



COLORADO SPRINGS PLANNING

Land Use Review

Unified Development Code Review Criteria

7.4.304: STREET IMPROVEMENTS

Review Criteria

A. Minor Streets: The subdivider seeking approval for a subdivision containing a Final Plat shall agree as a condition of approval to construct and dedicate all minor streets as shown on the Final Plat.

B. Major Streets: The subdivider seeking approval for a subdivision containing a Final Plat shall agree as a condition of approval to construct and dedicate all major streets shown on the Final Plat. Such construction and dedication of major streets may be the subject of partial reimbursement by the City as set forth below.

C. Access and Connectivity: All required street improvements shall comply with the access and connectivity standards in Part 7.4.4.

D. Construction of Street Improvements: A subdivider seeking Final Plat approval or a developer or redeveloper of property may be required by any adjacent governmental entity, as a condition of the approval of the subdivision or development of the property, to make improvements to streets or pedestrian and bicycle access facilities and streetlights adjacent to or outside the land development to carry traffic generated by the development. These improvements shall include, but not be limited to, constructing or otherwise improving streets and bicycle or multiuse paths; dedicating additional rights-of-way; widening; constructing transit facilities such as shelters and pull-out lanes; constructing curb and gutter; and installing medians, sidewalks, acceleration or deceleration lanes, traffic control devices, or streetlights.

E. Cost Recovery for Street Improvements from Benefitting Property Owners:

1. Eligibility for Cost Recovery: Whenever any street improvements listed in Subsection D above are made by a subdivider or developer of land (a "developer"), the developer is entitled to fair share cost recovery of the cost of the improvements, less any City reimbursement, from the owner or owners whose property is adjacent to the improvements as the adjacent property is subdivided, developed, or redeveloped within twenty-five (25) years after acceptance of the improvements by the City. The date of acceptance of the improvement will be the date that the City Engineer accepts the improvements on a probationary basis. However, if a developer has not achieved final acceptance of the improvements by the City within thirty (30) months after probationary acceptance of the improvements, the developer's recovery right for the improvement involved will be voided.

2. Processing Cost Recovery Agreements:

a. The provisions of Subsection 7.4.304D (Construction of Street Improvements) shall apply to all cost recovery agreements in effect on June 1, 1995, and cost recovery agreements approved after that date. The City Engineer is authorized to record any cost recovery agreements not previously recorded with the El Paso County Clerk and Recorder. The City Engineer is also authorized to cooperate with developers who have existing cost recovery agreements on file to implement a system for indexing such agreements and notifying affected property owners of such agreements.

b. A developer wishing to obtain cost recovery for improvements constructed that benefit other adjacent property owners shall file a cost recovery statement with the City Engineer not later than twelve (12) months after the date the improvement was accepted on a probationary basis. Such statement shall be accompanied by copies of paid receipts or other satisfactory evidence of payment of the costs claimed for the improvement; any expenses incurred after probationary acceptance are not recoverable. The City Engineer shall then review the cost recovery statement for reasonableness and appropriateness of the costs claimed, and may request backup for any such costs. The City Engineer may make such adjustments as it determines are necessary if the costs are in excess of reasonable and necessary costs at then-prevailing rates. If the City Engineer does not notify the party submitting the cost recovery statement in writing of



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any adjustments to the costs listed in the statement within sixty (60) days after the statement was submitted (or, if backup documentation is requested within thirty (30) days, then within sixty (60) days after the requested backup documentation is submitted), then the costs in the statement will be deemed approved as submitted. The City, at the expense of the developer, shall notify all property owners who will be affected by the cost recovery agreement by certified mail that a cost recovery statement, which may affect their property, has been submitted to the City Engineer.

c. The developer will assist the City Engineer, as needed, in determining the property owners adjacent to the improvements that are subject to the cost recovery to be notified and in obtaining the names and addresses of such properties. When the costs subject to cost recovery have been approved as provided above, the City Engineer shall notify all affected property owners that the developer's application has been approved and provide to all affected property owners a copy of the notice of cost recovery. The notice shall advise all affected property of their right to review the application and file an objection, and contain the following information:

- (1) Price per lineal foot;
- (2) The amount of lineal foot per parcel; and
- (3) The legal description and current parcel numbers of each parcel subject to the cost recovery.

d. The owner of a property that is subject to a cost recovery application may file with the City Engineer a written objection to the notice of cost recovery and cost recovery application within ten (10) days of proof of mailing. Following filing of an objection, the City Engineer shall review the objection and the application and make a recommendation to the Public Works Director, who shall issue an opinion on the objection within twenty-five (25) days of the objection being filed with the City Engineer. The opinion of the Public Works Director shall be final.

e. Once the objection period has expired, the City Engineer shall execute a Cost Recovery Agreement on the standard form approved by the City. After execution, the Cost Recovery Agreement shall be recorded with the El Paso County Clerk and Recorder by the City Engineer. The Developer shall pay all costs of recording.

