



**Quick Facts**

**Applicant**

Jeff Bailey (EDR)

**Property Owner**

City of Colorado Springs

**Developer**

N/A

**Address / Location**

Near 2538 Integrity Ct

**TSN(s)**

6309400006

**Zoning and Overlays**

Current: N/A

Proposed: PK/AF-O/SS-O (Public Parks with United States Air Force Academy Overlay and with Streamside Overlay)

**Site Area**

2.058 Acres

**Proposed Land Use**

Public Open Space with Trail (No Change)

**Applicable Code**

UDC

**Project Summary**

The request is for the annexation of 2.058 acres with the establishment of PK/AF-O/SS-O (Public Parks with United States Air Force Academy Overlay and Streamside Overlay) zone district. The property is owned by the City of Colorado Springs and is a single parcel enclave. The site's land use isn't intended to change which is why the applicant has included a land use statement instead of a land use plan.

SWENT has intentions of doing repairs to Cottonwood Creek from Academy Boulevard to Union Boulevard which includes this property. To spend City funds on this site, the property must be within the City's jurisdictional boundaries.

| File Number  | Application Type                            | Decision Type |
|--------------|---|---------------|
| ANEX-23-0019 | Annexation                                  | Legislative   |
| ZONE-23-0019 | Zone Establishment<br>w/ Land Use Statement | Legislative   |

## Background

### Prior Land-Use History and Applicable Actions

| <i>Action</i>            | <i>Name</i>                | <i>Date</i> |
|--------------------------|----------------------------|-------------|
| Annexation               | Dublin Park Addition No. 1 | TBD         |
| Subdivision              | N/A                        | N/A         |
| Master Plan              | N/A                        | N/A         |
| Prior Enforcement Action | N/A                        | N/A         |

### Site History

The site is approximately 2.058 acres in size and contains part of the Cottonwood Creek Trail and the balance of the site is public open space with some of Cottonwood Creek extending through the northwest part of the property. The property abuts other public parkland to the south / southwest.

The City received this property in 1990 by resolution (96-90) as part of the Cottonwood Knoll Development's (DS DP 86-366) parkland dedication requirements. Through various documentation, it is staff's understanding that the property was intended to be used for a multi-use trail and for future public works capital development projects related to the channel.

Based on the information we have it appears properties to the south were annexed in the late 70's, property to the northeast was annexed in 80's, and property to the northwest were annexed in 1994. It is likely the original property owner was not part of the annexing parties and/or had no intention of annexing into the City.

