

ORDINANCE NO. 08- 60

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 17.19 ACRES LOCATED SOUTHEAST OF POWERS BOULEVARD AND BRIARGATE PARKWAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. The zoning map of the City of Colorado Springs is hereby amended by rezoning 17.19 acres from Agricultural (A) to Planned Business Center (PBC) located southeast of Powers Boulevard and Briargate Parkway, for the property described in Exhibit A, attached hereto and made a part hereof by reference, pursuant to the Zoning Ordinance of the City of Colorado Springs, and is subject to the following condition of record:

Subsequent development plans must be reviewed by the City Planning Commission.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance shall be available for inspection and acquisition in the Office of the City Clerk.

Introduced, read, passed on first reading and ordered published this 8th day of
April, 2008.



Mayor

ATTEST:




City Clerk

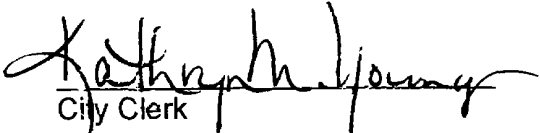
CPC ZC 07-00334/ bt

Finally passed, adopted and approved this 22nd day of April, 2008.

ATTEST:



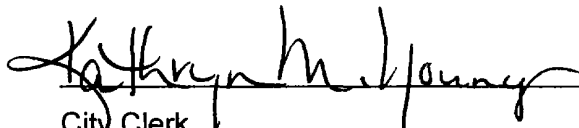
Mayor



City Clerk

I HEREBY CERTIFY, that the foregoing ordinance entitled **"AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF COLORADO SPRINGS RELATING TO 17.19 ACRES LOCATED SOUTHEAST OF POWERS BOULEVARD AND BRIARGATE PARKWAY"** was introduced and read at a regular meeting of the City Council of the City of Colorado Springs, held on April 8, 2008; that said ordinance was passed at a regular meeting of the City Council of said City, held on the 22nd day of April, 2008, and that the same was published by title and summary, in accordance with Section 3-80 of Article III of the Charter, in the Daily Transcript, a newspaper published and in general circulation in said City, at least ten days before its passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City, this 22nd day of April, 2008.



City Clerk

"EXHIBIT A"

LEGAL DESCRIPTION:

THAT CERTAIN PARCEL OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 26, NORTHEAST ONE-QUARTER OF SECTION 35 AND THE NORTHWEST ONE-QUARTER OF SECTION 36, ALL IN TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M., CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO, BEING A PORTION OF PARCEL C-1 AS DESCRIBED IN THE WARRANTY DEED RECORDED ON NOVEMBER 15, 1995 IN BOOK 6765 AT PAGE 259 AND A PORTION OF PARCEL J AS DESCRIBED IN THE WARRANTY DEED RECORDED ON NOVEMBER 15, 1995 IN BOOK 6765 AT PAGE 199, BOTH OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER OF SAID EL PASO COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE BRIARGATE PARKWAY AND GRAND CORDERA PARKWAY AS SHOWN ON CORDERA FILING NO. 1, A SUBDIVISION RECORDED AT RECEPTION NO. 205035677 OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER OF SAID EL PASO COUNTY;

THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID GRAND CORDERA PARKWAY THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

THENCE SOUTH 08°38'23" EAST, 48.56 FEET TO THE BEGINNING OF A 3798.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS NORTHEASTERLY;

THENCE ALONG SAID CURVE TO THE LEFT, 275.24 FEET THROUGH A CENTRAL ANGLE OF 04°09'08" TO A 2533.50 FOOT RADIUS COMPOUND CURVE;

THENCE ALONG SAID COMPOUND CURVE TO THE LEFT, 275.78 FEET THROUGH A CENTRAL ANGLE OF 06°14'13" TO A 2566.50 FOOT RADIUS REVERSE CURVE;

THENCE ALONG SAID CURVE TO THE RIGHT, 55.46 FEET THROUGH A CENTRAL ANGLE OF 01°14'17" TO A 3792.00 FOOT RADIUS REVERSE CURVE;

THENCE ALONG SAID CURVE TO THE LEFT, 61.81 FEET THROUGH A CENTRAL ANGLE OF 00°56'02" TO THE MOST NORTHERLY CORNER OF POWERS OFFICE PARK FILING NO. 1, A SUBDIVISION RECORDED AT RECEPTION NO. 207712604 OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER OF SAID EL PASO COUNTY;

THENCE ALONG THE WESTERLY AND NORTHERLY LINES OF SAID POWERS OFFICE PARK FILING NO. 1 THE FOLLOWING THREE (3) COURSES AND DISTANCES:

THENCE SOUTH 15°19'54" EAST, 151.16 FEET TO THE BEGINNING OF A 3804.00 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS NORTH 69°01'08" EAST;

THENCE ALONG SAID CURVE TO THE LEFT, 204.09 FEET THROUGH A CENTRAL ANGLE OF 03°04'26 SECONDS;

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FIGURE 5

"EXHIBIT A"

THENCE NON-TANGENT FROM SAID CURVE SOUTH 65°55'41" WEST, 802.43 FEET TO A POINT ON THE NORTHEASTERLY LINE OF PARCEL NO. 305 AS DESCRIBED IN THE WARRANTY DEED RECORDED FEBRUARY 1, 2005 AT RECEPTION NO. 205015924 OF THE RECORDS IN THE OFFICE OF THE CLERK AND RECORDER OF SAID EL PASO COUNTY;

THENCE ALONG THE NORTHEASTERLY AND SOUTHEASTERLY LINES OF SAID PARCEL NO. 305 THE FOLLOWING NINE (9) COURSES AND DISTANCES:

