 7.2.102 of the Code by protecting the neighboring community from privacy concerns and providing for buildings that are less intense than that proposed under the Existing Plan, and the Planning Commission properly considered this in affirming the PCDD Decision approving the Project.

IV. The Planning Commission Properly Interpreted and Applied Section 7.2.102 of the Code When It Affirmed the PCDD Decision.

For the reasons discussed above, the Appellant argues that the Commission Decision affirming the PCDD Decision should be reversed. However, because the Appellant fails to meet his burden of proof in establishing that the Planning Commission erred in affirming the PCDD Decision, the Commission Decision should therefore be upheld.

As the Planning Commission observed during the hearing, the Project aligns with the intent and purpose of Section 7.2.102 of the Code because the Project provides a less intense design than the Existing Project. *Video of Hearing, at 2:49:34 [Hereinafter, Video]*. The Planning Commission concluded that the Existing Plan would be more detrimental to the Appellant's complaints than the Project would, and commended AIMCO for voluntarily improving the site design. *Video, at 2:49:24 [Emphasis added]*. The Planning Commission also found that the Project is both compatible with the existing neighborhood and better suited for the property than the Existing Plan. *Video, at 2:49:34 [Emphasis added]*. The Planning Commission further found that the Project would adequately buffer the neighborhood from noise and other nuisances. *Video, at 2:50:15*.

Accordingly, the Planning Commission properly concluded that the Project, and therefore the PCDD Decision approving the Application, does not violate the intent and purpose of Section 7.2.102 of the Code.

V. **Conclusion**

In summary, the Appellant fails to establish that the Planning Commission erred in affirming the PCDD Decision because the PCDD Decision approving the Project was against the purpose and intent of the Code. As set forth above, the Project does not violate Section 7.2.102 of the Code and the benefits of the Project outweigh any burdens. The Project will significantly enhance this area by increasing housing options and providing landscaping that will add to the aesthetic value of the area, while still preserving the architectural characteristics and tranquility of the surrounding community. As set forth in Exhibit A attached hereto, the Application meets all of the Code's approval criteria.

Accordingly, the Appellant lacks any grounds for which to reverse the Commission Decision approving the PCDD Decision and it should therefore be upheld.

Sincerely,



Nicole R. Ament

Exhibit A
Project Statement

[see attached]



August 19, 2022

Caleb Jackson
Senior Planner
Planning & Development Department
Land Use Review Division
30 S. Nevada Ave., Suite 701
Colorado Springs, CO 80903

RE: 1765 Silversmith Road – PUD Development Plan Major Amendment
Project Log Number: AR PUD 19-00162-A1MJ22

FLYING HORSE NO. 22 FILING NO. 4 PROJECT STATEMENT

Description: *(Describe the project and/or land uses proposed)*

The 7.45-acre site¹ is located at 1765 Silversmith Road within the larger overall Flying Horse Master Plan. The site has a previously approved Concept Plan (CPC PUP 13-00033 as amended) and is zoned "PUD" with a previously approved Zone Change (CPC PUZ 18-00173) to include multi-family residential use. This Major Amendment to a Development Plan application amends the existing approved development plan for the site (AR PUD 19-00162 – 108 unit – 4 story apartment building). The development plan amendment proposed maintains the site's use as multi-family residential but proposes to reconfigure the building footprint and add new buildings, breaking up the previously approved single multi-family building into nine smaller multi-family buildings scattered throughout the site, for a total of 95 homes.

The proposed amended development plan entails a main 3-story multi-family building and eight smaller multi-family buildings that vary between three to nine units each. Amenities are focused on outdoor space that is dispersed throughout the site, enhancing the natural beauty of the surroundings, and emphasizing the distinctive views of the mountains to the west. The exterior character proposed follows in line with the current Flying Horse community's architectural guidelines and utilizes earthy tones and a "mountain village" aesthetic. The main multi-family building color palette differs from the smaller multi-family buildings, providing a specific character and feel for the different massing of these building types.

The main multi-family building includes accessible site parking spaces and a two-level parking garage that is interior to the parcel and largely shielded from view off from the main road. The garage includes enclosed parking spaces on both levels as well as limited open parking. The building features 1-bedroom, 2-bedroom and 3-bedroom units as well as an amenity space on the first floor.

The smaller multi-family buildings have attached and enclosed garages and consist of 2-bedroom, 3-bedroom and 4-bedroom units. There are three different layouts for the 2-bedroom units, one that is a 2-story unit with a garage included at the main level, while the other two 2-bedroom unit layouts are three stories with living space entirely above the garage on the upper two stories. In addition, the 3-

bedroom units are 2-stories, and the 4-bedroom units are 3-stories. As these unit layouts are grouped together in different configurations in each building, the height varies from the 2 to 3-stories.