### Applicable Code

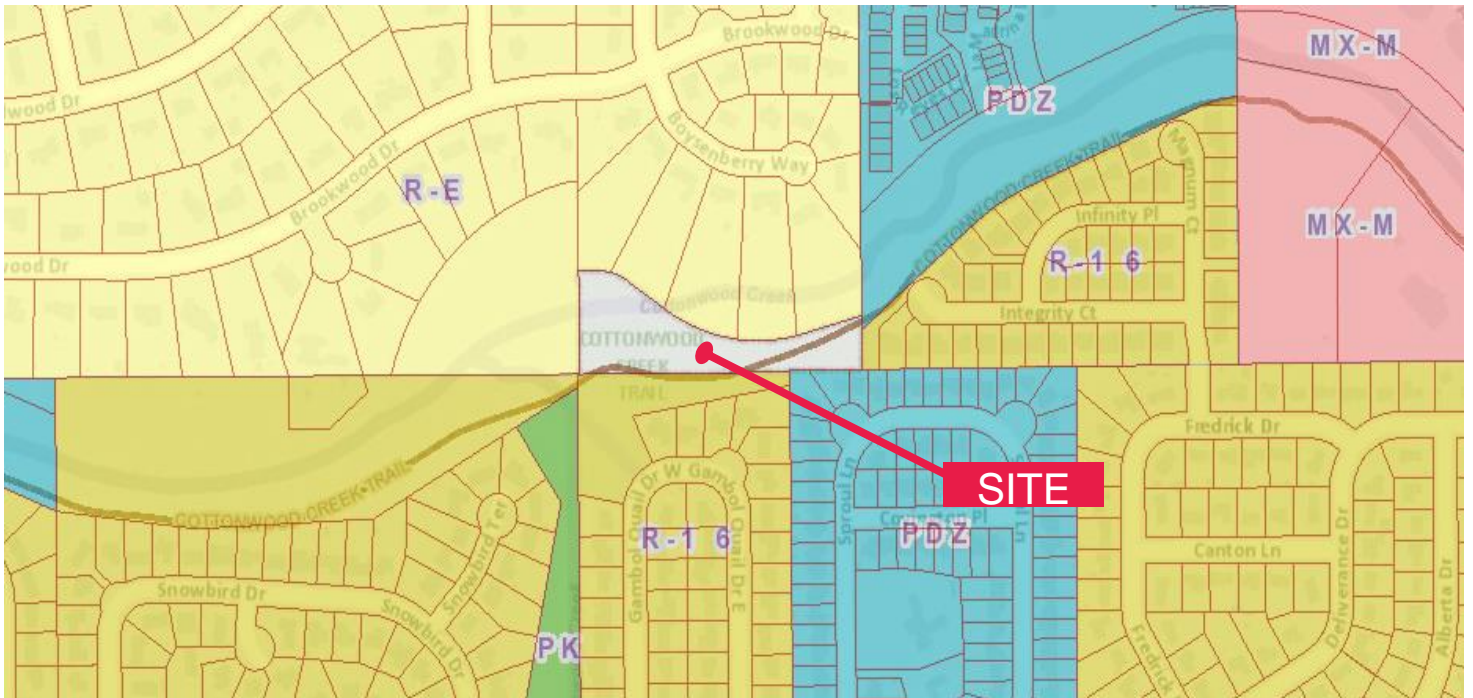
The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) were required to be reviewed under the Unified Development Code. All subsequent references within this report that are made to "the Code" and related sections are references to the Unified Development Code.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

|       | <i>Zoning</i>   | <i>Existing Use</i> | <i>Special Conditions</i> |
|-------|-----------------|---------------------|---------------------------|
| North | R-E             | Single-Family Res.  | City of Colorado Springs  |
| West  | R-E / R1-6 / PK | Single Family Res.  | City of Colorado Springs  |
| South | R1-6 / PDZ      | Single-Family Res.  | City of Colorado Springs  |
| East  | R1-6 / PDZ      | Single-Family Res.  | City of Colorado Springs  |

## Zoning Map



## Stakeholder Involvement

### Public Notice

|   |  |
|---|--|
| Public Notice Occurrences<br>(Poster / Postcards) | 2 (Internal Review / CPC Public Hearing) |
| Postcard Mailing Radius                           | 1000'                                    |
| Number of Postcards Mailed                        | 403                                      |
| Number of Comments Received                       | 8  |

### Public Engagement

Most comments received were to gain clarity on what the City's intentions are for the property.

## Timeline of Review

|                          |            |
|--------------------------|------------|
| Initial Submittal Date   | 11/17/2023 |
| Number of Review Cycles  | 4          |
| Item(s) Ready for Agenda | 04/08/2023 |

All agencies have recommended approval or had no comments for this application.

## Application Review

### Summary of Annexation

The associated annexation follows the voluntary annexation rights under Colorado Revised Statute (C.R.S.) and the owners must petition the municipality to request annexation into the City. The City's authority to annex land is established by C.R.S. Section 31-12-101 which sets requirements and procedures which municipalities must follow. The application includes the request to annex 2.058 acres of land west of Integrity Court abutting Cottonwood Creek to the south. The land was given to the City via resolution 90-96 per parkland dedication agreement with a neighboring development.

### Application Review Criteria

#### Ch.7 Code Section 7.5.701

An application for annexation shall be subject to the following conditions for annexation:

- a. The area proposed to be annexed is a logical extension of the City's boundary;*
- b. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;*
- c. There is a projected available water surplus at the time of request;*
- d. 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 the foreseeable future to serve all present users whether within or outside the corporate limits of the City;*
- e. The annexation can be effected at the time the utilities are extended or at some time in the future;*
- f. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater 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 groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;*
- g. All rights 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;*
- h. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (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, that are required or not required under this Zoning Code. City Council may specify such 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.*

Staff believes the parcel is a logical extension of the City as it is bordered by the City on all sides and owned by the City. This parcel meets Colorado Revised statute regarding the contiguity requirements. Due to the nature of the property's ownership and use, most of these criteria are not applicable or do not have any impact on utilities. After evaluating the Dublin Park Addition No. 1 Annexation, the application meets the conditions for annexation.

