

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

NEW BUSINESS CALENDAR

DATE: August 20, 2014

ITEMS: 4.A-4.C

STAFF: Larry Larsen

FILE NOS.: CPC A 14-00048, CPC MP 14-00050, CPC ZC 14-00049

PROJECT: Capital Annexation No. 1

STAFF PRESENTATION

Mr. Larry Larsen, City Senior Planner, passed out additional information on the summary of current environmental permits and covenants for the subject property as requested by the Commissioners at the CPC Informal Meeting. Mr. Larsen presented PowerPoint slides (Exhibit A). Mr. Larsen offered the recommendation of approval, subject to conditions and technical modifications.

Mr. Larsen stated that on Page 36 of the agenda that the technical modification noted has since been fulfilled, therefore, the staff requests that the item be approved as submitted. Commissioner Markewich asked a question to verify that the only technical modification item being removed is for 4.B and all others are still in effect. Mr. Larsen verified that is correct.

APPLICANT PRESENTATION

Mr. Tim Seibert of NES , Inc. presented Power Point Slides (Exhibit B). Mr. Tim Seibert verified that the comment regarding the 80' ROW along the western side of the annexation was the technical modification issue that has since been resolved.

Commissioner Markewich asked a question on the supplement that if additional buildings would meet the City standards and would not need to be retrofit. Are there plans to bring that building into compliance with City Code? Mr. Seibert stated that the only item in question for City Code is Colorado Springs Fire Department (CSFD) standards. During the review of the development plan with the County it was found that IREA cannot fulfill the electric requirements. The applicant met with the Fire Marshal on the building standards; building will be probably completed prior to completion of the Annexation Agreement. CSFD has reviewed the building plans and are in general compliance. Once a new addition at the site, any additional compliance issues would be resolved at that time.

Commissioner Donley needed clarification if the right-of-way issue is with 40 feet of dedicated or 80 feet. Mr. Seibert stated that 40 feet is reserved and the reservation is already reflected on the plans.

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Commissioner Markewich inquired if the Airport and Peterson Air Force Base (PAFB) were consulted on the heights of the building. Mr. Larsen stated that PAFB provided no comments and that the Airport Staff and Airport Advisory Commission offered “no objection” during the review. Mr. Seibert stated that the Airport required the AO overlay as part of the zone change.

Mr. Bill Davis, Colorado Springs Utilities (CSU), clarified concerns and stated the electric line extension is a guaranteed contract approved by standards who have verified the process extension. The applicant prefers to continue with Cherokee Water District and CSU will allow that as long as a service agreement is processed. CSU will provide copies of consent to be within Southeastern Conservancy District. A Special Warranty Deeds for water rights has been standard for the last several years.

CITIZENS IN FAVOR

None

CITIZENS IN OPPOSITION

Ms. Jo Schanel, adjacent property owner to the southwest, requested clarification on whether Capital Drive will continue through and questioned how the annexation will be approved without the complete development of Capital Drive, how access points will be provided for an emergency, and if there is enough water from Cherokee for the building’s sprinkler system.

Ms. Schanel stated that Genoa Street runs east and west and borders the annexation site and her property. Genoa was never finished, and she thought it was abandoned, which would provide an access to this property. She was also concerned with a substantial bridge west of Capital Drive that may not be cost effective to the City or the County, and inquired when the road will be constructed as it is a huge problem with trash collection.

Mr. Larsen responded to Ms. Schanel’s questions:

- Extension of Capital Drive; this is addressed in the annexation agreement. The extension will not occur with the current facility as it is currently undeveloped. Capital Drive will be extended and built once the facility is expanded, then the right-of-way will be extended.
- Emergency access; refer to CSFD requirements in the agreement. Gates will provide access to the site from a Knox box and will continue in place and prohibit private vehicles to come to the site. The Knox box will allow for ready access.
- CSU would initially provide electrical service to the site; and will continue to have water/wastewater service from Cherokee.
- The applicant has requested the annexation due to additional electric power requirements.
- Construction of Capital Drive right-of-way will be done once the site expands beyond its existing plan.
- Trash issue could be looked at by Code Enforcement with the City and County.
- Genoa does not connect to Marksheffel, and no extension will be necessary unless there are additional uses in the future.

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Ms. Schanel inquired of the following concerns:

- Is it required that secondary access be required beyond the Knox box?
- Capital Drive could be completed without a huge endeavor. The only thing stopping it are barricades for through access
- Wastewater handled by CSU and water by Cherokee; not sure why one development different from the other. Not sure why IREA cannot supply electric in the first place.
- The City should have requested that the developer meet with the adjacent landowners

Commissioner Shonkwiler inquired if there was notification when the site was developed within the County jurisdiction. Ms. Schanel stated not to her knowledge.