For the main multi-family building, the total SF is 181,695 sf, which includes living area at 114,086 sf with 53 units and 67,609 sf of parking. The smaller multi-family buildings are a total of 104,401 sf, which includes living area at 90,225 sf with 42 units and 24,176 sf of parking. Density on the site is currently proposed as 12.8 DU/AC (in comparison, AR PUD 19-00162 Development Plan density is 14.5 DU/AC, and CPC PUP 13-00033-A2MJ18 PUD Concept Plan allows 16 DU/AC).

Along Silversmith Road to the north, an existing curb cut serves as the entrance to access the main multi-family building. An additional curb cut is proposed on the property to the west of the existing curb cut to fulfill fire department access needs and provides a separate entrance for the smaller multi-family buildings. There is a limited use road that extends along the south of the property connecting the entry points described above and allowing the fire department a clear pathway through the site.

Parking requirements have been exceeded on site. The main multi-family building includes 1.5 spaces per 1-bedroom units, 1.7 spaces per 2-bedroom units and 2 spaces per 3-bedroom units totaling 91.6 required parking spaces. With the previously mentioned parking garage and site spaces a total of 117 parking spaces are provided. In the smaller multi-family buildings, parking counts were calculated using 1.7 spaces per 2-bedroom units, 2 spaces per 3-bedroom units, and 2 spaces per 4-bedroom units totaling 79.2 required parking spaces. A total of 91 parking spaces are provided at the smaller multi-family buildings.

Justification: *(Justify the approval of the project and address the review criteria listed at the end of this checklist)*

Review Criteria List:

- 1. The details of the use, site design, building location, orientation and exterior building materials are compatible and harmonious with the surrounding neighborhood, buildings and uses, including not-yet-developed uses identified in approved development plans.**

The project use as a multi-family dwelling is consistent with the previously approved PUD Development Plan (AR PUD 19-00162 – 108 unit – 4 story apartment building), and the project's proposed site design, location, orientation, and exterior materials are all compatible and harmonious with the surrounding neighborhood and follow the character of the established Flying Horse neighborhood standards.

Revise the response to item 1 by specifically explaining how the use, site design, building location, orientation, and exterior materials are compatible and harmonious with the neighborhood.



Response: The proposed use for this development is multi-family residential. This use is allowed per the approved zoning and harmonious with the two adjacent developments which are both multi-family residential.

The site design incorporates multiple buildings spread across the site which allows for better integration into the sloped site. This strategy allows for fewer retaining walls and is more compatible with the adjacent developments in terms of building size and form. Parking is screened from the street using an internal multi-level parking structure which is wrapped on 3 sides with residential units. Additionally, the site circulation on the lower portion of the site utilizes a series of auto courts which allows for efficient vehicular access as well as preventing any garage doors from facing a public way.

The building form and massing utilizes pitched roofs throughout along with generous use of dormers and exterior decks to add interest and variety. The exterior materials utilize engineered stone, painted wood siding along with timber columns and truss elements in keeping with adjacent developments and complies with the Flying Horse Master Design Guidelines.

2. The development plan substantially complies with any City-adopted plans that are applicable to the site such as master plans, neighborhood plan, corridor plans, facilities plans, urban renewal plans, or design manuals.

The development plan complies with the City's Comprehensive Plan's (PlanCOS's) vision for Vibrant Neighborhoods and Goal VN-2: "Strive for a diversity of housing types, sizes and price points...that is adaptable to market demands and housing needs." Specifically, this project helps to implement Strategy VN-2.A-3: "Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels." Further, the proposed development plan amendment complies with the previously approved project specific plans including the PUD Zone Change (CPC PUZ 18-00173), PUD Concept Plan (CPC PUP 13-00033 as amended) and PUD Development Plan (AR PUD 19-00162).

Revise the response to item 2 by addressing how the application is compliant with the subject master plan.

Response: Aimco's proposed amendments comply with the Flying Horse Master Plan. The Master Plan designates the future land use of this property as Office, which at the time this land use was designated, also included multi-family housing. This is because, at this time, the old Comprehensive Plan was in effect, and multi-family residential development was included as a permitted land use under the Office designation, per the Comprehensive Plan. The original intent of this land use designation on this site, therefore, has always included potential development as either Office or as Multi-family residential. When the 2019 PUD concept plan and PUD development plan for this site, including a 108-unit four story apartment building, were approved, an amendment to the Flying Horse Master Plan was not required, because the old Comprehensive Plan was still in place, and the multi-family use

was consistent with the Flying Horse Master Plan and the Comprehensive Plan. With the adoption of PlanCOS in 2020, some land use definitions changed, and as a result, many operative master plans throughout the City require amendments to adjust to new PlanCOS land use definitions. The Flying Horse Master Plan is currently undergoing such an amendment, estimated to be complete in August 2022. This “cleanup” amendment will clarify in the Flying Horse Master Plan that multi-family residential development is a permitted use on this site.

