



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Final Planning Commission

Thursday, January 18, 2018

8:30 AM

Council Chambers

**6.B. CPC CA
17-00144**

An ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

(Legislative)

Presenter:

Peter Wysocki, Director of Planning and Development

Staff presentation:

Mr. Wysocki gave a PowerPoint presentation discussing the scope and intent of the ordinance and changes contained within the ordinance.

City Attorney Marc Smith referenced areas within the ordinance that could need changed but that it wasn't substantive.

Questions:

Commissioner Markewich asked regarding the zoning, the owners can keep the current zoning or request a rezone, but it must rezone to a PUD. Why is that? Mr. Wysocki stated we want to have the ability to see a larger area of master planning. The city may wave that or may not require PUD zoning if beneficial in the future. The City Staff has the discretion to allow other zoning districts, or rezone it not through the PUD process.

Commissioner Markewich asked about the drainage and the closed basins and if the property has historic flows running across the property, will you require that property owner to restrain the historic flows in addition to any other flows that their development is creating? Mr. Wysocki stated currently the development must address post development stormwater, and allow for historic flows to go through. Commissioner Markewich stated when the statement of "closed basins" it only refers to present time, correct. Mr. Wysocki stated that was correct. Commissioner Markewich thought should be clarified.

Commissioner Markewich stated he's concerned the changes would make it would make Banning Lewis Ranch more favorable than the rest of the City but reviewing it seems it equalizes Banning Lewis Ranch to the rest of the City.

Mr. Wysocki stated that was accurate. It's not relaxing standards in Banning Lewis Ranch compared to other annexations and other developments. Commissioner Markewich stated it seems it is taking some of the restrictions on Banning Lewis Ranch and moving them in line with the city. Mr. Wysocki stated in some instances, yes. He would say equalizing and achieving the same infrastructure improvements, just in a different method. It is really just modernizing, but by no means is it relaxing or reducing city code.

Commissioner Graham asked about fire protection and police service; the new ordinance determines \$677.00/acre which seems to relieve the developer of a great deal of expense. How was that number determined? What was it based on? Mr. Wysocki stated Police and Fire Administration adjust the fees and they base it on the projected cost of construction of a facility. The City then has to look at how many stations are needed because not only do we have to build them, but then we have to staff them. Commissioner Graham stated he wasn't sure where the number four came from but we are already short staffed when it comes to police and fire protection so I am trying to see if that \$677.00 is an adequate number. Mr. Wysocki stated there is a methodology behind it on how they determine that fee.

Commissioner Henninger stated this is the first time Banning Lewis Ranch is being talked about as a whole in the last five and a half years. We've been focusing and discussing infill. If this eases development in Banning Lewis Ranch and we also have the new Comprehensive Plan along with the neighborhood development plans will this override a lot of that effort because now we are emphasizing Banning Lewis Ranch and giving permission for the City to move east. What is the summary of all this?

Mr. Wysocki stated that was a very valid question. Infill will not accommodate growth; we will grow in or out of the city limits. Nothing in the annexation agreement precludes any developer or the city in the future, to implement a denser development in Banning Lewis Ranch. Future development will be guided by future comprehensive plans, future markets, and future city land use policies. The question is what happens if Banning Lewis Ranch isn't available for development there will still be a need and demand and consumer desire to have a single-family newer

home somewhere. We can only absorb so much growth. People want new development. There will be growth and it will make it more favorable in Banning Lewis Ranch. We will continue to promote infill development and redevelopment. Infill and redevelopment is hard but there will be a need for newer development.

Commissioner Smith asked about utilities and the first portion will be about 6,000 acres. Will that be for development? Mr. Wysocki stated there is 6,000 acres of vacant land within city limits right now, excluding Banning Lewis Ranch. Reports anticipate approximately 6,000 acres of Banning Lewis Ranch development will happen over the next three decades.

