

**CITY PLANNING COMMISSION AGENDA
JANUARY 11, 2023**

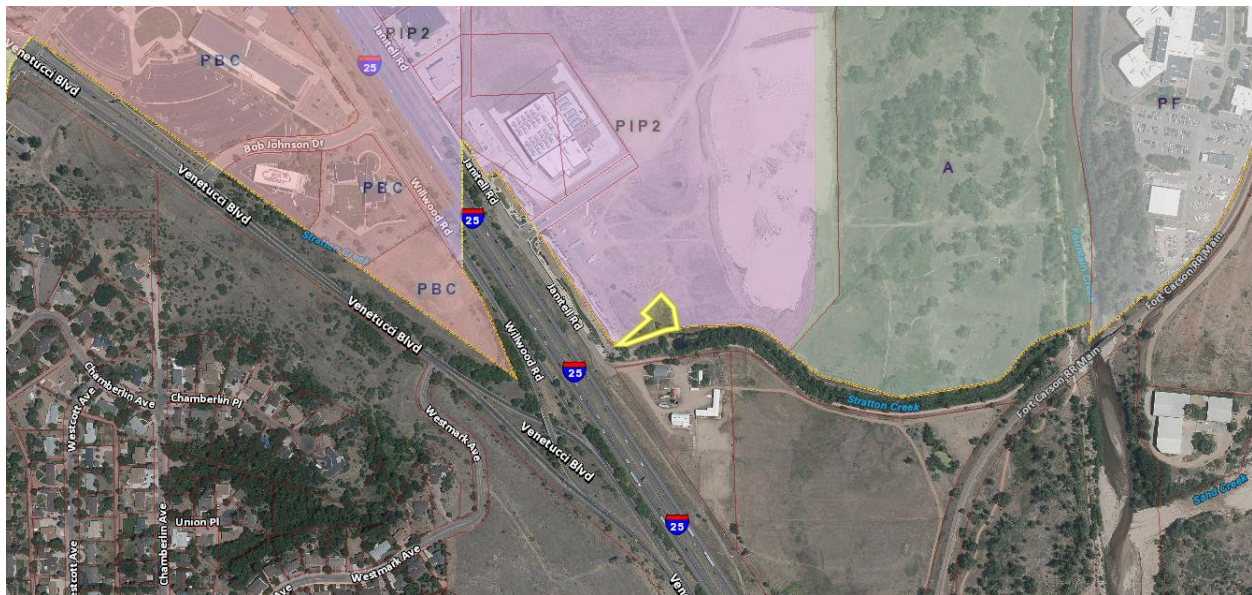
STAFF: GABE SEVIGNY

FILE NO(S):
ANEX-22-0012 - LEGISLATIVE
ZONE-22-0009 – LEGISLATIVE
COPN-22-0026 – QUASI-JUDICIAL

PROJECT: T5 ADDITION NO. 1 – ANNEXATION

OWNER: IP VINEYARD, LLC

APPLICANT: CLASSIC CONSULTING (CONSULTANT)



PROJECT SUMMARY:

1. **Project Description:** The project includes concurrent applications for annexation of 20,064 square feet, establishment of zoning, and a concept plan amendment located at the southern portion of 3819 Janitell Road. The concept plan illustrates the proposed area for stormwater related requirements, a fence, and a fire access road. The proposed zoning will establish a PIP-2 (Planned Industrial Park) zone district with the overall annexation to allow for the are to be used for stormwater related requirements.
2. **Applicant's Project Statement:** (see attached Project Statement)

3. Planning and Development Team's Recommendation: City Planning staff recommends approval of the applications.

BACKGROUND:

1. Site Address: The property is not addressed and is located at the southern portion of 3819 Janitell Road.
2. Existing Zoning/Land Use: The property is currently in unincorporated El Paso County, zoned A-5 (El Paso County zoning Agricultural).
3. Surrounding Zoning/Land Use: North: PIP-2 (Planned Industrial Park) / Vacant.
East: PIP-2 (Planned Industrial Park) / Vacant.
South: A-5 (El Paso County zoning Agricultural) / Farm/Ranch
West: PIP-2 (Planned Industrial Park) / Vacant.
4. Annexation: The property is not yet annexed.
5. Master Plan/Designated Master Plan Land Use: There is no master plan established for this property and not required with this annexation, the adjacent property to the north is within the Vineyard Commerce Park Master Plan.
6. Subdivision: The property has not been platted.
7. Zoning Enforcement Action: None
8. Physical Characteristics: The project site is generally flat. Vegetation on-site primarily consists of native grass, with trees in areas where drainage collects and provides ample hydration for tree survival. Areas of the annexation have been used as outdoor vehicle storage.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing notice to ten (10) adjacent property owners within 1,000 feet of the site, which included the mailing of postcards on two occasions: during the internal review stage, and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. During the internal review notification City Planning staff did not receive any comments in response to the notification.