3. Repayment of Costs: During the cost recovery period, an application for a Subdivision Plat or Building Permit from owners whose properties are subject to the cost recovery provisions of this Subsection 7.4.304E, shall not be approved until a fair-share cost recovery for the cost of the improvements has been made to the developer or its assign, as follows:

- a. The City Engineer shall determine the fair share cost recovery on a front foot basis. The fair share allocation shall be determined by dividing the costs subject to recovery by the number of lineal feet of property line that is adjacent to the improvements.
- b. On January 1 of the year following acceptance of the improvements by the City and each year thereafter on January 1, the cost recovery amount shall be increased by three (3) percent simple interest.
- c. The City Engineer shall not approve any such plat if it leaves unplatted strips along the roadway subject to cost recovery, the plat fails to plat portions of such owner's property that are reasonably necessary for effective use of the property being platted, or the plat is otherwise configured so as to avoid the reasonable fair share payment by such owner.
- d. All liability for improvement costs shall be limited to twenty-five (25) years after acceptance of the improvements by the City.
- e. When all cost recovery costs have been paid, a signed notarized copy by the developer or its assign for the release of the Cost Recovery Agreement shall be submitted to the City Engineer and shall state that payment has been made in full



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and that all parties agree to the release of the Cost Recovery Agreement from the property involved. The cost of recording shall be charged to the owner of the property being released. The release shall be recorded with the El Paso County Clerk and Recorder by the City Engineer. During the cost recovery period, approval of plats or Building Permits for the land adjacent to the improvements shall be conditioned upon payment of the fair share of the improvement cost as determined by the City Engineer, if the City Engineer determines that such improvements would have been required to be installed by the subsequent developer.

4. Address for Payments, Unclaimed Payments: It is the responsibility of the developer notify the City Engineer in writing of any changes in address for notices and payments pursuant to the Cost Recovery Agreement. If the City Engineer mails a notice of cost recovery specifying the amount of cost recovery and the property involved (a "cost recovery notice") to the developer by certified mail using such developer's most recent address in the City Engineer's files, and no response is received within thirty (30) days, then the City Engineer shall be authorized to execute on behalf of such developer and record a release of the Cost Recovery Agreement from the property paying the cost recovery. If the cost recovery involved is not claimed by the developer within twelve (12) months following mailing of the cost recovery notice, then the cost recovery involved will be paid to the City's general fund, and the developer will forfeit all rights to those funds.

5. Improvements Already in Place: If the improvements are already in place, and if the City Engineer determines that such improvements would have been required to be installed by any developer adjacent to the improvements, as a condition of development, the developer may be required as a condition of approval of development to pay to the City a fair share, as determined on a front foot basis of the original costs of the improvements, subject to three (3) percent simple interest factor each year and subject to the twenty-five (25) year limitation, if no Cost Recovery Agreement is in effect or a Cost Recovery Agreement is invalid for any reason.

6. Cost Recovery by the City and Other Governmental Entities: Nothing in this Subsection E is intended to preclude or prohibit the City or another governmental entity from entering into and being a party to cost recovery agreements with landowners for public roadway improvements. In these types of cost recovery agreements, interest may not be charged on the costs of the installed or constructed public roadway improvements.

F. Cost Reimbursement by the City:

1. Generally:

a. Commencing January 1, 1988, the City shall reimburse, from funds specifically appropriated for such purpose, subdividers who complete construction of major streets or portions of major streets shown on the City's Major Thoroughfare Plan. Reimbursement of the costs subject to reimbursement shall be made after the City Engineer finds and determines on the basis of actual use and community benefit that the major street or portion of a major street is meeting a community need.

b. The City Engineer shall articulate standards to determine when a subdivider who constructs a major street or portion of a major street is entitled to costs subject to reimbursement.

c. The Council may set aside specifically designated funds for the purpose of reimbursing a subdivider costs subject to reimbursement for a major street or street portion of a major street that the City Council desires be constructed. This reimbursement shall not be subject to the City Engineer standards for reimbursement.

