

PLANNING COMMISSION AGENDA

STAFF: KATIE CARLEO

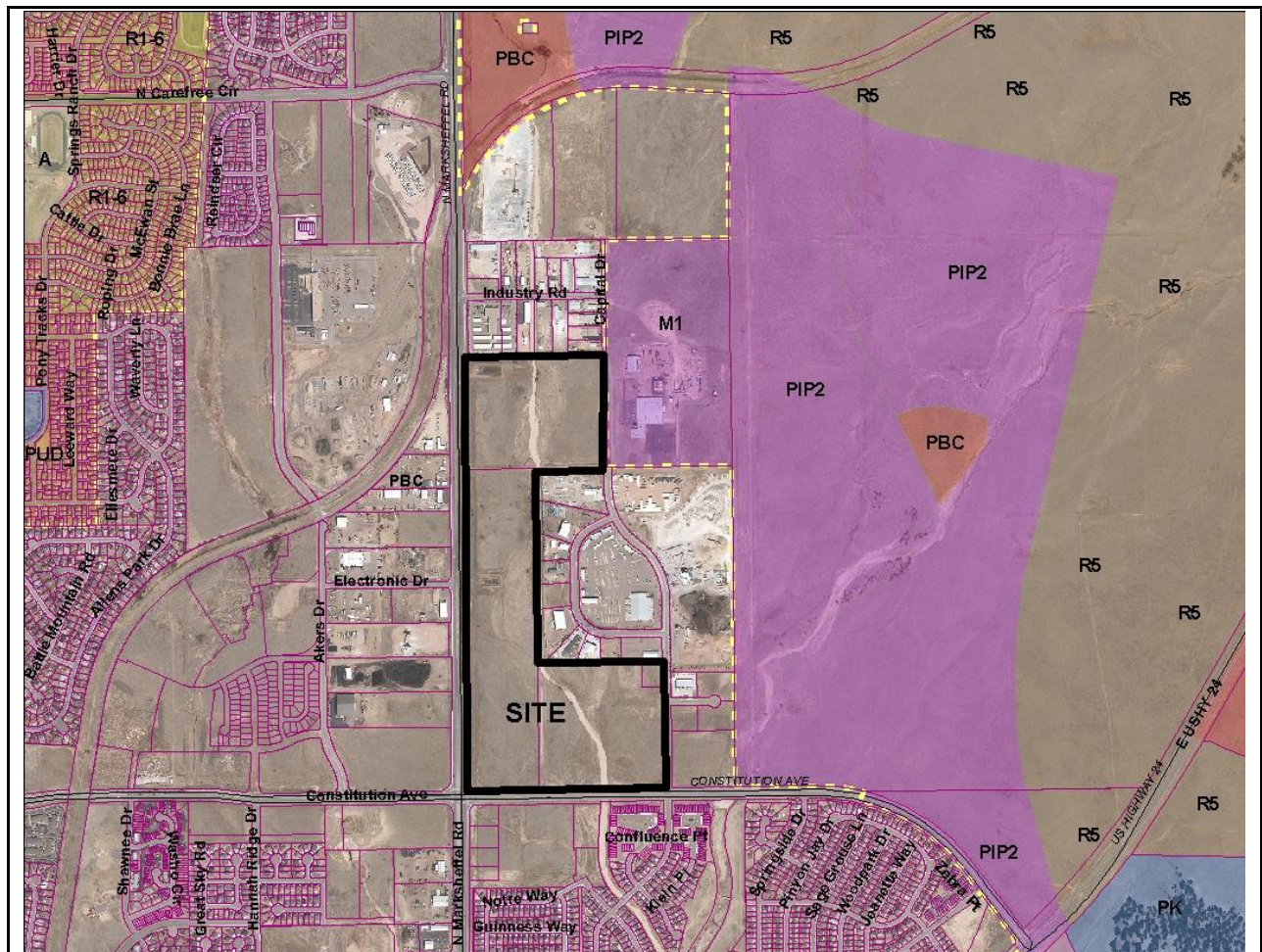
FILE NO(S):

- A. CPC A 17-00004 – LEGISLATIVE**
- B. CPC A 17-00005 – LEGISLATIVE**
- C. CPC A 17-00006 – LEGISLATIVE**
- D. CPC A 17-00007 – LEGISLATIVE**
- E. CPC MP 17-00080 – LEGISLATIVE**
- F. CPC ZC 17-00081 – LEGISLATIVE**
- G. CPC ZC 17-00082 – LEGISLATIVE**
- H. CPC ZC 17-00083 – LEGISLATIVE**
- I. CPC CP 17-00084 – QUASI-JUDICIAL**

PROJECT: THE SANDS

APPLICANT: THOMAS AND THOMAS

OWNER: LORSON SOUTH LAND CORP. and BABCOCK LAND CORP.