## Summary of Zoning Map Amendment

The associated Zoning Map Amendment is required with the annexation to establish City zoning for the property. Per the applicants request the site would go to PK/AF-O/SS-O (Public Parks with United States Air Force Academy Overlay and Streamside Overlay).

### UDC Code Section 7.5.704.D

An application for establishing a zone district shall be subject to the following criteria for approval:

- 1. The proposed rezoning 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).*
- 2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.*
- 3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).*
- 4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.*
- 5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.*
- 6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).*
- 7. The application is consistent with any approved Concept Plans 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.*
- 8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.*
- 9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.*
- 10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)). (Ord. 23-03)*

The proposed zone to PK is consistent with the existing use of the site and the continuation of the existing use will not pose any negative impacts to the city or surrounding neighborhood. The zone change is also supported by the Parks Master Plan considering the property supports the Cottonwood Creek trail and allows access to Cottonwood Creek / open space. After evaluation of the Dublin Park Addition No. 1 zoning map amendment the application meets the review

criteria. Staff finds that the criteria of UDC Section 7.5.704, which is applicable to establishing a PK (Public Parks) zone district, have been met with this application.

## Summary of the Land Use Statement

Per the Land Use Statement, the applicant (City Storm Water Enterprises) intends to repair Cottonwood Creek from Academy Blvd to Union Blvd. This is due to existing erosion issues caused by the creek. The outcome will include new drop structures, and replanting. The zoning map amendment includes a Land Use Statement which based on the following:

1. *The land under review is less than ten (10) acres and is planned to be developed in a single phase. The site is approximately 2 acres with an existing use of public open spaces with a trail head. There is no proposed change of use but there are future city improvements related to the abutting stream to the north.*
2. *The land is part of an established surrounding development pattern. The site was given to the City for park land dedication and intended to have future stream side improvements as part of the abutting development in this area. Their site is adjacent to additional parkland and near PK zoning.*

## UDC Code Section 7.5.514

The Land Use Statement is subject to the following criteria for approval:

*Criteria 1. Proposed land uses, housing density, and development;*

*There is no change to the land use.*

*Criteria 2. Compatibility with adjacent development patterns;*

*The use of the site does not change, and public open space is compatible with residential use.*

*Criteria 3. Impact to adjacent developments including but not limited to light noise and traffic.*

*There are no expected negative impacts as the use of the site does not change and the improvements proposed will reduce erosion along the creek.*

Staff finds that the criteria of UDC section 7.5.704, have been met.