2. Costs Subject to Reimbursement: The following costs are eligible for reimbursement by the City pursuant to this Subsection F.



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a. The fair market value of that portion of the right-of-way of a major street in excess of sixty (60) feet in width shall be a cost subject to reimbursement. The fair market value of the right-of-way dedicated to the City shall be determined as of the time of Final Plat recording in accord with the following:

(1) The City and the owner may agree as to the fair market value; or

(2) The City and the owner may apply to a court of competent jurisdiction for determination of just compensation as provided for in C.R.S. title 38, article 1.

b. The actual costs of construction of the major street less the actual costs of:

(1) Grading the entire width of the major street. This is any cut, fill, repairing soft spots, moisture treating, compacting, and grading of the sub-base beneath the base course for the entire width of the street. This does not include the compaction testing and chemical treatment of the sub-base for the qualifying additional width of roadway. For items that qualify for reimbursement, it must be shown that extra work was required beyond the requirement of standard major street cross-sections.

(2) The installation of pavement mat and base course up to thirty-six (36) feet wide. This is standard requirement for construction of the major roadway.

(3) The installation of drainage structures. Major street bridges shall be treated separate and apart from roadway reimbursements. City Code covers the construction reimbursement for major street bridges.

(4) The installation of sidewalks. They are standard requirements for major street sections.

(5) The installation of curb and gutter on each side of the full pavement mat, not including median curb and gutter. Full pavement mat is a continuous pavement that is between the curbs. There are two (2) pavement mats in a cross-section of a major street. The median separates the two (2) pavement mats. Therefore, curb and gutter at the outer edge of the roadway are not eligible for reimbursement. Preparation and installation of the median curb and gutter are reimbursable. Grading associated with the median curb and gutter is not eligible for reimbursement. Raised medians are a standard requirement of major street sections and are not eligible for reimbursement.

(6) Any treatment installed in the area between the median curbs, including without limitation any type of landscaping, concrete pavement, asphalt pavement, or other types of treatment within that area between the median curbs.

(7) The construction of any turn lanes serving other private property. This is a standard requirement of major street cross-sections.

(8) Any item not constructed in accordance with plans approved by the City Engineer and finally accepted for maintenance by the City Engineer.

(9) Any other item that is part of the standard requirement of major street cross-sections.

3. Conditions of Reimbursement:

a. The City shall reimburse only those persons or entities that own the major street right-of-way when dedicated and only those persons or entities that paid for the actual costs of construction or both, or those persons or entities who have valid assignments for such rights to reimbursement.



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b. The major street must be constructed in accord with plans approved by the City Engineer and finally accepted for City maintenance by the City Engineer.

G. Private Streets:

1. When Required or Permitted:

a. The Manager may require the installation and construction of private streets and the retention and maintenance of those private streets by the developer or another entity acceptable to the City when:

(1) The site, layout of the site, density of units or structures, or other circumstance adversely affects the ability of the City or other governmental entity to adequately provide service or effectively maintain an adequate level of service to the site;

(2) The public health, safety, convenience, and welfare of the citizens, would be adversely affected by requiring a public street; or

(3) A proposed street will not comply with one (1) or more applicable ordinance, regulation, rule, or policy concerning the standards of design or construction for a public street.

b. The Manager may approve the installation and construction of private streets when requested by a developer if the Manager, City Engineer, and Fire Code Official determine that the proposed private street:

(1) Will protect the public health, safety, and welfare as well or better than if a public street were required; and

(2) Will be maintained by an entity with adequate financial capability to perform routine maintenance and periodic replacement needed to maintain the quality of the street at a level equal or better than that of a public street.

2. Design and Location: The location and design of a private street or right-of-way shall be subject to the review and approval of City Engineering and the Fire Code Official.

3. Designation: Each private street approved by the City shall be clearly designated as a private street on the Subdivision Plat, and the plat shall include a note clarifying that the City is not responsible for maintenance of the private street.

4. Street Name Signs:

a. It is the responsibility of the property owner(s) or an authorized agency on behalf of the owner(s) to erect and forever maintain permanent signs that shall identify the name of each private street or right-of-way.

b. Each required street sign shall be of a brown background with white reflective lettering and shall, in every other respect, conform to the specifications of the "Manual on Uniform Traffic Control Devices."

c. Each required street sign shall be erected no later than that point in time when the occupancy of one-half (1/2) of the units on the block face has occurred.