PROJECT SUMMARY

1. Project Description: This project includes concurrent applications for annexation, master plan, zoning, and concept plan for the associated 140.61 acres located northeast of the intersection of Marksheffel Road and Constitution Avenue. The associated master plan and concept plan illustrate the proposed land use configuration, access and circulation, intended infrastructure and overall intent. Proposed zoning will establish three zone districts; 17.58 acres as M-1/AO/SS (Light Industrial with Airport Overlay and Streamside Overlay); 85.94 acres as R1-6000/DFOZ/AO/SS (Single-family Residential with Design Flexibility Overlay, Airport Overlay and Streamside Overlay); and 10.79 acres as PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay).
2. Applicant's Project Statement: **(Refer to FIGURE 1)**
3. Planning and Development Team's Recommendation: Staff recommends approval of the applications.

BACKGROUND

1. Site Address: This site is currently vacant and with no associated addresses.
2. Existing Zoning/Land Use: The property is currently in unincorporated El Paso County. The property is vacant with commercial services and heavy industrial land use assigned (CS/ I-3).
3. Surrounding Zoning/Land Use: North: I-3 (Heavy Industrial) within El Paso County developed with small lot industrial.

South: CS (Commercial Service) within El Paso County; newly developed King Soopers with vacant land planned for future commercial development.

East: Portions of the site are adjacent (M-1) Light Industrial City development, Weatherford Systems; remaining portions are adjacent I-3 (Heavy Industrial) within El Paso County developed as small lot industrial.

West: Portions adjacent western boundary are both El Paso County Commercial Service (CS) and Industrial (M) currently partially developed with some land remaining currently vacant.

4. Comprehensive Plan/Designated 2020 Land Use: There is no existing 2020 Land Use Designation because the site is not yet within City limits.
5. Annexation: The property is not yet annexed
6. Master Plan/Designated Master Plan Land Use: A master plan is being established along with the annexation of this property into the City.
7. Subdivision: The associated properties are currently not subdivided.
8. Zoning Enforcement Action: None
9. Physical Characteristics: This property is vacant some vegetation exists along the creek channel that runs through the property from north to south.

STAKEHOLDER PROCESS AND INVOLVEMENT

The public process included posting the site and sending postcards to 237 property owners within a 1000-foot buffer at application submittal. A second mailing will be sent to a 1000-foot buffer prior to the Planning Commission hearing. No written comments were received by staff.

Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 49, Police and E-911, and El Paso County Development Services. This site is within the Airport

Overlay and was seen by the Airport Advisory Committee and approved on June 28, 2017. **(FIGURE 2)** The site is outside of the buffer for review by Peterson Air Force.

Comments were received from El Paso County Development Services Division which generally involved questions regarding the compatibility of the proposed residential development with the surrounding permitted land uses existing in the County as well as appropriate buffering. Further comments were also raised about traffic configuration and proposed access. The existing land use pattern in this area of the City shows an establishment of single-family residential transitioning to industrial and commercial uses along the major roadways. The current concept plan recognizes with future development plans appropriate measures will need to be taken for mitigation as a transition from these land uses. Staff supports that these land use patterns and transitions exist in surrounding areas and with appropriate transitions will meet criteria for establishment.

Staff has further engaged El Paso County Development Services Division to resolve these concerns. Staff supports that at the time of development plan review when further details are established appropriate screening, landscaping, fencing, structural siting and orientation and other buffering measures shall be established to meet required criteria for site design in this location. El Paso County Development Services Division will be included in this development plan review.

Further clarification was made with El Paso County Development Services that the associated annexation will bring surrounding roadways including Marksheffel Road and Constitution Avenue into the City. The City Traffic Division has fully reviewed the proposed access and circulation and supports the configurations. Further review will take place at time of development plan with the City Traffic Division to ensure appropriate engineering and design.

