

May 18, 2016

Mike Schultz
Principal Planner
Planning & Development Department / Land Use Review Division
City Administration Building
30 S. Nevada Ave., Suite 105
Colorado Springs, CO 80901-1575

RE: Proposed Development of SW Corner of Maizeland and Academy

Dear Mike,

As a 17-year resident of the neighborhood that includes the property in question, I respectfully request the Planning Department, the Planning Commission and the City Council to thoughtfully consider the concerns of residents and **reject** the proposed changes to the current PCB-CR zoning of the land on the SW corner of Maizeland and Academy.

Relevance of Conditions of Record

Of primary concern is the fact that the **current Conditions of Record remain relevant** to those of us who live in the area. The neighborhood is still residential, with young families and children, and the rationale behind the creation of the Conditions of Record remains just as important today as in 1988 when established.

If changes and exceptions are made to this Conditions of Record, a precedent may be set for further changes, not only for this property but also in other areas around town in which forward-thinking and well-intentioned residents established **restrictions to protect the integrity and safety of residential neighborhoods**.

In fact, if any action is taken to modify the Conditions of Record, the list should be **expanded** rather than reduced, in order to include other businesses (e.g., any business related to marijuana, tattoos, seedy massages parlors, etc.) that would **clearly fit the obvious intention** behind the 1988 Conditions of Record, which was to protect the residential qualities of the neighborhood and ensure a family-friendly setting.

Traffic Concerns

At the May 12 public meeting, the City's Traffic Engineer indicated that she "thinks" the intersection should be able to handle the proposed plans, and if not, she has some ideas to remedy the situation. By her estimates, the distance from Academy to the proposed access point on Maizeland will accommodate about nine cars before congestion occurs.

I regularly traverse the intersection of Maizeland and Academy, even upward of 8 times a day, in my normal, day-to-day activities. From personal experience, I know this intersection is **already a high traffic area**, with enough volume to justify the City's current use of traffic cameras. I think the proposed access point on Maizeland will **introduce new challenges into an already stressed intersection**.

A left turn out of the development onto W bound Maizeland will be **impractical** and cause **safety** issues with the amount of cars that backup in the left turn lane for N bound Academy. Between the February and May meetings, I maintained a log of the date, time, my direction and number of cars backed up in this turn lane. With almost 230 entries in my log, I observed:

- 66% of the time, 9 or more cars were backed up and waiting to turn from E bound Maizeland to N bound Academy
- 40% of the time, 9 or more cars were backed up during the hours identified by Kum-n-Go as “peak” hours (6:30 am – 8:30 am and 3:30 pm – 6:30 pm)
- Almost 50% of the time, 12 or more cars were backed up in this turn lane
- 1 out of every 5 times I drove through this intersection, 20 or more cars were backed up, resulting in a queue to the stoplight and beyond

With these types of **backups**, entering the property from or exiting to W bound Maizeland will be challenging and likely result in **risky behavior** and/or the **unintended diversion of traffic through the residential neighborhood** (e.g., right on Maizeland, right on Academy, right on Alpine either to Sussex, Warwick or Wynkoop). Any additional traffic generated by the businesses will only **exacerbate** the situation.

Incongruence with Palmer Park

Another important consideration is how these businesses **conflict with the feel and sight lines** of the natural beauty gifted to the City in **Palmer Park**. The City is already **saturated** with these particular businesses as well as their competitors. It hardly seems necessary to **mar the aesthetics** of the west side of this particular intersection with commercial businesses that are incongruent to one of the few places within the heart of the city that provides all residents with a place to experience peace and tranquility without leaving town.

The Applicants have proposed structures that are “contemporary” and up-to-date, unlike the facilities of their competitors across and along Academy. However, **in twenty years**, the proposed buildings will also be out-of-date and an **eyesore** to residents and visitors of Palmer Park. By that time, the Applicants will have moved on and are not likely to find it profitable or economically beneficial to invest in needed improvements for the sake of the neighborhood. Realistically, we cannot expect the Applicants to look beyond profit and keep in mind what is best for the neighborhood. For this reason, the residents must rely on the decision makers in the City to **reasonably balance** the rights of the property owner with those of us who will be living **long-term** with the **ramifications** of the proposed plan.