3. The project meets the dimensional standards, such as but not limited to, building setbacks, building height, and building area set forth in this chapter, or any applicable FBZ or PUD requirement.

Revise the response to item 3 by specifying what the specific applicable dimensional standards are, for example, note the maximum height, minimum setbacks, and maximum lot coverage. Additionally, explain the proposed dimensional standards to demonstrate compliance.

Response:

The project complies with the dimensional standards noted on the PUD Concept Plan (CPC PUP 13-00033 as amended) regarding setbacks, height, and density. Building height dimensions are noted in the Building Elevation Drawings included in this Development Plan submittal. Building height does not exceed the maximum allowable height of 45' and building height ranges from 31'-0" to 39'-3". Building setbacks at the north, west, and south of the site are 25'-0" min. with no requirement on the east side. The main multifamily building is at a minimum 44'-5" setback, which occurs at the southeast corner. The smaller multifamily buildings range from 25'-0" setback on the north, 30'-2" on the west, and a minimum of 26'-10" setback on the south. The proposed density is 12.8 DU / ACRE (maximum is 16 DU / ACRE). The percent building coverage is 38.5%.

4. The project grading, drainage, flood protection, stormwater quality and stormwater mitigation comply with the City's Drainage Criteria Manual and the drainage report prepared for the project on file with the City Engineering Department.

This site is located in the Monument Branch Drainage Basin. Stormwater runoff from the proposed development is accommodated in an existing public regional facility, Flying Horse Detention Facility No. 1, that was constructed with the development of Flying Horse. See Drainage Report prepared by Kimley-Horn & Associates for engineer's confirmation that the development is compliant with the master development. The report is titled "Final Drainage Report for Flying Horse No. 22 Filing No. 3, 4 & 5 & Flying Horse Detention Facility No. 1 Analysis." The proposed project will produce runoff consistent with the amount of flow planned for in the master drainage report titled "Final Drainage Report for Flying Horse No. 22 Filing No. 3, 4 & 5 & Flying Horse Detention Facility No. 1 Analysis."

5. The project provides off-street parking as required by this chapter, or a combination of off-street or on-street parking as permitted by this chapter.

Revise the response to item 5 by detailing the required and provided number of spaces, including ADA.

Response: as noted in the project statement above, Parking requirements have been exceeded on site. The main multi-family building includes 1.5 spaces per 1-bedroom units, 1.7 spaces per 2-bedroom units and 2 spaces per 3-bedroom units totaling 91.6 required parking spaces. With the previously mentioned parking garage and site spaces a total of 117 parking spaces are provided for the main multi-family building. In the smaller multi-family buildings, parking counts were calculated using 1.7 spaces per 2-bedroom units, 2 spaces per 3-bedroom units, and 2 spaces per 4-bedroom units totaling 79.2 required parking spaces. With the previously mentioned parking garage and site spaces a total of 91 parking spaces are provided at the smaller multi-family buildings. Accessible parking spaces at 2% have been calculated from the main multi-family building count, requiring 3 total accessible spaces to be dispersed at the site. There will be one accessible spot in a private garage, 2 spaces at the main entry of the main multi-family building, and 2 spaces at the smaller multi-family buildings. Of the two spaces noted at the main entry and the smaller multi-family buildings, one of each is van accessible.

6. All parking stalls, drive aisles, loading/unloading areas, and waste removal areas meet the location and dimension standards set forth by this chapter.

Revise the response to item 6 by discussing proposed waste removal in relation to the standards. Also note the specific location, dimensions, and screening of proposed parking spaces. Note the required and provided width of drive aisles.

Response: All parking stalls follow the City of Colorado Springs dimensional standards of 9'-0" by 18'-0" and 9'-0" by 22'-0" for any parallel parking stalls. Within the east part of the site accessing the main multifamily building, the minimum drive aisle is 25.9'. Within the parking garage, two-way drive aisles are a minimum of 24'-0" feet. At the smaller multifamily buildings, the main entry drive is 25'-0" and roads where garages sit back-to-back are 30'-0". The minimum requirements for those drives are 24'-0" Waste removal is staged within the building in an enclosed space and will be moved out for pickup on days that trash removal is scheduled. No separate waste removal area and associated screening is provided at this time.

7. The project provides landscaped areas, landscape buffers, and landscape materials as set forth in this chapter and the Landscape Design Manual.

Revise the response to item 7 by discussing the landscaping and buffers actually proposed, including demonstrating that the required width and number of plantings are provided.

Response: The project complies with all required landscape areas, buffers, and materials as noted in the Landscape Design Manual. Powers Boulevard is an arterial road which requires a 25' landscape setback, with a total linear length of 946' with 1 tree per 20' which comes to 40 total trees required and 80 shrub substitutions. Of those 40 trees, 24 are required to be evergreen, per code section 320 & 317. We have provided 26 total trees, 24 of which are evergreen along Powers Boulevard.

