

**Dave Gardner**  
**2930 Orion Drive**  
**Colorado Springs, CO 80906**  
**(719) 576-5565**

March 22, 2018

Board of Directors  
Colorado Springs Chamber and EDC  
102 South Tejon Street  
Colorado Springs, Co 80903

Dear Directors:

Thank you for your interest in hearing an alternative perspective on the proposed Banning Lewis Ranch annexation agreement amendments. I'm sorry I'm out of town and unable to attend the board meeting. I and perhaps one or two other concerned citizens will be happy to meet on another date to clarify or discuss any of this.

This brief letter will attempt to summarize my objections as well as those I've heard from several other citizens. There are a number of details in the proposed amendment that concern us, but rather than enumerating them, I think it will be more productive to point out the deficits in the process that got us here. Fixing this process will likely lead to resolution of many of these issues.

Underlying our concern is the fact that Banning Lewis Ranch (BLR) represents about 20% of the land area of our city, and nearly all new Colorado Springs greenfield development over the next hundred years will likely happen in BLR and be guided by the annexation agreement. The way it is developed will have profound impacts:

- on the attractiveness of our city (to current and future residents and employers)
- on the quality of life of all residents
- on our city's carbon, water, and total ecological footprint
- on balancing the city budget, and therefore on the level of all municipal services (public safety, public transportation, transportation infrastructure, etc.)
- on tax rates
- on utility infrastructure and rates

This tremendous and long-term impact warrants much more deliberation and consultation than what has led to this proposal. This proposal appears to be intently focused on jump-starting development of BLR and on softening many requirements of the original annexation agreement to achieve equity with other development in the city (not subject to any annexation agreements).

We don't dispute that some amendment might be warranted, but the annexation agreement gives the city once-in-a-lifetime legal authority to ensure BLR is developed with grand and far-reaching vision. We should not simply amend the agreement to "dumb it down" to the very limited control the city can normally exert over development of private property.

Here are a few glaring examples of evidence this hasn't happened:

- the assumption of the fiscal impact study that BLR will be developed at a substantially lower density than that envisioned in 1988.
- the assumption that there will be no public transportation provided in BLR (at least during the next 30 years)
- shrinking the right-of-way for Banning Lewis Parkway (when it might be smart to retain that right-of-way for a bus rapid transit lane, a greenway with bicycle and pedestrian path(s), or all three; or even the possibility of light rail in the future.

These appear to completely ignore current trends in city-making. They disregard what is known about density's impact on cost to serve, and the benefits of mixed-use, transit-oriented development. They seem to disregard what we know young professionals and aging boomers are seeking when they decide where to live. They don't feel forward-looking at all. We would love to see the city sit down with BLR owners, the public, and expert consultants, in an open, collaborative manner to map out a BLR of which we can all be truly proud.

I'm including with this letter a two-page recommendation written by a former Colorado Springs planner, Larry Larsen. This was just recently shared with us. We had no hand in its creation, but it offers what we think would be a much more appropriate process for updating the BLR agreement.

Again, thank you for inviting us to share our perspective.

Dave Gardner

A handwritten signature in cursive script that reads "David H. Gardner". The signature is written in black ink and is positioned below the typed name "Dave Gardner".

Attachment

March 19, 2018

**BANNING LEWIS RANCH ANNEXATION AGREEMENT  
AMENDMENT AND RESTATEMENT  
RECOMMENDATION**

**BANNING LEWIS RANCH (BLR) IS UNIQUE.** Contrary to expressed opinions, BLR is unlike any annexation or development project in the history of Colorado Springs or for that matter anywhere else. BLR is not comparable or similar to other previous City annexations.

**WHY IS BLR UNIQUE?**

- It's large size - 24,000 acres / 38 square miles
- A possible projected population of 175,000 persons or more
- It is a truly well envisioned master planned community with all land uses and amenities
- BLR is "hard zoned" with traditional zoning districts and conditions of record
- All schools, City streets, utilities, parks, schools, infrastructure and urban services must be extended and/or provided
- Existing agreements and provisions ensures that all costs associated with development are to be absorbed by developers, not existing taxpayers or ratepayers
- It is Colorado Spring's final frontier for new innovative greenfield development (it is not urban sprawl)
- It contains significant and sensitive archaeological and paleontological assets that must be protected and preserved within the logical expansion and connection of the Corral Bluffs designated open space and the future Jimmy Camp Creek Regional Park

**RECOMMENDATION: THE BLR AMENDED AND RESTATED ANNEXATION AGREEMENT AND BLR CODE AMENDMENTS SHOULD NOT BE APPROVED.**

The existing BLR Annexation Agreement and City Code should not be amended until a comprehensive "**Banning Lewis Ranch Revision Implementation Action Plan**" can be prepared, reviewed, vetted and approved by the BLR Annexors, our Community and the City Council.

The "Revision Action Plan" should include, but not be limited to, the following elements or provisions:

1. Draft provisions of the pending PlanCOS City Comprehensive Plan indicating how BLR fits into the overall vision of the City.
2. An amended BLR Master Plan, clearly showing all intended land uses, supporting and appropriate major transportation system network, utilities, and adequate open space necessary to protect and preserve the archaeological and paleontological assets and values of Corral Bluffs and Jimmy Camp Creek Park.

3. A revised City Parks and Open Space Plan amendment supporting and in conjunction with the revised BLR Master Plan showing the proposed locations for parks, trails and open space.
4. An amended City and BLR Transportation Plans / Traffic Study, based upon and in conjunction with the amended BLR Master Plan forecasting BLR traffic projections and necessary new street and trail system and transit improvements and locations.
5. A new utility, infrastructure, street, park and City services BLR Improvements Phasing Plan. The plan should not only include provisions for the location, timing and sequencing of the improvements but also their anticipated levels of service and maintenance.
6. Upon completion of the amended BLR Master Plan, Revised Park and Open Space Plan, Transportation Plan and BLR Phasing Plan an updated BLR Economic Impact Study could be formulated to provide a more realistic projection of fiscal benefits, in lieu of staff's best guess anticipation of lower densities.
7. A City Code Zoning Map amendment that removes the BLR "hard zoning" with conditions of record districts and replaces them all with a newly created "BLR PUD Reserve" district. The existing BLR PUD zoning would remain in place. The BLR PUD Reserve district would be a holding zone until such time as a property owner is ready to develop and be rezoned to PUD with a concept or development plan.
8. A draft intergovernmental agreement between the City and El Paso County that would "discourage" the County from approving new urban development projects within the unincorporated areas of the County and therefore, encouraging these projects to locate within BLR and the City and not "leapfrogging" into the County.
9. City Code Section 7.7.1200, School and Park Site Dedication, aka Park Land Dedication Ordinance (PLDO), requirements should be amended to ensure that either school or park land is dedicated or that fees in lieu of, as required by the City, not the developer, are provided. Further, park construction, installation and maintenance shall be deemed a required public improvement and be constructed by the developer at the time of the project's development and provisions for perpetual maintenance are ensured.
10. In anticipation of the completion of the BLR Revision Implementation Action Plan and that the above elements and provisions being completed and approved; a revised amended BLR Annexation Agreement and City BLR Code provisions would now be appropriate. As originally drafted, the amended Agreement must ensure that all costs associated with the development of BLR are absorbed by the Annexors, not the existing taxpayers or ratepayers; provisions must be retained to do just that. As an example, maintaining the Urban Service and Off-Site Roadway fees and sharing the costs of constructing the BLR Parkway would help to achieve that objective.