School District 49 provided comments for the proposal. **(FIGURE 3)** The planning staff at School District 49 did state that the current schools associated with this location are currently over capacity; however, the planning staff will be presenting boundary modifications to the Board of Education to accommodate new families to attend schools closer to home. They state there is currently adequate space at all levels in the proposed Sand Creek area schools. The District has asked for fees to be collected in lieu of dedication and is supportive of the additional commercial and industrial portions of the development.

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

1. Review Criteria / Design & Development
 - a. Annexation

This annexation application contains four serial annexations. A serial annexation allows property owners petitioning a municipality to portion off the intended whole annexation boundary into separate annexations if the whole portion does not meet the Colorado Revised State Statue required one-sixth contiguity with the current city boundary. The Sands Addition Number 1 **(FIGURE 4)** will annex 38.67 acres; The Sands Addition Number 2 **(FIGURE 5)** will annex 23.90 acres; The Sands Addition Number 3 **(FIGURE 6)** will annex 24.74 acres; and The Sands Addition Number 4 **(FIGURE 7)** will annex 53.29 acres into the City. The total annexation consists of 140.61 acres as a request to annex the property into the municipal limits of the City of Colorado Springs. The property is intended for a mix of industrial, commercial and residential development.. This annexation will also annex Marksheffel Road along the property boundary as well as the remaining portion of Constitution Avenue from this property east to current city limits.

Land owners seeking voluntary annexation must petition the municipality to request annexation into the City. The City's authority to annex land is established by Colorado Revised Statues (C.R.S. 31-12-101) which sets requirements and procedures that municipalities must follow. A property is eligible for annexation if contiguity, not less than one-sixth the perimeter, of the proposed area for annexation is contiguous with the existing boundary of the annexing municipality. With the proposed serial annexation

configuration the property is eligible for annexation. The Annexation Petition for this property was heard and accepted by City Council on May 23, 2017.

As the City has expanded, enclaves as remnants of land surrounded by a municipality, have remained within the jurisdiction of Unincorporated El Paso County. Several enclaves remain from the City's very active period of annexation in the 1980's. City Comprehensive Plan Policy as well as the City Annexation Plan supports the elimination of enclaves and thus closing the gap to services being provided. This site is part of a larger enclave,, Cimarron Hills. This enclave is identified within the City Annexation Plan as a complex enclave. Cimarron Hills is unique because of its size and the scale of urban development. The enclave was established with the annexation of Banning Lewis Ranch in 1988. Development of Cimarron Hills began in the early 1970's and has a range of development from single-family residential to industrial.

Staff supports that although the subject property is within an identified complex enclave, this annexation further closes a gap of infrastructure and services. Most urban services are being provided by the Cherokee Metropolitan District; however, gaps in emergency service are being provided by the City often without compensation. The area is currently being serviced by City public safety agencies, and the surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. The current City Annexation Plan identifies that unilateral annexation of the complex enclaves is not recommended, but the City would support voluntary annexation of enclaves.

The draft annexation agreement is attached as **FIGURE 8**. Dedication and improvements with this annexation are fully outlined in the agreement. Associated on-site and adjacent roadway improvements will be required for Marksheffel Road and proposed commercial access from Constitution Avenue. The owner is additionally required to participate financially in needed traffic control devices on surrounding roadways. The standard Police and Fire service fees will be collected.

i. Fiscal Impact Report

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA was completed on October 30, 2017. The FIA states most departments indicated there were no identifiable costs of providing services to this development, as the area is currently being serviced by public safety agencies, and the surrounding infrastructure and roadways are already being maintained by the City as they fall within the overall service boundary of surrounding parcels. Some agencies as reported in the FIA identified marginal increases in operation costs annually. The result of the FIA is a positive cumulative cash flow for the City during the 10-year timeframe. The Summary of Expenditures and Revenues is attached, along with the Expenditure and Revenue Notes to provide the methodology for calculating the expenditures and revenues. **(FIGURE 9)**

b. Establishment of Zone District to M-1/AO/SS

This zoning request is to zone 17.58 acres to M-1/AO/SS (Light Industrial with Airport Overlay and Streamside Overlay) **(FIGURE 10)**. This will allow future development of any allowed or conditional uses in the zone district. The properties directly north and east of the subject property are zoned industrial in Unincorporated El Paso County. This is an appropriate extension of industrial land use. The establishment of this zone district fosters opportunity for industrial development within the City. With the proposed 17 acres of industrial property the City could support a possible regional manufacturing establishment that would support economic growth and job opportunities in the City.