Silversmith Road is non-arterial road which requires a 10' landscape setback, with a total linear length of 819' and 1 tree per 30' linear feet which comes to 28 total trees required. Of

those 28 trees, 14 are required to be evergreen, per code section 320 and 317. We have provided 28 total trees, 14 of which are evergreen along Silversmith Road. Facing Silversmith we are also providing 8 vehicular parking spaces with a total length of 78'. Per code section 321 and 317, we are providing a planting buffer of 2/3 the total length for a total 52' of planted buffer which includes 6 shrubs, of which 50% are required to be evergreen per code section 321 and 317. We are providing 100% evergreen shrub screening for parking facing Silversmith.

The western property line abuts a commercial use, requiring a planted buffer of 1 tree per 20'. However, there is a 30' easement line running the full 497' of the western property line, prohibiting the use of any trees. Shrub substitutions are required due to this utility constraint. We are showing 200 shrubs ILO of the 20 required tree, per code section 320 and 317.

The net site area is 324,522 SF and requires a 15% minimum planted area and 1 tree per 500 SF internal to the site which comes to 48,678 SF and 98 required trees for internal tree canopy. We are providing 97,024 SF of planted area and 102 trees per code section 322 and 317. We are also providing 5 vehicular parking spaces on the west side of the site with a total length of 44'. Per code section 321 and 317, we are providing a planting buffer of 2/3 the length for a total of 29' if of planted buffer which includes 4 shrubs, 2 of which are evergreen per code section 321 and 317.

8. The project preserves, protects, integrates, or mitigates impacts to any identified sensitive or hazardous natural features associated with the site.

There are no identified sensitive or hazardous natural features associated with the site.

9. The building location and site design provide for safe, convenient, and ADA-accessible pedestrian, vehicular, bicycle, and applicable transit facilities and circulation.

Revise the response to item 9 to expound on how people would travel into and through the site via auto, walking, and bicycling.

Response: Accessible ramps, appropriately sized sidewalks, and handicap parking spaces are provided for safe and convenient circulation for all residents and visitors. The proposed development plan as amended will comply with all required accessibility codes.

The outer perimeter of the site can be circumnavigated by way of a sidewalk running along Silversmith Road with internal pedestrian connections from the multifamily front lobby as well as buildings 1, 2, 7, and 8. Buildings 6 and 7 have pedestrian connections running the full length of the western boundary, connecting to the sidewalk along Silversmith, guest parking between buildings 6 and 7 as well as the southwest corner of the fire lane running along the southern property line. Buildings 3, 4, 5, and 6 have pedestrian connections to the fire lane running along the southern property line. ADA routes have been provided for the townhome multifamily space as well as the multifamily amenity space with adjacent ADA parking for ease of access. There is an ADA route that wraps all four sides of the multifamily space allowing ease of access to guest parking, multifamily lobby and front door access to all ground level units.

The fire lane loop consists of a connection at the multifamily vehicular entry and runs along the eastern and southern property lines. It then connects with vehicular access between

buildings 5 and 6, runs down the vehicular drive between buildings 1, 4,5 and 8, and then terminates at the vehicular entry between buildings 1 and 8, connecting back to Silversmith Road. The fine lane road will be a limited access road. Tenant vehicular access from Silversmith Road to the multifamily parking garage is shared with the fire lane running the north and east property lines. A separate tenant vehicular access point for buildings 1 – 8 is provided on the northwest side of the property line, which is also shared with the fire lane.

Bike parking is provided at the multifamily guest parking area at the northwest corner of the multifamily building. Bike parking for buildings 1-8 are provided at the guest parking areas between buildings 1,4,5 and 8.

10. The number, location, dimension, and design of driveways to the site substantially comply with the City's Traffic Criteria Manual. To the extent practicable, the project shares driveways and connects to drive aisles of adjoining developments.

The project provides two driveways off Silversmith Road (public ROW). Driveways to the site were reviewed to maintain proper offsets from other driveways and have been reviewed and coordinated with the city traffic engineer to ensure compliance with the City's Traffic Criteria Manual. Driveways will be controlled using stop signs and will allow both right and left turn movements when exiting the site.

11. The project connects to or extends adequate public utilities to the site. As required by Colorado Springs Utilities, the project will extend the utilities to connect to surrounding properties.

Revise the response to item 11 to state that available utilities are adequate for the proposed use.

Response:

Per coordination with Colorado Springs Utilities, connections will be made to the existing public water, sanitary sewer, gas, and electric infrastructure. Public water main extensions will be made on the neighboring two properties and will extend a public main through the site within a proposed CSU utility easement. Sanitary sewer, gas, and electric will connect to public utilities in Silversmith Road (public ROW) and extend through the site within proposed CSU easements. The proposed site demand for these utilities can be met by existing infrastructure.