I understand the desire of the City to pursue viable infill opportunities, particularly along blighted Academy Boulevard. However, many **other parcels of land** would better suit the purposes for these businesses **without** requiring zoning changes, negatively impacting an established residential community, exacerbating traffic issues and raising structures incongruent to the natural beauty of Palmer Park.

When we purchased our home in 1999, we were aware of the fact that this property is zoned for commercial use. However, the proposed plan violates the Conditions of Record established in 1988 for reasons that remain relevant today, and it does not align with what we understood would be an acceptable use on that lot. For these reasons and because the intersection at Academy and Maizeland is already stretched, I respectfully ask the Planning Department, the Planning Commission and the City Council to:

- **Reject** these plans, including all zoning changes
- **Remain enforcers** of the current Conditions of Record
- **Remain advocates** of an open, transparent process now and in the future so that better alternatives can be explored that uphold the intent, value and integrity of the Conditions of Record

Sincerely,
 Susan R. Foth, CCP
 2221 Tesla Dr., Colorado Springs, CO 80909

Maizeland and Academy Subdivision
Submitted by Charles Bobbitt
3618 Alpine Pl
Colorado Springs, CO 80909

Issues with Development Plan

Back 35 plus years ago an agreement was reached by neighbors and owners of this lot on how to allow development with a residential neighborhood. Many of these restrictions were placed to make for a quality development which could add to the neighborhood. What we see before us is just the opposite. Something that will generate 24 hour operation of many uses spelled out in the 1988 document which was not allowed. Most of the proposed establishments are replicated numerous times within one mile radius of the site. What does this development add to the city or citizens needs? None of the business will add anything to the neighborhood and instead have a negative affect on our property values. This type of development with residential bordering the property would not be designed into any newer community so why does it have to be done in our neighborhood?

Just a quarter of a mile from this lot sits acres of land in Rustic Hills North with many building being empty. All this area is away from residential housing and has adequate traffic routing. Why take a lot across from one of the cities great parks and place unneeded business? Let's also remember that we as neighbors are looking for a development that will add value years from today.

At none of the meetings I have attended (I have been to five) has the neighborhood been represented by city planning. In fact when the realtor didn't like what the neighbors were saying he threatens us with a Wal-Mart being placed on this piece of land and he could get it done.

Traffic pattern on Maizeland has not been adequately addressed or studied by traffic engineering and is instead being done with by assumption of how much traffic goes through the left hand turn lane. Also not that as the city extends it reach east and with Palmer Park sitting between Maizeland and Austin Bluffs Parkway (which is also over crowded at Academy during this time) there isn't any alternative.

It was stated that only 1% of the time is the left turn lane full pass new turn lane between the hours of 7 AM to 7 PM. In my own observation from the hours 3:30 PM to 7PM the left hand turn lane is backed up passed the new turn in lane at least 85%+ of the time. Remember this is the turn in lane that will be used by those using the storage facility with truck length of 26 feet and they can be towing trailers which can extended this length to almost 40 feet. Where is this calculated into the design.

Solutions offered is to extended the left hand turn signal to allow more vehicles through the turn. Considering most of this time I mentioned it takes two light cycle to make a left turn on to Academy one has to wonder how this will work. Where is this additional timing coming from there can be large volume coming from west bound Maizeland. It is my understanding a great deal of planning to keep traffic moving along both north and south Academy Blvd. Are you going to sacrifice valuable time from those directions to try and fix Maizeland?

Second option is double left turn lane on Maizeland single through lane east bound. Would this really solve the issue? Doesn't this all add to turning across two lanes of backed up Maizeland? Is this done anywhere else in Colorado Springs? Doesn't this all add to safety on maizeland?

Third option outlined was access to Sussex then to the light. But according to the plans there is a building all along Sussex and couldn't work. Nobody (not the planner or the developer or the storage unit owner) said anything that this option wasn't even feasible. It will be difficult at best for anyone turning out of the development to go north on Academy and down right dangerous to go west bound on Maizeland. Just like the

intersection on South Carefree near Powers coming out of Kohl's parking lot only a lot more traffic on Maizeland than South Carefree.

I do not see how any approval can progress until the full impact of thousands of additional cars is addressed. How so many uses can be set aside to satisfy developer? A development which the city would not approve in any new developed areas of Colorado Springs. Where are the neighbor's rights? In all the discussion there has never been any indication that this will improve our neighborhood.

