



February 22, 2024

Tamara Baxter
Senior Planner
Planning and Development – Land Use Review
30 South Nevada Ave. Ste. 105
Colorado Springs, CO 80901

Dear Ms. Baxter.

This statement letter is to identify that the property located at 7830 Black Forest Road meets the Annexation requirements. The property is known as Brass-Oliver Addition No. 2. It is **1.819** acres. The Tax ID Number is 5306000099. It is located one third of a mile north of E. Woodmen Rd on the west side of Black Forest Rd. Currently the property is vacant and zoned RR-5 CAD-O in El Paso County. The proposed city of Colorado Springs zoning will be **MX-N**. The proposed Use for the property will be any Use allowed in the **MX-N** zone. The current owners are Alan Brass and Benjamin Oliver. **There is no Concept plan for this area.** The Pre-Application meeting did not determine any criteria that was in opposition to any annexation requirements.

Post Petition Project Statement - Brass-Oliver Addition No. 2

The proposed annexation is adjacent to the city of Colorado Springs via Black Forest Road Right-of-Way. In addition to Brass-Oliver Addition No. 2, we are annexing the 30-foot wide, length of Black Forest Road Right-of-Way which the city of Colorado Springs currently owns. The 30-foot Right-of-Way Annexation is known as Brass-Oliver Addition No. 1. This Right-of-Way is contiguous with a total perimeter of the area of annexation, 460.06 feet one-sixth (1/6th) of the total perimeter, (16.67%) perimeter of the area contiguous to the existing city limits, 200.00 feet (43.47%).

The owners are interested in acquiring the city services and benefits that come with this annexation. The **MX-N** zone will allow many acceptable Uses. Most all of the **MX-N** Uses will benefit the surrounding residential zones. The future development of the property will be any of the allowed uses found in the **MX-N** city zone. The current or future property owners are or will be made aware that approval of the proposed Use will be reviewed and granted by the city of Colorado Springs with the accurate process.

There is a projected available water surplus at the time of request. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for foreseeable future to serve all present users whether within or outside the corporate limits of the city.

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The current owners are aware of the inclusion of the Southeastern Colorado Water Conservancy District and ability to receive of Fryingpan-Arkansas project water. At the Annexation Technical Committee, the city's Stormwater and city Engineer stated that stormwater and domestic water would be provided with review of civil construction documents. The applicant has also made direct contact with the Colorado Springs Utility department.

The owners are aware that the annexation can be affected at the time the utilities are extended.

The current owners are also aware that they must transfer title to all groundwater underlying the land proposed to be annexed. Should such ground water be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such ground water as a condition of annexation. The value of such ground water shall be determined by the Utilities based on market conditions as presently exist. **An inventory list of water/well locations and electric locations is being provided with this submittal.**

At time of development the property will conform to all right-of-way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements.

If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the Public Utilities Commission or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.

After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, which are required or not required under this Zoning Code. The City Council may specify other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met.

When the staff agrees the proposed annexation is compliant the Annexation Agreement will be drafted by the city attorney's office. The owners understand that items such as installation and the time of installation of certain public and utility improvements both on site and off site will be required.

Land Use Plan Project Statement - Brass-Oliver Addition No. 2 – Waiver Request

Per the Unified Development Code, Section 7.5.514 Land Use Plan, subsection B. 3. The applicant would like to request a Land Use Plan “Waiver”. Based on sub section 3.a.(1) the property is 1.819 acres and is less than ten (10) acres and is planned to be developed in a single phase. In addition, sub section 3.a.(5) the proposed zoning pattern for the land aligns with adjacent existing zoning or development. Sub section 3.a.(6) is also applicable in that a Major infrastructure or urban services for the land including but not limited to access points and roadway systems, have already been established and are not proposed to be changed, known as Black Forest Road.

Zone Change Project Statement - Brass-Oliver Addition No. 2

The proposed rezoning to a **MX-N** rezone is consistent with the goals and policies of the Colorado Springs Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district(s).

Regarding the required “Goals” and based on maps found in the LRP, for example: Vision Map, Areas of Capacity and Change, Vibrant Neighborhood Framework, Unique Places Framework, Thriving Economy Framework and Strong Connections Framework Utility the following are “Goals” established from those maps. Development to a MX-N zone will support, increase in wages, employment and walk, bike, transit access. “Newer Developing Neighborhood” in this map area. This annexation with the MX-N zone is very close to “7-High” areas of change and will fill-in the gaps of the city boundary. This property is surrounded by “Neighborhood Centers”. With a MX-N zone it will encourage a User to be part of this “Unique Places”. This property is close to the E. Woodmen Rd. and N. Powers Blvd. where the St. Francis Medical Center is located. This will allow opportunity for a new Use that supports the medical industry. Surrounded by “Smarter Prospects” this property will fit into current and future utilities.

Regarding the required “Policies” and based on sections on pages; 55, 75, 101, 123 and 147 this MX-N zone meets Strategy: VN-3.A-3, A-4, A-5, A-6, VN-3.C, C-2, VN-3.F-1, UP-2.A, TE-1.D-1, D-2, D-3, D-4 and TE-2.B-2. This property can incorporate outdoor dining such as a coffee house. It will encourage redevelopment with mixed Uses and a blend of uses such as a bakery or deli. It will be able to incorporate a renewal area and redevelopment Community Business Spaces. This property could develop healthy food markets, small business and neighborhood assistance program businesses. This property has currently installed a large concrete sidewalk along Black Forest Rd that will provide connectivity. This property is surrounded by the City of Colorado Springs and will create an area for “Infill Uses”. This property is perfect for “Greenfield Development” as it is located on the outside and fringe of the city boundary. This property would be a good location for spinoff and startup businesses that build upon research and development of medical industry users. New Users in the MX-N zone can support medical campus development to provide amenities to local neighborhoods.

The rezone from RR-5 CAD-O in El Paso County to a **MX-N** in the city of Colorado Springs will not be detrimental to the public interest, health, safety, convenience, or general welfare.

The location of this annexation Brass-Oliver Addition No. 2 in the zoning map area being amended are appropriate or the purpose of the proposed zone district **MX-N**.

If the application proposes to rezone a small area of land, the applicant demonstrates that the size, scale, height, density, and multimodal traffic impacts of the proposed rezone are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.

This Brass-Oliver Addition No. 2 is a vacant piece of property. **There is no Concept plan for this area.** If the applicant proposes to rezone a relatively small area of land, the applicant demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are out weighted by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.

A Land Use Plan accompanies this Zone application and does comply with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).

This application is consistent with any approved Concept Plan in the area for which the map is being amended or includes or is accompanied by a provision that approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.

This application is not being considered to create an ADS-O district. Therefore Section 7.2.607D.47.5.702 is not applicable.

This application is not being considered to create a PDZ district.

This Brass-Oliver Addition No. 2 application complies with the additional standards of the base zone district **MX-N**. There are no overlay zones. Article 7.2 Zone Districts has been reviewed.

We thank you for your review and favorable recommendation of approval.

Sincerely,



Shannin D Albers