Commissioner Shonkwiler inquired about the notification for today's applications. Mr. Larsen sated yes. Ms. Schanel should have received a postcard twice. Postcards were mailed to 29 property owners.

Mr. Larsen addressed Ms. Schanel's second set of questions:

- Stated that two access points exist, one from Industry Road and the other from Capital Drive
- CSFD asked for knox box
- Capital Drive, barricades removed and knox box to be installed
- Capital Road improvements; stated not needed and required for emergency service, future extension of Capital Drive occurs when facility expands
- Genoa, County road, not necessary to improve for project.
- Based upon discussions with adjacent property owners; typically if more than a handful of property have questions or issues then a neighborhood meeting is held, but there were not enough concerns to warrant a meeting.

Commissioner Walkowski inquired the reason that Capital Drive is an issue - why dedicate 40 feet on the east but not 40 feet on the west now. What does agreement say if new development in area?

Commissioner Walkowski felt that this warrants discussion and should punch the right-of-way through.

Mr. Larsen stated the dedication of right-of-way with the subdivision plat and would have to discuss with City Traffic. It's only fair to ask for 40 feet at this time. When western property annexes the City will ask for an additional 40 feet. Not needed to complete standard to make the roadway work now.

Commissioner Walkowski inquired if nothing can occur until the west side of the annexation develops.

Mr. Larsen stated that is one option, and if facility expands then Capital Drive expands.

APPLICANT REBUTTAL

Mr. Seibert addressed some of the questions posed:

- Hot topic seems to be Capital Drive; Alta survey shows southern piece where development activity for Weatherford. Capital Drive extends north and dead ends at the Weatherford property annexation considered today. The driveway that extends north and comes back to 40 feet of Capital Drive is platted with Marksheffel Industrial Park. What is being proposed with the application is for a 40-foot right-of-way provided on the western boundary to the north property

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line of Weatherford. The existing 40 feet from the northern property line to the south provides an additional 40 feet along the western boundary for an 80-foot Capital Drive. The driveway that connects from the 40 feet of Capital Drive accesses from the southern boundary.

- Genoa is an 80-foot easement on both sides of the southern property line today. It extends from Marksheffel splitting the property line from Weatherford and southern property owners and extends to Banning Lewis Ranch (BLR) to the east. Similar easements exist on northern property splitting on dedicated parcels east/west extending to Marksheffel. Whether or not properties within the City/County will connect to Marksheffel or BLR is unknown, but the opportunity exists.
- Capital Drive extension issue: Roadway is a driveway only on private property with accessible Knox both the south and north for FD access. With the annexation, nothing changes, stays as is. With the new building currently under construction, Capital Drive extension will occur with future development. Not sure if built for industrial access, safety and liability issues. At such time of dedication, City to take over right-of-way, safety and liability issues at that time and build Capital Drive to City standards.
- Utility service provided by Cherokee for water and wastewater. Will provide future suppression and fire sprinkler for the new building and the existing building. There is an existing well on site with 25 acre feet to process water and adjudication rights to CSU for industrial component on property. Discharge from site flow into the Cherokee system. At some point there will be a connection to CSU with north/south trunk sewer line into BLR; will connect in the future. Water lines are in the general area for CSU but not within normal distances. Interim service agreement for water and wastewater at this time with CSU.
- Regarding trash at the end of the road, he was not sure where this is located. He has commitment from the owner's representative to keep an eye on the issue by on-site security.
- Landscape and future improvements: landscape requirements at the time of the next development request will provide additional street right-of-way.
- Annexation to only change the electric service and be within city limits. Nothing more being completed on subdivision process or dedication of roads.

DECISION OF THE PLANNING COMMISSION

Commissioner Donley had observations and comments. He found that the annexation, master plan and zone change all comply with the review criteria. The access question is useful to note FD access with Knox box, which is an inconvenience for Ms. Schanel to travel north. It's also useful to note that the annexation agreement components are not part of the Planning Commission's purview. He preferred to view a network with the BLR road system and not cul-de-sacs. Otherwise BLR traffic is pushed out to Highway 24 rather than flowing more directly to Marksheffel and vice versa.

Commissioner Henninger was interested on how the plots integrate. He was not sure a smaller annexation would be better. There could be more issues in the future rather than leaving this an enclave. The applications meet the Comprehensive Plan.

Commissioner Walkowski supported the annexation and Master Plan. He found that the applicant and City thought through the process with more expansion in the future to the west property.

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Commissioner Markewich supported the applications and found they complied with the review criteria and Comprehensive Plan. He voiced appreciation for the jobs and revenue that this business will bring to the City.