12. If necessary to address increased impacts on existing roadways and intersections, the project includes roadway and intersection improvements to provide for safe and efficient movement of multi-modal traffic, pedestrians and emergency vehicles in accordance with the City's Traffic Manual, public safety needs for ingress and egress and a City accepted traffic impact study, if required, prepared for the project.

Revise the response to item 12 to address public safety access to the site. State whether existing infrastructure is sufficient for safe and efficient travel to the site via all modes.

Response:

A traffic impact study was prepared in accordance with the City's Traffic Manual for the project and has been included with the Development Plan amendment application submittal. Based on the analysis in the report, the proposed development plan will be successfully incorporated into existing and future roadway networks and will not negatively impact public's safety as they operate in any forms of transportation. The recommendations of the study were adopted in the proposed plans and include installing stop signs on both of project's exiting approaches onto Silversmith Road. All modes of travel can be utilized safely when traveling to or from the site based on proposed access points. Emergency vehicles have access to the site from two locations on Silversmith Road and have a route through the site that is in accordance with the City's Traffic Manual.

13. Significant off-site impacts reasonably anticipated as a result of the project are mitigated or offset to the extent proportional and practicable. Impacts may include, but are not limited to light, odor, and noise.

Revise the response to item 13 to more robustly state the specific techniques used to mitigate site impacts, including visual, light, and noise.

Response:

Light, odor, and noise have been addressed in the site and building design, and impacts to off-site properties are not anticipated. Photometric plans have been provided and appropriate buffers around the site are included in the site plan. The existing Flying Horse golf course is located to the north and south of the site, further buffering the project from existing properties to the north and south of the golf course.

A dense tree canopy and heavily planted garden has been designed to be installed between the amenity area and Silversmith Road to provide noise, light and odor buffer to the northern property line.

The use of a multi-level parking structure as compared to a larger surface lot is a major site strategy leading to many benefits. This allowed us to reduce paved surface and replace a traditional surface lot with more open space. The complete screening of the parking areas from view using a wrapped parking structure and using private auto courts will greatly eliminate vehicular headlight glare and noise from circulating vehicles on site. This also allows for the parking lot lighting to be screened as well.

All site lighting will utilize shielded cutoff fixtures to avoid light spillage and point source light pollution. Lighting will also primarily be low level (height) avoiding poles where possible. Furthermore, the proposed development will buffer single family homes from the future Powers Blvd., the high-speed thoroughfare that CDOT plans to build south of the project site to connect State Route 83 and I-25.



ADDED SECTION – 7.3.606: Review Criteria for PUD Development Plan

- A. **Consistency With City Plans:** Is the proposed development consistent with the Comprehensive Plan or any City approved master plan that applies to the site?

(Response from Section 2 of 7.5.502.E)

Aimco's proposed amendments comply with the Flying Horse Master Plan. The Master Plan designates the future land use of this property as Office, which at the time this land use was designated, also included multi-family housing. This is because, at this time, the old Comprehensive Plan was in effect, and multi-family residential development was included as a permitted land use under the Office designation, per the Comprehensive Plan. The original intent of this land use designation on this site, therefore, has always included potential development as either Office or as Multi-family residential. When the 2019 PUD concept plan and PUD development plan for this site, including a 108-unit four story apartment building, were approved, an amendment to the Flying Horse Master Plan was not required, because the old Comprehensive Plan was still in place, and the multi-family use was consistent with the Flying Horse Master Plan and the Comprehensive Plan. With the adoption of PlanCOS in 2020, some land use definitions changed, and as a result, many operative master plans throughout the City require amendments to adjust to new PlanCOS land use definitions. The Flying Horse Master Plan is currently undergoing such an amendment, estimated to be complete in July 2022. This "cleanup" amendment will clarify in the Flying Horse Master Plan that multi-family residential development is a permitted use on this site.

- B. **Consistency With Zoning Code:** Is the proposed development consistent with the intent and purposes of this Zoning Code?

(Response from Section 1 of 7.5.502.E)

The proposed use for this development is multi-family residential. This use is allowed per the approved zoning and harmonious with the two adjacent developments which are both multi-family residential.

- C. **Compatibility Of The Site Design With The Surrounding Area:**
 - 1. Does the circulation plan minimize traffic impact on the adjacent neighborhood?

The proposed site circulation plan has been designed to minimize the traffic impact on the adjacent neighborhood. There is a direct route from the site that utilizes collector roads to access the major arterial without the need for routing traffic through any local streets.