Staff's analysis of the proposed applications is outlined in the following sections of this report. In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers, including the following:

INTERNAL (CITY) REVIEWERS

- Colorado Springs Airport
- Parks and Recreation Department – Parks, Trails, Open Space
- Engineering –Traffic Engineering; Street Improvements; Transportation/Bicycle Planning; Stormwater
- City Surveyor
- Police –Crime Prevention
- Division of the Fire Marshall
- Colorado Springs Utilities
- Information Technology - Street Naming
- Finance Department – Fiscal Impact Analysis

EXTERNAL AGENCY REVIEWERS

- United States Postal Service
- Colorado Department of Transportation
- El Paso County
- Ellicott School District

- Pikes Peak Regional Building Department – Floodplain; Enumerations/Addressing;
- Colorado Springs Chamber of Commerce
- Cable Providers
- CONO

The reviewing agencies have no objections to the proposed applications in general.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

a) Background

The proposed annexation is mostly surrounded by one property currently within the city limits and zoned PIP-2. The area directly adjacent to the south is Stratton Creek. A development plan, Lot 1, T5 @ Colorado Springs Filing No. 3 DEPN-22-0104, was recently administratively approved for the northern portions of 3819 Janitell Road (**see attached T5 Development Plan**). Within that development plan the area proposed to be annexed was identified for future annexation and shows an area for stormwater related requirements, a fence, and a fire access road. Staff is unable to approve any improvements on the southern portion identified as it is not annexed, however, staff can approve the rest of the development plan as it is in conformance with City Standards for a development plan.

b) Annexation

Landowners seeking voluntary annexation must petition the municipality to request annexation into the City. The Annexation Petition for this property was heard and accepted by City Council on May 24, 2021. The City's authority to annex land is established by Colorado Revised Statutes (C.R.S. 31-12-101) which sets requirements and procedures which municipalities must follow. A property is eligible for annexation if the contiguity requirement is met; not less than one-sixth the perimeter of the proposed area for annexation is contiguous with the existing boundary of the annexing municipality. With a perimeter of 726.88 feet to be annexed, the required contiguity is 121.14 feet. Currently the proposed annexation has a contiguity of 475.18 feet; staff has determined the proposed annexation meets the requirements of contiguity.

The proposed annexation is not located within an enclave, but can be considered as a near enclave as most of the adjacent property surrounding to the north, west, and east are currently annexed into city limits and to the south is Stratton Creek. The annexation is a logical extension to a parcel that does not have direct access to a road and will require access through properties annexed into city limits. As the City Policy supports the elimination of enclaves and thus closing the gap to services being provided, the City further supports voluntary annexation by property owners wishing to utilize City Services and Utilities for future development. Surrounding areas have been annexed and now include the connection to major infrastructure and services.

The T5 Addition No. 1 Annexation (**see attached T5 Addition No. 1 Annexation Plat**) will annex 20,064 square feet of property into the municipal limits of the City of Colorado Springs. The property is intended for stormwater related requirements, a fence, and fire access road to be developed within the City and to help with the over-all site to be developed

A master plan is typically required with annexation; however, per City Code Section 7.5.403(B)(1), this requirement may be waived if the land area under review is a small parcel and is part of an enclave with a well-established surrounding development pattern and intended for a single primary land use. The subject parcel has been identified on both the Vineyard Commerce Park Master Plan, and the Vineyard Commerce Park Concept Plan as an area to be annexed. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern; no master plan or master plan amendment is required with this application. The supporting concept

plan amendment also captures a similar level of detail and clearly identifies the intended land use configuration.

i. Southeastern Colorado Water Conservancy District (SECWCD)

This property was determined to be located with the SECWCD and no further action was required with its application.

ii. Fiscal Impact Analysis

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA memo was completed on December 27, 2022. The fiscal review criteria of the City Code states city costs related to infrastructure and service levels shall be determined for a ten-year time horizon for the appropriate municipal funds; new budget policy sets forth criteria to be met for proposed annexations and how a FIA will be completed.

Per the attached FIA memo (**see attached FIA Memo**) this proposal annexes a 20,064 square foot property in the City. The proposed annexation does not meet the criteria, and a full fiscal impact analysis is not required.

The draft annexation agreement is attached as **ANNEXATION AGREEMENT**. Dedication and improvements with this annexation are fully outlined in the agreement.

c) Establishment of Zoning

The proposed zoning request will establish the PIP-2 (Planned Industrial Park) zone district to accommodate the future intended stormwater related requirements, a fence, and fire access road. It is required by City Code that any annexed property be accompanied by a zoning designation. As a general land pattern that has been established in the area, we see developed industrial zoning in the immediate vicinity to the north, east, and west.