c. Establishment of Zone District to PBC/AO/SS

This zoning request is to zone 10.79 acres to PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay) **(FIGURE 11)**. This will allow for future development of any allowed or conditional uses in the district including a mix of commercial. Property directly south of the subject property is currently within Unincorporated El Paso County but hosts a new commercial node. The proposed zone will allow a mix of commercial land use and bring additional neighborhood services to the area. This commercial node is located south of the proposed residential development with The Sands. It is appropriate to establish a commercial node to serve residential development proposed to be established in the area, as well as surrounding residential growth. The opportunity for this commercial node would support further City economic growth.

d. Establishment of Zone District to R1-6000/DFOZ/AO/SS

This zoning request is to zone 85.94 acres to R1-6000/DFOZ/AO/SS (Single-family Residential with Design Flexibility Overlay, Airport Overlay and Streamside Overlay) **(FIGURE 12)** for the establishment of future residential development. The proposed zone district with Design Flexibility Overlay will set specific dimensional controls to govern future residential development. The proposed zone is an appropriate establishment of similar residential use in surrounding neighborhoods. The establishment of the residential neighborhood would create a cohesive neighborhood pattern centered around the commercial node with additional employment opportunities on surrounding commercial and industrial properties.

e. Master Plan

A land use master plan is required to accompany any request for annexation over 30 acres. This proposal establishes the envisioned land use designations for the entire 140.61 acres **(FIGURE 13)**. The plan identifies those areas for industrial, commercial and residential development along with major access and circulation. Since this property is not currently within the city limits there is not a land use classification identified on the 2020 Land Use Map of the Comprehensive Plan. Surrounding areas are identified on the 2020 Land Use Map as Employment Center and Community Activity Center. These classifications are appropriate for the intended establishment of industrial and commercial use as part of this development. Residential land use density is identified as 3.5-7.99 dwelling units per acre. Required park land is also identified and depicted on the master plan.

Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern, as well as the Comprehensive Plan 2020 Land Use Map, supporting the establishment of the intended land use associated with this annexation.

f. Concept Plan

The concept plan illustrates further the intention of future development pattern, access, and dimensional controls for the associated land uses. **(FIGURE 14)** In addition, a Land Suitability Analysis (LSA) was completed and included with the concept plan to identify suitability of the proposed development and potential constraints. **(FIGURE 15)** Information reflecting slopes, vegetation and geological conditions were evaluated. The concept plan further outlines these conditions and information for the development of the proposed uses.

Streamside overlay criteria will be applied to the portions of the channel being annexed into the City. The channel will be designated a Type 1 stream and will contain a total buffer width of 70 feet from the toe of channel. Final design of the streamside overlay per the guidelines will be provided with future development plans. In addition, a Geological Hazard Study was conducted and recommendations are reflected on the concept plan. Further details of the Geological Study are below. Staff believes this development will

afford a balanced transition from the dispersed development patterns of surrounding properties in the County and allow for proper buffering as needed.

City Code Section 7.5.501 outlines the requirements and review criteria for a concept plan. The concept plan document is not required to show specific landscaping, screening and buffering, lighting or other site design aspects. That type of detail is specific to a development plan. Any future request for building permits will require the submission of a development plan, which will be reviewed administratively per City Code Section 7.5.502.

g. Traffic Analysis and Access

At the request of the City Traffic Division a Traffic Impact Study was completed. According to the findings of the report, the development is expected to increase traffic along the surrounding roadways. The projected operation of these roadways at full build-out will, however, be at a satisfactory level of service assuming traffic control measures and roadway designs are developed as analyzed. After review, the Traffic Division supported the findings from the traffic study.