(Response from Section 12 of 7.5.502.E)

A traffic impact study was prepared for the project and has been included in the Development Plan amendment application submittal. Based on the analysis in the report, the proposed development plan will be successfully incorporated into existing and future roadway networks and will not impact public safety. The recommendations of the study were adopted in the proposed plans and include installing stop signs on the project's exiting northbound approach. All modes of travel can be utilized safely when traveling to or from the site based on proposed access points.

2. Do the design elements reduce the impact of the project's density/intensity?

(Response from Section 1 of 7.5.502.E)

The site design incorporates multiple buildings spread across the site which allows for better integration into the sloped site. This strategy allows for fewer retaining walls and is more compatible with the adjacent developments in terms of building size and form. Parking is screened from the street using an internal multi-level parking structure which is wrapped on 3 sides with residential units. Additionally, the site circulation on the lower portion of the site utilizes a series of private garages which allows for efficient vehicular access as well as preventing any garage doors from facing a public way.

The building form and massing utilizes pitched roofs throughout along with generous use of dormers and exterior decks to add interest and variety. The exterior materials utilize engineered stone, painted wood siding along with timber columns and truss elements in keeping with adjacent developments.

3. Is placement of buildings compatible with the surrounding area?

As noted in response to item 2 above, the site design incorporates multiple buildings spread across the site which allows for better integration into the sloped site. This strategy allows for fewer retaining walls and is more compatible with the adjacent developments in terms of building size and form.

4. Are landscaping and fences/walls provided to buffer adjoining properties from undesirable negative influences that may be created by the proposed development?

A dense tree canopy and heavily planted garden has been designed to provide noise, light and odor buffer to the northern property line.

A planted buffer with columnar trees has been provided along the eastern property line to mitigate light and noise to the adjacent community.

5. Are residential units buffered from arterial traffic by the provision of adequate setbacks, grade separation, walls, landscaping and building orientation?

All setback and landscape buffer requirements have been met per code sections 317, 320, 321, and 322 as discussed in Item 7. In addition to meeting code requirements, there is varied grade separation between Silversmith Road and buildings 1, 2, 7, and 8 as well as the multifamily building. All setbacks required have been met with a 25'-building/10'-landscape setback along the north property line and a 25' building/landscape setback along the southern property line. Any walls located within the setbacks are kept below 6' per code.

D. Traffic Circulation:

1. Is the circulation system designed to be safe and functional and encourage both on and off-site connectivity?

Yes. Logical and convenient routes can be taken to circulate on site.

(Response from Section 9 of 7.5.502E)

The outer perimeter of the site can be circumnavigated by way of a sidewalk running along Silversmith Road with internal pedestrian connections from the multifamily amenity space as well as buildings 1, 2, 7, and 8. Buildings 6 and 7 have pedestrian connections running the full length of the western boundary, connecting to the sidewalk along Silversmith, guest parking between buildings 6 and 7 as well as the southwest corner of the fire lane running along the southern property line. Buildings 3, 4, 5, and 6 have pedestrian connections to the fire lane running along the southern property line. ADA routes have been provided for the townhome multifamily space as well as the multifamily amenity space with adjacent ADA parking for ease of access. There is an ADA route that wraps all four sides of the multifamily space allowing ease of access to guest parking, multifamily amenity space and front door access to all ground level units.

The fire lane loop consists of a connection at the multifamily vehicular entry and runs along the eastern and southern property lines. It then connects with vehicular access between buildings 5 and 6, runs down the vehicular drive between buildings 1, 4, 5 and 8, and then terminates at the vehicular entry between buildings 1 and 8, connecting back to Silversmith Road. Bollards will be provided along the eastern and southern property lines to prohibit tenant vehicular access. Tenant vehicular access from Silversmith Road to the multifamily parking garage is shared with the fire lane running the north and east property lines. A separate tenant vehicular access point for buildings 1 – 8 is provided on the northwest side of the property line, which is also shared with the fire lane.

2. Will the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?

Yes. There is a direct route from the site that utilizes collector roads to access the major arterial without the need for routing traffic through any local streets.

(Response from Section 10 of 7.5.502E)

The project provides two driveways off Silversmith Road (public ROW). Driveways to the site were reviewed maintain proper offsets from other driveways and have been reviewed and coordinated with the city traffic engineer to ensure compliance with the City's Traffic Criteria Manual. Driveways will be controlled using stop signs and will allow both right and left turn movements when exiting the site.

3. Will adequately sized parking areas be located to provide safe and convenient access, avoid excessive parking ratios and avoid expanses of pavement?

Yes. By providing the majority of parking spaces in garages, on-site pavement has been reduced significantly.

(Response from Section 1 of 7.5.502E)

Parking is screened from the street using an internal multi-level parking structure which is wrapped on 3 sides with residential units. Additionally, the site circulation on the lower

portion of the site utilizes a series of private garages which allows for efficient vehicular access as well as preventing any garage doors from facing a public way.