Commissioner Shonkwiler supported both proposals as they met basic requirements. He was uncomfortable with a piece-meal annexation. He hoped all enclaves will be addressed in a more comprehensive fashion.

Moved by Commissioner Walkowski, seconded by Commissioner Henninger, to approve **Item No. 4.A-File No. CPC A 14-00048**, the Capital Annexation No. 1, based upon the finding that the annexation complies with the findings of City Code Section 7.6.203, subject to the following conditions and technical modifications:

Technical and Informational Modifications

1. Prior to requesting the City Council to schedule their public hearing, the annexation agreement shall be approved by the owner, Land Use Review, City Engineering, City Traffic and Colorado Springs Utilities.
2. Prior to scheduling the City Council's public hearing, provide Colorado Springs Utilities' approval of the executed Special Warranty Deed transferring water rights to the City (which will require the Owner to obtain an inventory of the Owner's water rights appropriations and other related information for the property).
3. Prior to scheduling the City Council's public hearing, if the owner desires to receive water and wastewater service from Cherokee Metropolitan District (CMD) after the Property is annexed into the City, then the owner's execution of a Colorado Springs Utilities approved agreement providing for interim water and wastewater service from Cherokee Metropolitan District is required.
4. Prior to scheduling the City Council's public hearing, provide Colorado Springs Utilities approval of the executed Electric Line Extension and Revenue Guarantee Contract.
5. Provide the Bureau of Reclamation's approval for inclusion into the Southeastern Colorado Water Conservancy District.

Motion carried 7-0 (Commissioners Smith and Ham excused).

Moved by Commissioner Walkowski, seconded by Commissioner Henninger, to approve **Item No. 4.B-File No. CPC MP 14-00050**, the Capital Annexation No. 1 Master Plan based upon the finding that the plan complies with the review criteria of City Code Section 7.5.408, subject to the following technical modification:

Technical and Informational Modification

Provide Land Use Review, City Engineering and City Traffic approval of the master plan regarding the mutually acceptable reservation and designation of future public street rights-of-way, including the acceptable width, within the property adjacent to the western and northern property lines.

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Motion carried 7-0 (Commissioner Smith and Ham excused).

Moved by Commissioner Walkowski, seconded by Commissioner Henninger, to approve **Item No. 4.C-File No. CPC ZC-00049**, the establishment of the M-1/HR/AO (Light Industrial zone with High Rise and Airport Overlays) zone district, based upon the finding that it complies with the review criteria of City Code Section 7.5.603.B. Motion carried 7-0 (Commissioner Smith and Ham excused).

August 20, 2014

Date of Decision

Robert Shonkwiler

Planning Commission Chair

Capital Annexation No.1, Master Plan & Zoning

City Planning Commission
August 20, 2014

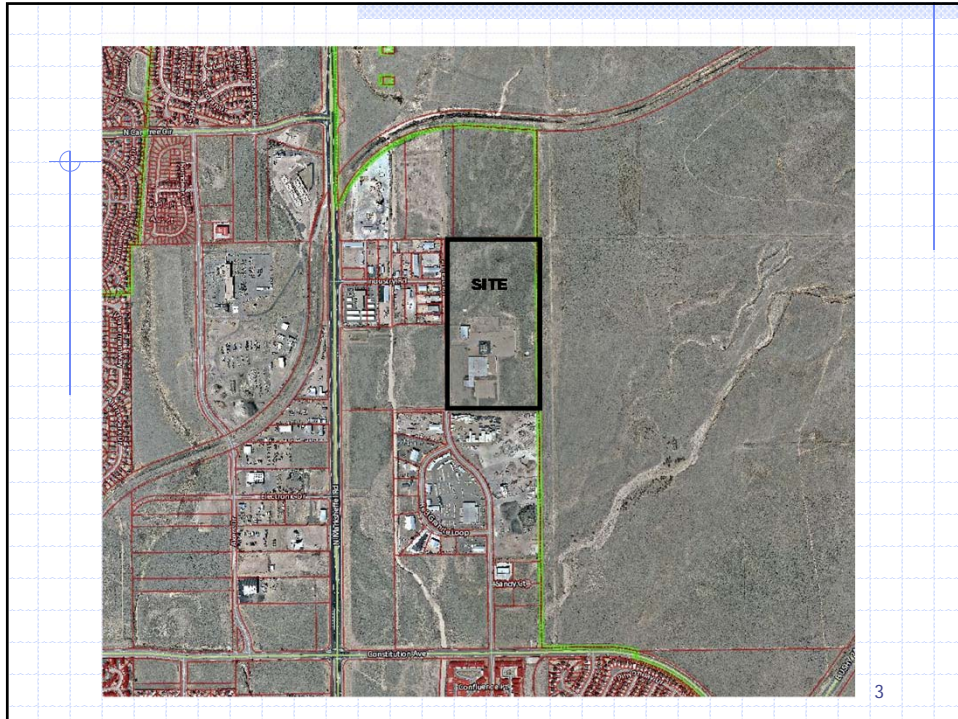
Larry Larsen, Senior Planner

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Capital Annexation No.1, Master Plan & Zoning

