



To: Chris Sullivan
From: Gayle Sturdivant, City Engineer
CC:
Date: January 30, 2024
Re: Dublin Park Project Statement and Land Use Statement, and Rezone

Project Statement

Dublin Park Addition Number 1 annexation has been submitted for a parcel along the Cottonwood Creek located between East Woodmen Road and Dublin Boulevard, and between North Academy Boulevard and North Union Boulevard, approximately 125 feet west of the west end of Integrity Court. The City received the parcel on May 22, 1990, by resolution number 96-90, see attached, for the Cottonwood Knolls development as parkland dedication that would also be for channel improvements and consists of 2.058 acres.

The City of Colorado Springs Stormwater Enterprise (SWENT) will be repairing Cottonwood Creek from Academy Blvd to Union Blvd. This section of Cottonwood Creek has received intermittent repairs throughout the years but has never had a holistic repair for this entire section of creek. Cottonwood Creek through this area has experienced extreme erosion causing the creek to cut vertically down to bedrock creating canyon like areas along the creek. This has resulted in the creek to erode the vertical banks and start to migrate laterally threatening adjacent property and critical infrastructure. SWENT will repair the creek by adding vertical drop structures in the bottom of the creek to safely stair step the creek to prevent future vertical lowering of the creek bed. In addition, the project will re-grade vertical banks creating a safer creek corridor and replant vegetation throughout the area. After completion, Cottonwood Creek will be a healthy and safer section of creek that will be well protected against future risks to adjacent property, infrastructure, and improve downstream water quality.

Since this parcel has not been annexed this creates difficulties for SWENT to repair the creek within this parcel because their funding is to be spent within the city limits. This is the main reason for the annexation which also triggers zoning to a City zone. The parcel will be rezoned to PK/AF-O/SS-O (Public Parks with United States Air Force Academy and Streamside Overlays) since it is part of the Cottonwood Creek drainage area. The area is currently a creek, open space along with public trail. After SWENT provides the necessary improvements the area will remain a creek, open space with the public trail.

Land Use Statement

Applications submitted with no Development Plan for Conditional Use requests shall submit a Land Use Statement that indicate the following criteria. Justification for the Land Use Statement has been added beneath each criteria.

Criteria 1. Proposed land uses, housing densities (as applicable), and development intensity;

Proposed land use shall be similar to the current land use which is a public park that contains a portion of the Cottonwood Creek drainage area along with open space and a public trail. No building structures are proposed.

Criteria 2. Compatibility with adjacent development patterns;

The area is currently a creek (Cottonwood Creek), open space along with a public trail and will remain the same after the rezone and necessary drainage improvements therefore, there will be no change of compatibility with the adjacent development patterns.

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

It is anticipated that there will be no negative impact to adjacent developments after SWENT provides the necessary drainage improvements along the creek.

REZONE JUSTIFICATION

Applications for an amendment to the zoning map shall be subject the following criteria for approval. Justification for the proposed zoning has been added beneath each criteria.

Criteria 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).

The proposed base rezoning within the Cottonwood Creek area, will be PK (Public Parks) that will also have AF-O and SS-O (United States Air Force Academy and Streamside Overlays). This will allow SWENT to repair the creek providing a safer creek corridor, revegetate the area and maintain a public trail. This will also be consistent with the current uses of the parcels to the west and east along the Cottonwood Creek.

Criteria 2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.

The proposed rezoning is not anticipated to be detrimental to the public interest, health, safety, convenience, or general welfare. The rezoning will allow SWENT to provide necessary drainage improvements along the Cottonwood Creek to help provide a healthy and safer creek section that will protect against future risks to adjacent properties, infrastructure, and improve downstream water quality.

Criteria 3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).

As stated in Section 7.2.503 PK: Public Parks of the Colorado Springs Unified Development Code, "The PK zone district is intended for land set aside for use as, for example, public recreation and Open Space. Parks may also be reserved for natural or environmental reasons, such as preservation of wildlife, vegetation, or significant natural, cultural, or historic resources."

Also stated in Section 7.2.603 SS-O: Streamside Overlay of the Colorado Springs Unified Development Code. "Certain areas of the City are characterized by intermittent and perennial streams that provide significant wildlife habitat, riparian vegetation, water quality protection, flood protection, open space, and multiuse trail opportunities that add to the character, attractiveness, and quality of life of the community. The purpose of the SS-O district is to guide the development and maintenance of the property adjacent to these stream corridors in a manner that is compatible with the environmental conditions, constraints, and character of these areas."

The SS-O district encompasses all land within the stream channel, stream adjacent wetlands, and within the inner and outer buffers, as represented by the SS-O district boundaries as shown on the official zoning map, and all land within one hundred and fifty (150) feet of the outer buffer.

City of Colorado Springs Stormwater Enterprise has identified the land associated with the rezone to be appropriate for the public parks zoning and that it will adequately support the proposed use of providing necessary drainage improvements and maintaining a public trail system.

Criteria 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.

The parcel is located along the Cottonwood Creek area and currently contains the creek, open space and a public trail. SWENT will be repairing the creek from Academy Blvd to Union Blvd by providing vertical drop structures in the bottom of the creek that safely stair steps the creek to prevent further erosion. They will also re-grade the vertical banks that will create a safer creek corridor and then revegetation to provide for a healthy and safer creek section that will protect adjacent property, infrastructure and improve the downstream water quality.

The parcel use will not change with the approval of the rezone and will still contain the creek, open space and a public trail which is compatibility with the surrounding area.

Criteria 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.



The area being considered for rezone is a small area, 2.058 acres, and is along the Cottonwood Creek which has open space and a public trail. There are no tenants or occupants of this property.

Criteria 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 in Subsection 7.5.514C.3 (Land Use Plan Criteria).

There is no Land Use Plan or amendment with this application.

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.

The applicant is not aware of any existing/approved concept plans that includes this parcel.

Criteria 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.

*This application is **not** for an ADS-O District.*

Criteria 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.

*This application does **not** include rezoning to a PDZ District.*

Criteria 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)).

The parcel does comply with the requirements of the UDC.

PlanCOS Policies and Strategies

The proposed rezoning is consistent with the goals, policies and strategies of PlanCOS. Annexation of this area will allow the city to apply best practices that result in health stream corridors that integrate stormwater, infrastructure and recreation opportunities. The proposed base rezoning within the Cottonwood Creek area, will be PK (Public Parks) that will also have AF-O and SS-O (United States Air Force Academy and Streamside Overlays). This will allow SWENT to repair the creek providing a safer creek corridor, revegetate the area and maintain a public trail. This will also be consistent with the



current uses of the parcels to the west and east along the Cottonwood Creek. PlanCOS policies and strategies that support the zone change include:

- Strategy VN-3.F-2: Retrofit existing features to create multipurpose amenities, including drainage ways and infrastructure corridors with trail systems.
- Strategy ML-1.C-4: Design, construct, and increase maintenance of trails to facilitate sustainable, appropriate, safe, and secure recreational and commuter usage.
- Strategy SC-3.B-1: Design and construct stormwater improvements to incorporate recreational opportunities and protect infrastructure.
- Policy SC-3.C: Continue to invest in upgrading and maintaining facilities and infrastructure to manage stormwater.
- Policy ML-3.B: Preserve and maintain the creek and waterway system as an essential component of stormwater infrastructure.