5. Fire Apparatus Access Road Markings:

a. It is the responsibility of the property owner(s) or an authorized agency on behalf of the owner(s) to erect and forever maintain permanent fire apparatus access road markings where required by the Fire Code Official.

b. All fire apparatus access road markings shall comply with all requirements of the Fire Code Official.



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c. Fire apparatus access road markings shall be installed prior to the occupancy of the first structure on each roadway segment serving the structure.

6. Inspection and Approval: Private streets shall be inspected and approved by the Fire Code Official prior to the issuance of any Building Permit for a building receiving access from that private street.

H. Street Names:

1. Approval: All street names, both public and private, shall be subject to the approval of the Planning Department, Traffic Engineering, Colorado Springs Police Department Enhanced 911 Database Coordinator, Fire Code Official, and the Building Official. For purposes of this Section 7.4.304H, the official street name list to be used in the review of street names shall be that list commonly known as the master street address guide maintained by the El Paso/Teller County Enhanced 911 Authority Board.

2. Street Name Regulations: The following regulations shall apply to all newly platted or renamed streets:

a. Address Assignment: Numeric address assignment shall be subject to the approval of the Building Official as required by Section RBC312 (enumeration code) of the Regional Building Code.

b. Street Names: All street names shall be established by the use of common spellings using the Latin alphabet.

c. Directional Entries: No directional entries shall be allowed as part of a street name, for example, but not by way of limitation, Northpointe Drive.

d. Residential Street Names: Residential street names shall be limited to a maximum of fourteen (14) letters, not including the street name designation. Two-word street names are permitted.

e. Duplicate Street Names: Duplicate street names shall not be approved regardless of the

street designation, for example, but not by way of limitation, Chelton Road, Chelton Loop, Chelton Circle.

f. Street Names Similar to Other Streets: Street names that closely approximate the spelling or phonetically sound similar to a platted street in the El Paso County-Teller County 911 service area shall not be approved.

g. Numeric Spelling in Street Names: The use of street names containing numeric spelling is prohibited, for example, but not by way of limitation, Two Branch Lane, or Six Pack Avenue.

h. Street Designators in Street Names: A street designator (such as the use of "way" in "Aspenway" Drive) shall not be used as part of the street name.

3. Continuity of Names: Any street that is a continuation or a logical approximate extension of an existing dedicated street, a platted street, a deeded street, a proposed street as shown on an approved Land Use Plan or approved Development Plan, or a street on the Major Thoroughfare Plan shall bear the same street name unless the continuation is to be designated as a private street. Street names shall not change at any point along the continuation of the street. Street names may change names at approved intersections. No street shall intersect itself resulting in an intersection with the same street name.

4. Small Culs-De-Sac: Small culs-de-sac that have fewer than five (5) interior lots shall bear the name of the intersecting street and the property shall be sequentially numerically addressed from the block series of the intersecting street.



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5. Public Street Name Designation: Street type abbreviations shall comply with the National Emergency Number Association (NENA) standards. Street name designations shall be as defined by Traffic Engineering and used as follows:

a. Boulevard or Parkway: Shall be reserved for streets designated on the Major Thoroughfare Plan that are planned to have a median divider of sufficient size to allow for landscaping.

b. Avenue or Road: Shall be reserved for streets of substantial continuity such as major or minor arterials of the Major Thoroughfare Plan.

c. Street or Drive: Shall be reserved for streets of less continuity such as collector streets.

d. Court, Place, Circle, Way, Terrace, Lane, Loop, Trail, or Path: Shall be reserved for streets with no continuity.

6. Private Street Name Designations: Any private street or right-of-way shall be designated as follows: Grove, Heights, Point, or View.

7. Temporary Posting of Public or Private Street Name Required:

a. In order to ensure the timely and effective delivery of public services, including emergency assistance, provision of utilities, and required inspections, it shall be the responsibility of the subdivider, a duly authorized agent, or other subsequent property owner(s) to ensure the temporary posting of street names in subdivisions or areas of the City where new construction of building(s) is occurring.

b. Such temporary posting of a street name shall occur within forty-eight (48) hours after issuance of the first Building Permit to allow construction in a block face.

c. Such a street name sign shall be of any material that is weather resistant, shall be lettered to be legible and weather resistant, shall be placed in a location that is convenient and visible and at the appropriate intersection, and shall be maintained until a permanent sign is installed.

d. Temporary access to any property based on a temporary posting of a street name shall not be construed as a guarantee of continued usage of any numeric address or street name that may have been assigned at time of approval of temporary access.

e. Temporary addressing must comply with all requirements of the Fire Code Official. (Ord. 23-03)