- ✓ Capital Annexation No.1(CPC A 14-00048)
- ✓ Capital Annexation No.1 Master Plan (CPC MP 14-00050)
- ✓ Capital Annexation No.1 Establishment of Zoning to “M-1/HR/AO” Light Manufacturing with High Rise & Airport Overlays (CPC ZC 14-00049)

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Capital Annexation No.1, Master Plan & Zoning

ANNEXATION AGREEMENT:

- ✓ Land Use per Master Plan
 - ✓ Industrial
 - ✓ Existing County Approved Development Plan
 - ✓ Future Streets Right-of-Way Reservation
- ✓ Utilities & Water Rights
 - ✓ Special Warranty Deed for Water Rights
 - ✓ Interim Water & Wastewater Agreement
 - ✓ Electric Line Extension & Revenue Contract

Capital Annexation No.1, Master Plan & Zoning

ZONE DISTRICT DETERMINATION:

“M-1/HR/AO” Agricultural with High Rise & Airport Overlays

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Capital Annexation No.1, Master Plan & Zoning

DESIGN & DEVELOPMENT ISSUES:

- ✓ Provision of Utilities
 - ✓ Special Warranty Deed for Water Rights
 - ✓ Interim Water & Wastewater Agreement
 - ✓ Electric Line Extension & Revenue Contract
- ✓ Land Use Compatibility
- ✓ High Rise Overlay: 74' height
- ✓ Fiscal Impact Analysis
- ✓ Right of Way Reservation: 40'

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Capital Annexation No.1, Master Plan & Zoning

FINDINGS:

- Compliance with City Comprehensive Plan;
- Compliance with the City Annexation Plan
- Compliance with the Capital Annexation No.1 Master Plan, as proposed; and
- Compliance with the zone district establishment review criteria found in City Code section 7.5.603.B

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Capital Annexation No.1, Master Plan & Zoning

SUMMARY/RECOMMENDATION:

Approve the Capital Annexation No.1 Annexation;

Approve the Capital Annexation No.1 Master Plan; and

Zone Establishment to "M-1/HR/AO" Light Manufacturing with High Rise & Airport Overlays

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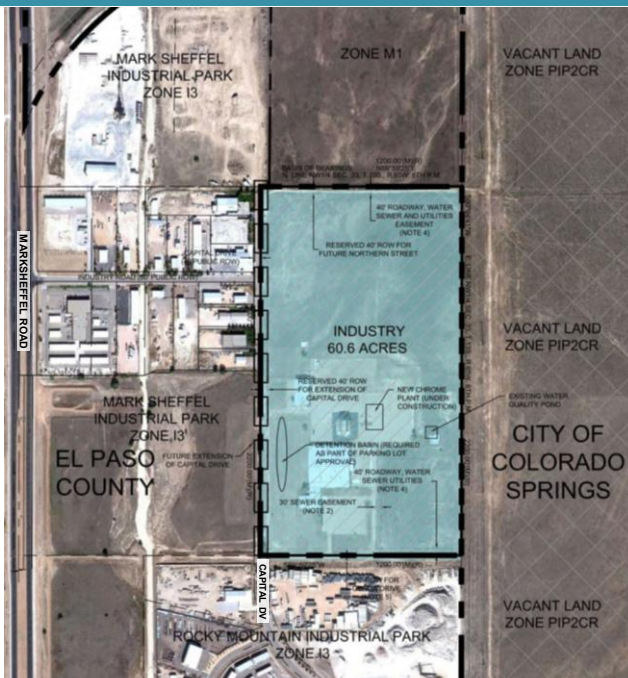
Capital Annexation No.1, Master Plan & Zoning

QUESTIONS?

Principal Annexation Requirements

1. Electric Line Extension and Revenue Guarantee Contract.
2. Interim Water and Waste Water Agreement.
3. Special Warranty Deed transferring water rights to the City.
4. Bureau of Reclamation approval for inclusion into the Southeastern Colorado Water Conservancy District.

Questions?



Items: 4.A-4.C
Exhibit: B
CPC Meeting: August 20, 2014