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May 10, 2023

Colorado Springs Planning and Development  
30 S. Nevada Ave., Suite 701  
Colorado Springs, CO 80903

RE: Concept Plan Application  
SWC of N. Circle Drive and San Miguel Street  
Colorado Springs, Colorado 80909

To whom it may concern,

**Project Objective:**

On behalf of Kum and Go, Entitlement and Engineering Solutions, Inc. request the review and approval of:

1. Condition of Record (CR) Amendment – Removal of Condition No. 2 of the attached Ordinance No. 12-92, passed November 13, 2012.

**Location:**

The Subject Property is located at the southwest corner of N. Circle Drive and E. San Miguel Street. The Property is comprised of two lots, one platted and recorded lot under reception number 203277980 and one unplatted lot, located directly to the south. Both lots are currently vacant, undeveloped, and comprise 1.81 acres.

**Project Description:**

The following request is for a Condition of Record (CR) Amendment on the approximate 1.82 acres located at the southwest corner of N. Circle Drive and E. San Miguel Street. The request is to amend Condition No. 2 of Ordinance No. 12-92, stating "All Activities shall be conducted entirely within a building". The proposed use will be a convenience store with an ancillary gas fueling station. Therefore, the removal of this single condition will allow for the proposed project to operate within the other conditions of record.

As a part of the overall project, EES will be submitting a final plat and development plan, and request the applications be run concurrently to reduce overall review times.

A proposed concept plan was submitted as part of the initial rezone request (COPN-22-0002) that shows the proposed Kum & Go, fueling canopy, access points, and other site features. This concept plan includes the construction of a 3,968 s.f. Kum & Go C-store with slightly over 100' of buffering to the west, a full movement access onto San Miguel Street and a right-in/right-out onto N Circle Drive. At the time of this application, this is only a conceptual plan, additional detailing and information will be provided upon the Development Plan submittal.

The surrounding zoning includes R-5 residential, C-5 Commercial, & R1-6 Residential.



#### Zone Change Review Criteria

- A. The action will not be detrimental to the public interest, health, safety, convenience, or general welfare.
  - a. The proposed CR amendment will follow the development standards of the PBC zone district and shall not impact the current welfare or safety of the public or adjacent residents. Along the commercial corridor, the removal of Condition No. 2 a will allow for additional businesses that can help serve the community. A convenience store will provide a place for a quick stop for food and drinks for the community, in addition to a place for residents to fuel up their vehicles nearby.
  - b. The requested CR amendment preserves the existing land use values and will not be detrimental to the surrounding land use or residence. The existing land use and the surrounding uses are all commercial uses along N Circle Drive and south for the next half mile. This CR Amendment maintains and preserves the existing and surrounding land uses.
  - c. The approval of the request will facilitate development that will improve the conditions of the public facilities such as streets and sidewalk infrastructure. The proposed project will provide a deceleration lane is proposed along N Circle and a traffic signal is provided at the intersection of San Miguel and N Circle. This signal will provide additional safety for residents crossing N Circle and provide a positive traffic impact. In addition, new sidewalk alignment is provided for the newly installed lane changes.
- B. The proposal is consistent with the goals and policies of the Comprehensive Plan.
  - a. The project is an infill commercial development. The project supports the following PlanCOS policies for infill development.
    - i. Policy UP-2.A: Support infill and land use investment throughout the mature and developed areas of the city. The CR amendment at this location will provide an existing vacant lot with an opportunity to spur additional growth within the



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- surrounding area. This lot has been vacant for over 20 years (per google maps), and a new development in a densely populated area will be good for future development of the city.
- ii. Strategy UP-2.A-1: Encourage the development or redevelopment of vacant properties in the core area of the city by using a combination of incentives, rezoning, and creative design solutions. – See note above, this lot has been vacant for over 20 years, the proposed concept plan and CR amendment will encourage future development.
  - iii. Strategy UP-2.A-4: Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment – This infill project will help solve current stormwater discharges off the existing site, where sheet flow directly flows into public infrastructure with no detention or water quality. The proposed site will reduce these flows and provide water quality to the majority of the site.
- C. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended to be considered consistent with a zone change request.
- a. No Master Plan existing today and the application better defines the long-term land use goals.

#### **Project Issues as Presented by Reviewing Planner**

As noted in the Pre-Application meeting, Peter Lange expressed the major issue with the project site was the current zoning and condition of record. The current zoning, PBC/CR (Planned Business Center with Conditions of Record) restricts uses that provide services outside the primary building such as convenience stores with an ancillary gasoline fueling stations. Through a CD Amendment , the Applicant, Kum and Go, would be permitted to construct a convenience station with fueling, per discussion with City Staff. .

#### **Legal Descriptions**

##### **Parcel A**

LOT 1, B & J GARCIA SUBDIVISION, IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO, STATE OF COLORADO.

##### **Parcel B:**

THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 9 IN TOWNSHIP 14 SOUTH RANGE 66 WEST OF THE 6TH P.M., IN THE CITY OF COLORADO SPRINGS, COUNTY OF EL PASO STATE OF COLORADO, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 30 FEET WEST FROM THE NORTHEAST CORNER THEREOF; THENCE SOUTH ON A LINE PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 294.7 FEET; THENCE WESTERLY PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF



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THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9 A DISTANCE OF 627.95 FEET, MORE OR LESS, TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE NORTHERLY ON SAID WEST LINE TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE EASTERLY ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9 A DISTANCE OF 628.3 FEET, TO THE POINT OF BEGINNING. EXCEPT THOSE PORTIONS AS DESCRIBED IN DEEDS RECORDED DECEMBER 18, 1959 IN BOOK 1783 AT PAGE 232 AND MARCH 2, 1964 IN BOOK 2000 AT PAGE 831. ALSO EXCEPTING THOSE PORTIONS DESCRIBED IN DEEDS RECORDED MAY 25, 2017 UNDER RECEPTION NO. 217060334 AND OCTOBER 25, 2018 UNDER RECEPTION NO. 218116600. ALSO EXCEPTING THAT PORTION DEDCATED AS A PUBLIC RIGHT OF WAY TO THE CITY OF COLORADO SPRINGS ON THE PLAT OF THE COURTYARD RECORDED MAY 19, 2017 UNDER RECEPTION NO. 217713967.