THENCE NORTH 37°39'27" WEST, 155.54 FEET TO THE BEGINNING OF A 4042.00 FOOT RADIUS TANGENT CURVE WHOSE CENTER BEARS SOUTHWESTERLY;

THENCE ALONG SAID CURVE TO THE LEFT, 416.99 FEET THROUGH A CENTRAL ANGLE OF 5°54'39";

THENCE NON-TANGENT FROM SAID CURVE, NORTH 40°17'08" WEST, 137.24 FEET;

THENCE NORTH 46°26'57" WEST, 89.75 FEET;

THENCE NORTH 28°15'33" WEST, 79.18 FEET;

THENCE NORTH 25°31'39" EAST, 79.67 FEET;

THENCE NORTH 43°37'37" EAST, 351.44 FEET TO THE BEGINNING OF A 1384.79 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 46°23'04" EAST;

THENCE ALONG SAID CURVE TO THE RIGHT, 154.89 FEET THROUGH A CENTRAL ANGLE OF 06°24'31 SECONDS;

THENCE NON-TANGENT FROM SAID CURVE, NORTH 39°58'32" WEST, 11.42 FEET TO A POINT ON A 1417.50 FOOT RADIUS NON-TANGENT CURVE WHOSE CENTER BEARS SOUTH 38°02'20" EAST, SAID CURVE BEING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID BRIARGATE PARKWAY;

THENCE ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID BRIARGATE PARKWAY THE FOLLOWING TWO (2) COURSES AND DISTANCES:

THENCE ALONG SAID CURVE TO THE RIGHT, 619.42 FEET THROUGH A CENTRAL ANGLE OF 25°02'13";

THENCE NON-TANGENT FROM SAID CURVE, SOUTH 68°38'23" EAST, 69.08 TO THE POINT OF BEGINNING.

CONTAINING: 24.184 ACRES OR 1,053,461 SQUARE FEET, MORE OR LESS.

PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
Land Use Review Division



DATE: March 21, 2008

TO: Honorable Mayor and Members of City Council

VIA: Penelope Culbreth-Graft, DPA-City Manager *Penelope Culbreth-Graft*

FROM: William T. Healy, Planning and Community Development Director *Wm T. Healy*
Robert W. Tegler, Senior Planner *RT*

RE: Powers Commercial

STRATEGIC GOAL(S) THIS ITEM SUPPORTS:



SUMMARY: This is a request by N.E.S. Inc on behalf of LaPlata Investments, LLC for approval of the following applications:

- a) A zone change from Agricultural (A) to Planned Business Center (PBC),
- b) A 17.194-acre concept plan for Powers Commercial, and
- c) A final subdivision plat for Briargate Crossing East Subdivision Filing No. 3.

The site consists of 24.184 acres and is located southeast of Powers Blvd. and Briargate Pkwy.

PREVIOUS COUNCIL ACTION: None.

BACKGROUND: This project involves a new 17.194-acre commercial shopping center immediately southeast of Powers Blvd. and Briargate Pkwy. The site is designated as a Community Commercial land use in the approved Briargate Master Plan, and all criteria are met to approve the requests. Several nearby residents objected to the development, stating that the center would be incompatible with their neighborhood. Planning Commission added a condition to the zone change that requires all future development plans to be reviewed by the Planning Commission in order to better ensure compatibility with the neighborhood and agreed with the staff recommendation to approve all of the requests.

The attached Planning Commission minutes and staff report from the March 6, 2008 meeting provide background information.

FINANCIAL IMPLICATIONS: None.

PLANNING COMMISSION RECOMMENDATION: Planning Commission approved each of the requests at their March 6, 2008 meeting (vote 7-1 with Commissioner Butlak opposed and Commissioner Guy absent). They added a condition to the zone change request that requires all future development plans for this site to be reviewed by Planning Commission.

STAKEHOLDER PROCESS: The public process involved with the review of these applications included posting of the site and sending of letters on two separate occasions to all property owners within a 500-ft. radius of the property. A neighborhood meeting was held on November 7, 2007 to discuss the proposal. Staff later received several e-mail responses from nearby residential property owners objecting to the presence of a large commercial development adjacent to their neighborhood. These messages were provided to the Planning Commission.

ALTERNATIVES:

1. Modify the decision of the City Planning Commission.
2. Reverse the action of the City Planning Commission.
3. Refer the matter back to the City Planning Commission for further consideration.

RECOMMENDATION: City Planning staff recommends City Council approve the requested land use applications as decided by Planning Commission.

PROPOSED MOTION:

CPC ZC 07-00334 – Approve the zone change from A to PBC, based upon the findings that the Change of Zoning request complies with the three criteria for granting of zone changes as set forth in Chapter 7, Article 5, Section 603.B of the City Zoning Code, subject to the following condition of record:

Subsequent development plans must be reviewed by Planning Commission.

CPC CP 07-00335 – Approve the Powers Commercial Concept Plan, based upon the findings that it meets the review criteria for concept plans as set forth in Chapter 7, Article 5, Section 501.C of the City Zoning Code. This recommendation for approval is subject to compliance with the Technical and Informational Modifications to the plan as set forth in the CPC Record-of-Decision.

CPC FP 07-00336 – Approve the Briargate Crossing East Subdivision Fil. No. 3 Subdivision Plat, based upon the finding that it complies with the purpose and intent of the Subdivision Regulations as set forth in Chapter 7, Article 7, Section 102 of the Subdivision Code.

Distribution:

Dick Anderwald, Land Use Review Manager
File Copy: CPC ZC 07-334, CPC CP 07-335, CPC FP 07-336

List of attachments:

Zoning Ordinance
CPC Record-of-Decision
CPC Staff Report