The subject property is proposed to establish the PIP-2 zone district as an extension of the PIP-2 district with the area already annexed to the east and to allow as a use by right the development of the industrial use. City Code Section(s) 7.4.104, Site Development Standards, and 7.5.502 Development Plan, allows for the establishment of such uses conforming to design criteria. The associated Concept Plan Amendment as part of this application details the dimensional requirements and will guide the future development and administrative building permit applications.

For the reasons stated above, staff finds that the proposed zone change meets the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603B.

d) Concept Plan Amendment

The proposed zone change is supported by the submittal of a concept plan (**see attached Vineyard Commerce Park Concept Plan Amendment**). The concept plan amendment will not be detrimental to the area. The approval of the concept plan amendment will help with the development of the northern portion of the site and complete the circulation of the fire access road, the complete installation of stormwater related requirements and a fence.

For the reasons stated above, staff finds that the proposed concept plan meets the review criteria for a Concept Plan Amendment as set forth in City Code Section 7.5.503.C and the Concept Plan criteria as set forth in City Code Section 7.5.501.E.

2. Outside Agency Review

a) Traffic

City Traffic Engineering did not require a Traffic Impact Study to be updated for this annexation and concept plan, however, a traffic study was associated with the over-all development for Lot 1, T5 @ Colorado Springs Filing No. 3 Development Plan. The Traffic Impact Study associated with that project has been accepted by City Traffic Engineering.

b) Drainage

The T5 Addition No. 1 area is located within the Stratton Drainage Basin. Stormwater Enterprise was sent a referral and have no outstanding comments. They have provided language on the attached Annexation Agreement that the Owner shall provide full spectrum detention for all developed areas to be owned and maintained by the Owner. A Final Drainage Report was reviewed and approved for the Lot 1, T5 @ Colorado Springs Filing No. 3 Development Plan, however, final signatures cannot be granted until annexation of the parcel in question.

c) Schools

The proposed annexation is located within the Harrison School District 2. The district was sent a referral and no comments have been received.

d) Parks and Trails

There were no outstanding comments from parks.

3. Geological Hazard

As part of annexation a Geological Hazard review may be required (City Code 7.4.502) but is triggered by the establishment of a master plan. This property fit the criteria for waiving of the master plan as detailed above. When taking into account site conditions; relatively flat and not within a streamside or hillside overlay, this site was not required to conduct a geological hazard study.

4. Conformance with the City Comprehensive Plan

The current Comprehensive Plan, PlanCOS, identifies policies related to the annexation of property into the City of Colorado Springs as well as the establishment of zoning and planning for the land use pattern to be created. Several themes support the proposed development with positive connections between industrial uses that will foster economic and community growth. The proposed development allows for logical industrial growth within an identified High Area of Change in PlanCOS. The typology is also identified as a New/Developing Corridor under the urban place typologies. This typology encompasses major arterial streets with land use patterns involving automobile-dominated development.

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 new growth opportunity will be a benefit to the City as discussed with economic findings and logical establishment for industrial growth. Lastly, the proposed annexation does continue to eliminate portions of this existing near enclave.

It is the finding of the Planning and Community Development Department that the T5 Addition No. 1 Annexation along with associated zoning, and concept plan amendment substantially conform to the PlanCOS goals and objectives.

5. City Annexation Plan

The City Annexation Plan was last updated in 2006 and is an advisory document. Staff recommends this annexation as consistent with the intent of the 2006 Plan as it eliminates land within an existing near enclave within the City and thus closes the gap to infrastructure and services being provided by the City. The proposed annexation is a voluntary annexation, and as stated above the city is in support of reducing near enclaves through voluntary annexation.

6. Conformance with the Area's Master Plan: There is no master plan for the proposed site, however, is associated with the Vineyard Commerce Park Master Plan and is identified to have this area to be used in support of the over-all development.

STAFF RECOMMENDATION:

ANEX-22-0012 – Annexation

Recommend approval to City Council the annexation of 20,064 square feet as the T5 Addition No. 1 Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

ZONE-22-0009 – Establishment of Zoning

Recommend approval to City Council the establishment of 20,064 square feet as PIP-2 (Planned Industrial Park) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

COPN-22-0026 – Concept Plan

Recommend approval to City Council the Vineyard Commerce Park Concept Plan Amendment, based upon the findings that the Concept Plan Amendment meets the review criteria for a Concept Plan Amendment as set forth in City Code Section 7.5.503.C and the Concept Plan criteria as set forth in City Code Section 7.5.501.E.