Schultz, Michael

From: Kevin Harrer <kevinharrer11@gmail.com>
Sent: Monday, March 14, 2016 9:47 AM
To: Schultz, Michael
Subject: Re: Planning and Development (Academy and Maizeland)

Follow Up Flag: Follow up
Flag Status: Flagged

Last time, I got the invitation to a meeting was few days before the date. I would appreciate it if I can find out two weeks in advance. So that, the interpreter can be arranged for the meeting. I would love to attend and be part of this community decision.

I wanted to share my concerns about my safety as a deaf person. Around 2 to 8 times a day, many cars stop on my drive way or front of my house. They tend to take U-turns or stop to figure out where they have lost. Also, 1 - 2 cars every week stopped front of my house due to malfunction of their vehicles and left it there for a day or two, mostly overnights.

I know that when the lot is being established, more problems will occurs front of my house which is not safe for me as a deaf person. I would like to discuss this problem with your team. Other than that, I am open to new ideas.

I do wish that a good store will established at the lot like Trader's Joe grocery store, or something nice. Sometime I think the lot should be set for exercising path or a sport field because it is related to the Palmer Park.

I am looking forward to the next meeting.

Thanks,
Kevin M. Harrer

On Sun, Mar 13, 2016 at 4:38 PM, Schultz, Michael <MdSchultz@springsgov.com> wrote:

Kevin – As I indicated in a voice message through the relay service, we should be contacted sooner in order to provide an interpreter for the meeting, this is not something the City generally provides at these types of meetings. I have talked to the developer and he is willing to provide one in the future if indicate you will be attending future neighborhood meetings.

The development is proposed by the developer and not by the City, my job is to represent the interests of both parties, residents and the owners/developers. As you are probably aware there are numerous conditions of record attached to the zoning of the property (probably the most I have seen placed on any zoning of any property within the City); the developer argues that office development is not feasible within this corridor citing high vacancy rates. From my planning perspective I would have liked to seen apartments or senior housing placed on the site given the close proximity of Palmer Park and the City's desire to one day incorporate rapid transit along Academy Blvd. However the developer has spoken with an apartment ownership group in town and they believe they would not see the return on rental units that seen in other parts of town.

At this time no formal applications have been submitted yet to rezone the property to remove a number of those conditions, nor any development applications for the projects have been submitted; but I'm anticipating that they will in the next few weeks. Once those applications are submitted notification postcards will again be sent out to residents and we will likely hold another neighborhood meeting to discuss the projects in more detail. Ultimately these requests will be forwarded to the City Planning Commission and City Council for them to decide to support the zone change and the projects or not?

If you have any questions please feel free to contact me. If and when we hold another neighborhood meeting or need an interpreter please contact me in advance of that meeting so arrangements can be made.

Thank you,

MIKE SCHULTZ, AICP

PRINCIPAL PLANNER

PLANNING & DEVELOPMENT DEPARTMENT | LAND USE REVIEW DIVISION

CITY ADMINISTRATION BUILDING

30 S. NEVADA AVE., SUITE 105

COLORADO SPRINGS, CO 80901-1575

PHONE: (719) 385-5089 | FAX: (719) 385-5167

E-MAIL: mdschultz@springsgov.com



CONFIDENTIALITY NOTICE: The information contained in or attached to this electronic message is privileged/confidential and intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please inform the sender immediately and remove/delete any record of this message.

From: Kevin Harrer [mailto:kevinharrer11@gmail.com]
Sent: Friday, March 11, 2016 3:55 PM
To: Schultz, Michael
Subject: Planning and Development (Academy and Maizeland)

Planning and Development (Academy and Maizeland)

Dear Mike Schultz,

I had an opportunity to meet with you on February 18th, 2016 at the Evangelical Church for a meeting discussing about planning and development. I was unable to stay in this meeting because interpreter was not arranged. The development lot is right front of my house where I lived on Sussex lane.

I decided to type this email to hear from you the results. I feel that your development proposals are not a great idea. I have many concerns and I know that we can do better with that property. I abide us to follow the development rules for that lot because it was set up for good reasons.

Sincerely,

Kevin M. Harrer

Schultz, Michael

From: Theresa Putnam <colomom@aol.com>
Sent: Friday, May 06, 2016 8:26 AM
To: Schultz, Michael
Subject: Zone change at Maizeland and Academy Blvd.