The owner is responsible for design and construction of improvements for access along Marksheffel Road. The full movement access improvements in association with the residential development will be required during development of the residential parcel. The three-quarter access and right in/ right out will be required during development of the commercial parcel. The owner will also be required to contribute to anticipated traffic signals. Proposed access off of Capital Drive is supported by the City Traffic Division but further review of access will include El Paso County Planning for approval of access as Capital Drive will remain within the County.

h. Water Resource/ Floodplain

Channel improvements have been identified through the Sand Creek Drainage Basin Planning Study. The construction of the required channel improvements will coincide with the first phase of development. A Master Development Drainage Plan has been reviewed and approved by City Engineering.

Sand Creek runs north-south through this subject property. Larger portions of the property are located within a designated FEMA Floodplain. A section of the channel is located outside this annexation on county property and has already been improved per an existing Letter of Map Revision (LOMR); however, portions of the subject site are in review of a Conditional Letter of Map Revision (CLOMR) with FFEMA in order to revise the floodplain limits for channel improvements. This will increase the developable area on the site. Until this CLOMR is approved, the Floodplain Administrator and Planning staff have worked together and established notes on the concept plan that site work may proceed under the current LOMR; however, lots located within the current floodplain limits may not be platted until a CLOMR is completed and any update made to the floodplain. Future development plans will further define the detailed lot layout and floodplain limits and restrictions.

The establishment of the streamside overlay will in addition guide development occurring along the channel. Notes are identified on the concept plan for future platted lots where streamside buffers are present and shall be required to follow the streamside criteria.

i. Southeastern Colorado Water Conservancy District (SECWCD)

This property has completed its required inclusion into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. The Letter of Assent is attached as **FIGURE 17**. The associated Threatened and Endangered Species Survey supports compliance with the Endangered Species Act and FEMA regulation in associated with the Bureau of Reclamation and the approval of this property as part of the SECWCD.

ii. Endangered Species Act/ Species Survey

In August 2017 the owner commissioned work to be done for Jurisdictional Determination of the water located on the subject property. A Threatened and Endangered Species Survey in compliance with the Endangered Species Act (ESA) was completed. This also supported the FEMA Conditional Letter of Map Revision for the associated floodplain. The survey was conducted to examine the presence/absence and potential habitat of any federal or state threatened and endangered species to determine if The Sands proposed development would have any potential adverse impacts. This review is required as part of the CLOMR process, and can affect acceptance by the Bureau of Reclamation for water. No significant or critical habitats of threatened or endangered species were indicated to occur on the property. A full letter discussing the survey and analysis is included as **FIGURE 16**.

i. Parks

The master plan establishes parkland obligation of 10.73 acres. Per the land dedication ordinance, a 5.6 acre park site shall be dedicated via plat to the City of Colorado Springs with the residual land obligation met through fees in lieu of land. There shall also be a trail constructed along the creek channel as part of the park dedication credit. Public park design and construction is the responsibility of the City Parks Recreation and Cultural Services Department. Development of the creek trail will be the responsibility of the developer. The City Parks Recreation and Cultural Services Board reviewed this proposal and approval was granted at their January 11, 2018 meeting. The developer is responsible for a zone change for all public parkland to be developed in accordance with City Code prior to the approval of final plats that account for more than 50% of the parkland boundary.

j. Colorado Geological Survey

This property was subject to a required Geological Hazard Study per City Code 7.5.403 which requires a study be conducted when property is annexed into the City. The study was completed in October 2017 and reviewed by City Engineering and the Colorado Geological Survey (CGS) Senior Engineering Geologist. The Study has been approved and per CGS required notes added to the master plan and concept plan. No significant geological hazards are anticipated to preclude the proposed development. However, some potential hazards or conditions were identified and site specific subsurface investigations will be required prior to the construction on any lots. Per the comment letter provided by CGS (**FIGURE 18**) the geological conditions present are considered relatively common to the immediate area and mitigation can generally be accomplished by implementing common engineering and construction practices.

k. Metropolitan District

The Sands Metropolitan District was previously established for this property. The property will remain as part of this District when annexed into the City. This metropolitan district was established to finance public facilities and improvements including tracts for landscaping, drainage, public utility and off-site utility infrastructure. This property is currently part of the existing Cherokee Metropolitan District, but has been approved for exclusion from the District by the Board of County Commissioners at their December 28, 2017 hearing.