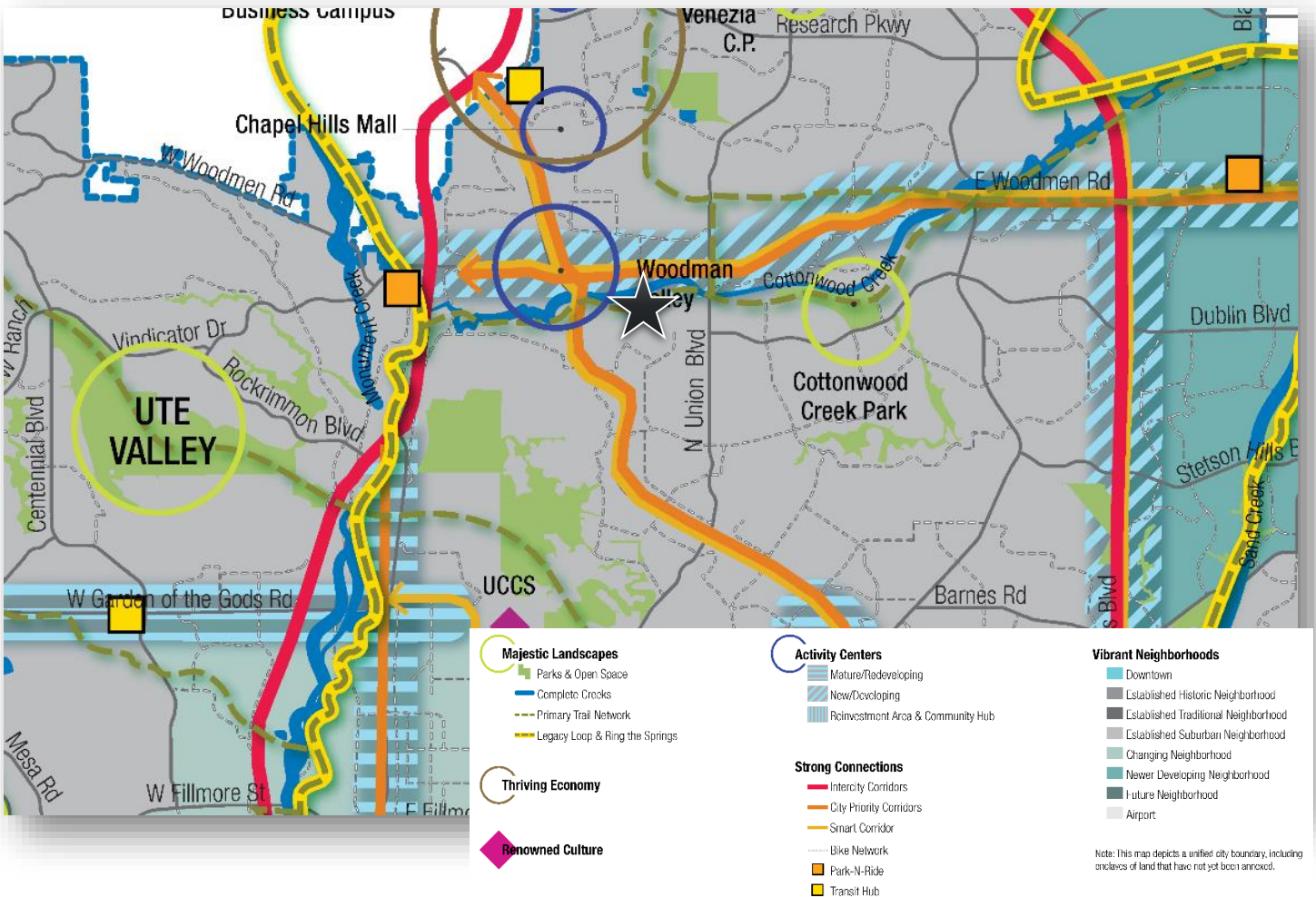
## Compliance with Relevant Guiding Plans and Overlays

City Annexation Plan: The City Annexation Plan was last updated in 2006 and is an advisory document. The proposed annexation is consistent with the intent of the 2006 Plan as the proposed annexation works to eliminate an enclave that is causing limitations of the City's services / infrastructure.

United States Air Force Academy Overlay (AF-O): The site and area are located within the AF-O which was established to maintain the safety of the navigable airspace to be free of obstacles in and around the Academy's airfield in compliance with federal regulations. The academy did not have any comments on this application due to the scope of work.

Streamside Overlay (SS-O): The site is adjacent to Cottonwood Creek and is subject to the SS-O ordinance. The goal of the ordinance is to protect and enhance stream areas by planned development and the implementation of streamside review criteria. The streamside reviewer has recommended approval of the applications as the ordinance supports CSU and SWENT work within this overlay and its affecting area.

## PlanCOS Vision



The overall intent of annexation is to benefit the City and occur in a manner that ensures a logical extension of the City's boundary. Chapter 8 of PlanCOS provides broad policy direction for annexation; annexations will occur in accordance with State law; support of economic development objectives of the City and will be a fiscal benefit; development will be consistent with long range plans; and avoid creating enclaves while proactively work at incorporating existing enclaves into the City. Staff has evaluated the proposed annexation and determined its eligibility in accordance with State law to be acceptable. The annexation is a logical extension; removing the remnant right-of-way cleans up City – County boundaries.

## Statement of Compliance

### **ANEX-23-0019**

After evaluation of the Annexation for Dublin Park Addition No. 1, the application meets the applicable Colorado Revised Statutes for annexation and the considerations for annexation.

### **ZONE-23-0019**

After evaluation of the proposed Zone Establishment of PK/AF-O/SS-O (Public Parks with United States Air Force Academy Overlay and with Streamside Overlay) the application meets the review criteria.