Good morning. I am writing to you to voice my opposition to the proposed zoning changes for the land at Maizeland and North Academy Blvd. to allow a gas station and fast food establishment. I firmly believe that allowing this zoning change will harm our neighborhood and bring unwanted trouble to the roads and to the playground in Palmer Park. Already there are now 2 homes for sale along the proposed streets to be affected by this possible development. The traffic on Maizeland during rush hour twice a day is terrible and the turn lane to north bound Academy really backs up. The proposed entrance/exit to this land will create such chaos there are bound to be accidents and a great deal of rage not to mention a great deal of traffic along Alpine and Sussex. With food and beer so close, I believe that vandalism will greatly increase at the Palmer Park playground at night.

I ask you to not allow this zoning change to occur. The neighborhood has been a peaceful one since I moved here in 1970. I have no issue with the land being sold but it needs to be developed in a manner that is not harmful to the neighborhood, Palmer Park and the streets in the area.

Thank you.

Theresa Putnam
colomom@aol.com

Schultz, Michael

From: Craig Clark <craiglclark@gmail.com>
Sent: Monday, February 15, 2016 11:44 PM
To: Schultz, Michael
Subject: Neighborhood Notice re: parcel at sw corner of N. Academy Blvd & Maizeland

We will not be able to attend the neighborhood meeting reference the disposition of the seven acre parcel at Academy and Maizeland. We would like to express our view of the proposed plans for the storage facility, gas station and fast food facility. We don't feel these facilities will enhance or beautify Academy Blvd. There are already over fifty fast food and gas stations from here north to I-25. We don't believe that traffic congestion and noise have been adequately addressed. Traffic backup on Maizeland is already a problem during morning and evening commutes. Two more gas and fast food facilities will only compound this problem. We already have a noise problem on Academy with motorcycles racing (a problem the city has not addressed as far as we can tell). We do not have any issues with the storage units as long as the facility is constructed and landscaped as proposed in the last meeting. Ultimately our concern is with the esthetic environment with our home here and the effect of the property values in the neighborhood.

Ideally we would like to see the area used in a manner that might compliment Palmer Park or a professional plaza.

Craig & Sandy Clark
3629 Alpine Pl

Schultz, Michael

From: Hayden Kawasaki <h_kawasaki@q.com>
Sent: Thursday, February 18, 2016 7:22 PM
To: Schultz, Michael
Subject: Proposed commercial development @ Academy and Maizeland

Mr. Schultz,

My name is Hayden Kawasaki and I live at 3611 Alpine Pl. Due to illness I am not able to attend tonight's meeting. It's come to our attention that there are 3 potential businesses that may want to build on that vacant lot and I would like to voice my thoughts on this. I'd rather not see another gas station in that location as we seem to have an adequate number of them in a 1-1 1/2 mile span from N. Carefree to Palmer Park. Fast food is also a dubious choice due to the noise and increased traffic that will impact the neighborhood streets (ill -equipped to handle the flow) and adding to the busyness of the major intersection. We knew eventually that lot would be renovated but were hoping for something that would add to the beauty of Palmer Park , like a nice pet park and a better crosswalk system to access Palmer Park, creating a more wholesome environment for the struggling Academy corridor. We already have restaurants, gas stations, pharmacies,businesses to the north,south and east. Why not an oasis on the west side? Just throwing out ideas. I hope to hear more concerning the development and what we as a neighborhood can do to work with you rather than against. Thank you for your time.

Sincerely,
Hayden and Nina Kawasaki

Sent from my iPad

Schultz, Michael

From: Michelle Wright <mikiwright@hotmail.com>
Sent: Saturday, May 14, 2016 4:08 PM
To: Schultz, Michael
Cc: Tom Dermody
Subject: development at corner of academy and maizland

Dear Mr. Schultz,

This email is to inform you that my husband and I strongly support the proposed development at the corner of Maizland and Academy. We are long time residents and plan on staying here for the foreseeable future. We have my adult daughter who is going to school for nursing and is an Air Force Reservist with the flight wing and two grandchildren ages 9 and 12 living with us who use Palmer Park regularly. Please let us know what you may need from us to help this development go forward in it's entirety.

Thank you for your attention to this matter.

Michelle and Randy Wright
2410 Warwick Lane
Colorado Springs
Co 80909
719-531-5026