2. Conformance with the City Comprehensive Plan

Comprehensive Plan 2020 Land Use Map: Since the property is not located within the City, it is not indicated with a land use on the 2020 Land Use Map. Surrounding designations include Employment Center and Community Activity Center. These classifications are a logical extension of land use for the proposed industrial and commercial use. The residential portion would be

classified as General Residential. These classifications will be updated with the annual Comprehensive Land Use Map updated.

The Comprehensive Plan and the Annexation Plat both highlight the importance of annexing enclave areas. The Comprehensive Plan strategies advocate a cooperative approach with the property owners and governmental entities to systematically eliminate enclaves.

Policy CIS 202: Annexation will be a Benefit to the City of Colorado Springs Evaluate proposed annexations to determine if the request is a benefit to the City.

Policy LU 201: Promote a Focused, Consolidated Land Use Pattern

Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

Strategy LU 203a: Locate the Places that People Use for Their Daily Needs and Activities Close to Each Other

Group and link the places used for living, working, shopping, schooling, and recreating and make them accessible by transit, bicycle, and foot, as well as by car.

Policy LUM 213: Potential Annexation Areas

Utilize the Potential Annexation Area designation for areas that are likely to be incorporated by the City.

Objective LU 3: Develop A Mix of Interdependent, Compatible, and Mutually Supportive Land Uses.

Over the past several decades, the location and design of development have created a pattern of isolated, disconnected, single-purpose land uses. An alternative to this type of land use pattern is one that integrates multiple uses, shortens and reduces automobile trips, promotes pedestrian and bicycling accessibility, decreases infrastructure and housing costs, and in general, can be provided with urban services in a more cost-effective manner.

Policy LU 301: Promote a Mixed Land Use Pattern

Promote development that is characterized by a mix of mutually supportive and integrated residential and non-residential land uses and a network of interconnected streets with good pedestrian and bicycle access and connections to transit.

Objective CCA 6: Fit New Development into the Character of the Surrounding Area

Often the overall character of a new development is not realized until the project is completed. This can lead to unintended impacts and incompatible development. Applicants for new developments clearly identify how their projects will fit into the character of the surrounding area and the community as a whole with respect to height, scale, bulk, overall site design, and vehicular access, and relation to the public right-of-way.

It is the finding of the Planning and Community Development Department that The Sands annexations; associated zoning, master plan and concept plan substantially conform to the City Comprehensive Plan and the Plan's goals and objectives. The City Annexation Guide strongly recommends annexation of areas identified within an enclave for proposed urban development.

3. Conformance with the Area's Master Plan: This project proposes annexation into the City of Colorado Springs and establishes The Sands Master Plan.

STAFF RECOMMENDATION

CPC A 17-00004 – ANNEXATION

Recommend approval to City Council the annexation of The Sands Addition Number1 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.

CPC A 17-00005 – ANNEXATION

Recommend approval to City Council the annexation of The Sands Addition Number 2 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.

CPC A 17-00006 – ANNEXATION

Recommend approval to City Council the annexation of The Sands Addition Number 3 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.

CPC A 17-00007 – ANNEXATION

Recommend approval to City Council the annexation of The Sands Addition Number 4 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.

CPC MP 17-00080 – MASTER PLAN

Recommend approval to the City Council The Sands Master Plan, based upon the findings that the proposal meets the review criteria for master plans as set forth in City Code Section 7.5.408.

CPC ZC 17-00081 – CHANGE OF ZONING TO M-1/AO/SS

Recommend approval to City Council the establishment of the M-1/AO/SS (Light Industrial with Airport Overlay and Streamside Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

CPC ZC 17-00082 – CHANGE OF ZONING TO R1-6000/DFOZ/AO/SS

Recommend approval to City Council the establishment of the R1-6000/DFOZ/AO/SS (Single-Family Residential with Design Flexibility Overlay, Airport Overlay and Streamside Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

CPC ZC 17-00083 – CHANGE OF ZONING TO PBC/AO/SS

Recommend approval to City Council the establishment of the PBC/AO/SS (Planned Business Center with Airport Overlay and Streamside Overlay) zone district, based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

CPC CP 17-00084 – CONCEPT PLAN

Recommend approval to City Council The Sands Concept Plan, based upon the findings that the proposal meets the review criteria for concept plans as set forth in City Code Section 7.5.501(E).