4. Are access and movement of handicapped persons and parking of vehicles for the handicapped appropriately accommodated in the project design?

Yes. ADA parking stalls are placed conveniently and with accessible routes within the project.

(Response from Section 9 of 7.5.502E)

ADA routes have been provided for the townhome multifamily space as well as the multifamily amenity space with adjacent ADA parking for ease of access. There is an ADA route that wraps all four sides of the multifamily space allowing ease of access to guest parking, multifamily amenity space and front door access to all ground level units.

5. As appropriate, are provisions for transit incorporated?
Not applicable to the site.

E. Overburdening Of Public Facilities: Will the proposed development overburden the capacities of existing and planned streets, utilities, parks, and other public facilities?

We have submitted to the City a full Drainage Report to analyze how much runoff our site will generate in the proposed condition. Our analysis finds that the runoff is consistent with what the regional drainage plan planned for from our site and will not require any improvements to existing public infrastructure.

A traffic study has been completed and submitted to the City. The study analyzed the entire route from the site to Northgate Blvd (including Old Northgate Road). The traffic study indicates that intersections of North Gate Boulevard/Old North Gate Road and Silversmith Road/Old North Gate Road are expected to operate acceptably with level of service B or better with project traffic.

When the Flying Horse development was first master planned, the Academy #20 School District requested a land dedication from the master developer to ensure that there were enough schools and capacity to cover the population of Flying Horse. The Flying Horse master planner dedicated 80 acres of land to the school district, which at the time was intended to cover all residential development within Flying Horse. The Academy #20 School District has reviewed Aimco's application.

F. Privacy: Is privacy provided, where appropriate, for residential units by means of staggered setbacks, courtyards, private patios, grade separation, landscaping, building orientation or other means?

Privacy within the building layout has been provided for residential units through the massing of the building, providing a variety of private decks that are separated from one another.

As noted in Section 1 of 7.5.502E above, the site design incorporates multiple buildings spread across the site which allows for better integration into the sloped site. This strategy allows for fewer

retaining walls and is more compatible with the adjacent developments in terms of building size and form. Parking is screened from the street using an internal multi-level parking structure which is wrapped on 3 sides with residential units. Additionally, the site circulation on the lower portion of the site utilizes a series of private garages which allows for efficient vehicular access as well as preventing any garage doors from facing a public way.

The building form and massing utilizes pitched roofs throughout along with generous use of dormers and exterior decks to add interest and variety. The exterior materials utilize engineered stone, painted wood siding along with timber columns and truss elements in keeping with adjacent developments.

G. Pedestrian Circulation:

1. Are pedestrian facilities provided, particularly those giving access to open space and recreation facilities?

Yes. Pedestrian sidewalks are provided giving residents a safe and accessible route to outdoor amenities.

2. Will pedestrian walkways be functionally separated from vehicular ways and located in areas that are not used by motor vehicles?

Yes. There are no on-street pedestrian routes except in occurrences when pedestrians cross drive aisles, in which case perpendicular cross walks are provided.

H. Landscaping:

1. Does the landscape design comply with the City's landscape code and the City's landscape policy manual?

See response in Section 7 of 7.5.502E.

2. The use of native vegetation or drought resistant species including grasses is encouraged. The City's landscape policy manual or the Community Development Department's landscape architect can be consulted for assistance.

The planting design will use a combination of native and introduced perennials per the specified planting list given Unit 4, Appendix B of the Colorado Springs Landscape and Policy Manual. All planting areas are compliant with the specified hydrozones as set forth by the schematic design checklist within the Land Use Review document.

I. **Open Space:**

1. **Residential Area:**

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

The project aligns with the internal and open space code sections found under Section Policy 317 and 322. The requirement on site is that 15% of the internal area is required to be open space. The net site area is 324,522 SF, the required area is 48,678 SF, and the project is providing 97,024 SF.

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

There are no identified significant or unique natural features associated with the site.

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

The above is not applicable to our project.

J. **Mobile Home Parks:** Does a proposed mobile home park meet the minimum standards set forth in the mobile home park development standards table in subsection 7.3.104B of this article? (Ord. 03-110; Ord. 03-190; Ord. 09-70; Ord. 09-80; Ord. 12-68)

The above is not applicable to our project.

Issues: (Explain how the issues identified during the pre-application process have been addressed or mitigated)

1. **Clarification on Multi-family vs. Townhome Use**



R: Planning Department advised that townhomes grouped at least 3 units per building are defined as multi-family use and therefore fall within the bounds of the current PUD. All townhome style units in the proposed plan are grouped at least 3 units per building and referred to as "small multi-family".

2. Parking Calculations in PUD or Sec. 7.4.203 of the Municipal Code

R: Parking calculations have been included in the project description, and the required count per the municipal code have been provided and met.