Commissioner Smith confirmed 6,000 acres, over the several decades, in Banning Lewis Ranch, correct? Mr. Wysocki stated yes. Will the entire 20,000 acres in Banning Lewis Ranch be developed? He was not sure. Commissioner Smith asked where it would start. Mr. Wysocki stated the north will continue to grow. It will grow closer to available infrastructure.

Commissioner Smith asked how infrastructure will be developed with new developments and projects coming in the north and even the south end, how will utilities bring water to both places and how does it get paid for?

Bethany Burgess with the City Attorney's Office, Utilities Division, stated with the development of the SDS Project, there is water infrastructure closer to the ranch than we would have, say 30 years ago. For the north part of the ranch, we have some infrastructure already in place that is serving the Oakwood Development in the very north. We expect that those pipes will be able to serve additional growth in the north part of the ranch in the future. In respect to the south side of the ranch, in the short term we will probably be using resources from the Colorado Center Metropolitan District. Over time, as will all other annexations, the property owners will have to extend water mains and wastewater collection improvements needed to serve those parts of the ranch.

The only big change from the old agreement to the new agreement is that under the old agreement, in addition to all of the collection improvement to the wastewater side, and the distribution improvements to the water side, they were also responsible for constructing a new wastewater treatment plant. If you look at the ranch today, some things have changed over the last 30 years.

The north part of the ranch can be served through existing capacity that we have at the Las Vegas Wastewater Treatment Plant. To serve the south part of the ranch, we would've had to construct a series of lift

stations to pump wastewater flows from the south part of the ranch, all the way to the Las Vegas plant. As a utility you don't want to have to do that as you would rather have a system that operates using gravity. CSU has been working with members of the lower Fountain Metropolitan Sewage Disposal District to potential buy capacity in their plant. We have an agreement in place today that allows us to purchase capacity which would serve potentially the next 10-20 years' worth of growth in the south but that is paid by developers. They will renegotiate that agreement.

Commissioner Smith asked about the electrical service? Ms. Burgess stated it was almost the same as the water. We already have infrastructure in the north. Under our electric tariffs, depending on the type of facility developers would have to pay some contribution to the cost of the electric infrastructure. Depending on the revenues from a particular development some of the cost will get offset by utilities. It would be the same way it's handle everywhere else in the City and the same would be true of gas.

Commissioner Smith stated outside of utilities, what about roadways and how connections happen?

Mr. Wysocki stated they will be evaluated based on grid systems, and the basic alignment of roadways. With the provision in the new agreement of having larger development coming in with larger tracts of land for rezoning and master plan purposes, we feel confident we will be able to address that as development moves forward over the decades. We generally know where Banning Lewis Ranch Parkway will go and we know that Marksheffel, which is not part of the annexation agreement, needs to be widened. It is a separate project that Kathleen Krager, Division Manager for Traffic Engineering, is working on with El Paso County and PPRTA.

Ms. Krager stated what they are doing with this is the same as all developments, being that they are responsible for infrastructure within the development. Outside of the development, like Marksheffel is a need that we have today, regardless of whether Banning Lewis Ranch develops or not. It is outside of the Banning Lewis Ranch and funding will need to be found for that road. The only problem that we have funding that road is the fact that we looked for the funding for that road. The county put it on the PPRTA-1 list in 2005 and received money for it and only received money for parts of the road, and not the entire road. However because it was on the PPRTA-1 list development wasn't asked to participate and they were not looking for other type of funding and then it was not improved. Now, the City has taken over the funding efforts for that road and they are looking for funding anew to get the road complete. It will be improved from its 2-lane road to 4-lanes with turn lanes in minor sections.

Supporters: None

Opponents: None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Motion by Commissioner Markewich and seconded by Commissioner Henninger to recommend to City Council adoption of an ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

Motion by Markewich, seconded by Henninger, to recommend to City Council adoption of an ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations.

The motion passed by a vote of 9:0:0

Aye: 9 - Henninger, Satchell-Smith, Graham, Smith, Chairperson McDonald, Markewich, Raughton, Walkowski and Fletcher