3. Building Height Calculations Clarification

R: Building height calculations have been included in the architectural elevations section and have used the measurement directions provided by Planning Department in the pre-application meeting summary. Building heights proposed comply with the maximum building height of 45' dictated by the previously approved PUD Development Plan (AR PUD 19-00162).

Exhibit B
Appraiser Letter

[see attached]

November 30, 2022

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Integra Realty Resources
Denver

575 Union Boulevard
Suite 209
Lakewood, Colorado, 80228

T (720) 833-5930
T (866) 963-1703
www.irr.com



July 28, 2022

Alex Ong
Senior Director of Development
AIMCO
4582 South Ulster Street, Suite 1450
Denver, CO 80237

SUBJECT: 1765 Silversmith Road - Lot 1, Flying Horse No.22 Filing No. 4
South side of Silversmith Road, south of North Gate Boulevard
Colorado Springs, El Paso County, Colorado 80921
IRR - Denver File No. 209-2022-0181

Dear Ms. Ong:

It is my understanding that AIMCO Silversmith Road LLC are seeking to amend the 2019 PUD Development Plan to authorize the construction of a single, 3-story apartment building in addition to eight, 2 to 3-story, for-rent, townhome-style units. Total proposed units are 95, which is about 12% less units than a 2019 approved development plan by Colorado Springs for the subject site. You have engaged Integra Realty Resources to evaluate the effect, if any, of the proposed development on the value, use, enjoyment, and development of other properties in the vicinity of the proposed development.

I am familiar with the proposed development and the surrounding area as the result of an inspection of the site and neighborhood and my review of the plans for the proposed development. In my opinion, the proposed development would not: (1) be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare; (2) be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and (3) impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed development would not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. I do not foresee an adverse impact on surrounding properties as this residential use of the subject site will be like the adjacent residential/multifamily properties to the east and west. The surrounding area has a mix of uses, with multifamily residential/townhomes/senior living located to the east and west, single family homes to the northwest, a low-rise medical office to the west and a golf course to the immediate north across Silversmith Road. Powers Boulevard is being expanded and will border the subject to the south. It is anticipated Powers

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Boulevard will be like a freeway generating significant automobile traffic. Beyond the golf course to the north is North Gate Boulevard and the Discovery Canyon Campus. Talking with nearby residents, the immediate area around the campus, including the subject neighborhood, observes congestion during peak hours when the schools are in session.

The proposed use would not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor substantially diminish and impair property values within the neighborhood. Integra Realty Resources concludes the development at 1765 Silversmith Road will be an enhancement to the immediate neighborhood and not worsen existing lifestyles of those who reside and recreate in and around the area. The subject property will be spacious townhomes and apartments catering to renters at or near the top end of the market with a design compatible with the residential product in the area. The construction quality, level of finish, site plan, and landscaping will be an enhancement to the neighborhood. Typically, if located properly with attractive landscaping and entranceways, adverse price effects can be minimized and sometimes can add value. In the long term, such apartment complexes probably raise the overall value of detached homes relative to their absence. No evidence exists indicating the adjacent multifamily/attached residential/senior housing product have had a negative impact on property values within the neighborhood. The development of 1765 Silversmith Road in Colorado Springs similarly will not diminish and will have insignificant effects on property values in the neighborhood. There appears to be no price effects when multifamily is in vibrant neighborhoods, like the subject, and typically the structure of the housing does not change the character of the neighborhood, especially when competent management is responsive to problems. Market participant interviews indicate that northern Colorado Springs is highly desirable to live and work and as a result, much of the immediate areas around the subject are witnessing an explosion of residential and commercial development, with most development-potential land already snapped up by developers. Due to demand for being in this part of Colorado Springs and the lack of larger developmental parcels left in the immediate neighborhood, the pace of rent growth is related to the lack of supply, and the way to alleviate some of these issues is to create more supply, which the development team is attempting to endeavor.

The proposed development would not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The development of 1765 Silversmith Road will be a continuation of the type of development already seen along Silversmith Road and similar to heavily traveled arterials like what is proposed with Powers Boulevard and will not have any impact on overall development in the neighborhood. With the range of property types in the immediate area, including recreation/residential/office/schools and multifamily, there is already several uses along neighborhood roads and thoroughfares.

Conclusion: In my experience with commercial real estate valuation and development, for residents in neighborhoods near proposed apartment developments – and for local officials who represent them – it

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is important to understand that proposed multifamily housing rental developments do not generally lower property values in surrounding areas. It is my opinion that the proposed planned development to authorize the construction of the 1765 Silversmith Road development would be appropriate for the site and consistent with surrounding development, with no negative impact on the value or condition of surrounding properties.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,

Integra Realty Resources - Denver



Larry B. Close, MAI
Senior Managing Director
Certified General Real Estate Appraiser
Colorado Certificate #CG.0448899