



## Legislation Details (With Text)

**File #:** CPC ZC 14-00132-2    **Version:** 4    **Name:**

**Type:** Planning Case    **Status:** Mayor's Office

**File created:** 4/12/2016    **In control:** City Council

**On agenda:** 8/23/2016    **Final action:** 8/23/2016

**Title:** Ordinance No. 16-89 amending the Zoning Map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

**Presenter:**  
 Mike Schultz, AICP, Principal Planner  
 Peter Wysocki, Planning and Development Director, Planning and Community Development Department

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Filing 2 Zone Change Ordinance, 2. Exhibit A-2 - Notarized Legal, 3. Exhibit B-2 Airport Annexation Filing 2 Plat, 4. Signed Ordinance 16-89.pdf

Date	Ver.	Action By	Action	Result
8/23/2016	3	City Council	finally passed	Pass
8/9/2016	1	City Council	approved on first reading	Pass
4/21/2016	1	Planning Commission	referred	Pass

Ordinance No. 16-89 amending the Zoning Map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district.

(Legislative)

Related Files: CPC A 14-00131-1, CPC A 14-00131-2, CPC A 14-00131-3, CPC ZC 14-00132-1, CPC ZC 14-00132-2, CPC ZC 14-00132-3

**Presenter:**  
 Mike Schultz, AICP, Principal Planner  
 Peter Wysocki, Planning and Development Director, Planning and Community Development Department

**Summary:**

Owner: City of Colorado Springs

Location: Three separate annexation locations

1. Annexation Filing 1 is located southwest of Space Village Drive and Marksheffel Road and consists of 31.158 acres.
2. Annexation Filing 2 is located between Highway 94 and Air Lane and consists of 18.89 acres.
3. Annexation Filing 3 is located southeast of Highway 24 and the Powers Boulevard intersection and consists of 47.484 acres.

This is a request for adoption of three separate annexation ordinances and three separate establishments of zone districts to the APD/AO/APZ (Airport Planned District with Airport Overlay and Accident Potential Subzone) zone for all three of the above mentioned properties. The APZ (Accident Potential Subzones), which extend from each end of the three (3) airport runways, will be applied to each of the respective properties..

**Previous Council Action:**

On August 9, 2016, this item was passed on first reading with a vote of 8:1 with Councilmember Knight opposing.

**Background:**

This is a request by the City of Colorado Springs on behalf of its enterprise, the Colorado Springs Airport, to annex three properties into the municipal limits, which are located immediately north of the Airport and collectively consist of 97.532 acres. The sites were acquired by the City as part of the Noise Compatibility and Land Acquisition project funded through the Federal Aviation Administration (FAA) Part 150 Airport Noise Compatibility program.

The three sites meet contiguity requirements to the City limits making the properties eligible for annexation; however the properties are part of the Cimarron Hills enclave which the City Annexation Plan recommends the area remain as an enclave. The Annexation Plan cites that the Cimarron Hills area functions as a city having separate water and electric services as well as fire protection. See the attached map titled Enclave Map (Figure 1) for specific location.

However the three subject properties are not located within either the Mountain View Electric or Cherokee Metropolitan (Water) District service areas. The properties are located within the Colorado Springs Utilities service area. The properties also are not part of the Falcon or Cimarron Hills Fire Districts. Peterson Air Force Base provides primary fire service and Colorado Springs Fire provides additional services if necessary.

The Airport is seeking to annex the sites into the municipal jurisdiction in order to allow City review and standards in lieu of a dual process with both the City and El Paso County. If future development is considered on one or more portions of the site, the review will be entirely within the jurisdiction of the City.

City Code section 7.5.403 requires a land use master plan be submitted for review whenever an annexation is being considered unless certain exceptions apply. Although none of the exceptions stated in 7.5.403 apply to this particular annexation, the intent of 7.5.403 is to provide Council with an idea of the proposed land uses associated with parcels seeking to be annexed into the City. The property is already part of the airport master plan which includes the proposed future zoning and possible future land use for this property. In addition, this property is City owned, the purpose of this

annexation is to provide protection at the end of the Airport's runways, and neither the Airport nor any other department or enterprise of the City intends to develop the property. Based on the above, it appears that the requirements of 7.5.403 should not apply to this annexation. Staff recommends that Council make a finding that 7.5.403 does not apply to this annexation.

The Airport recently received interest from a private sector user regarding use of a portion of the Filing 3 annexation area (which could be accessed off of Stewart Avenue or the road leading to the Main Gate of Peterson Air Force Base); the Airport has no intended use for the land within Filings 1 and 2 at this time. If any portions of the properties are to be developed, a development plan would be required for review and approval before any such development would be permitted.

Because the property is owned by the City, no Fiscal Impact Analysis (FIA) was conducted nor an annexation agreement completed. The Municipal Annexation Act of 1965 provides a more-streamlined process for annexing city-owned property. Under the procedure for municipally-owned property, Council may annex the property without a hearing, making specific findings of fact, or posting notice.

The zoning request is to establish the zone for the entire 97.532-acres of property as APD/AO/APZ (Airport Planned Development with Airport Overlay and Accident Potential Subzone Overlay). The APD zone is the primary zone district utilized for Airport property with the exception of several areas leased by Peterson Air Force Base (PAFB) or property later acquired by the Airport for operational and/or safety considerations.

Note that the Accident Potential Subzones (APZs) are based on the Department of Defense Air Installation Compatible Use Zones (AICUZ) criteria that are defined as runway airspace imaginary surfaces that have a high potential for accidents and are represented as subzones of the Airport Overlay Zone. Each of the subzones, RPZ, APZ-1 and APZ-2, have set length and width parameters based on the runway location. Both APZ-1 and APZ-2 subzones will be applied to Filing 1, APZ-2 subzone will be applied to Filing 2 and APZ-1 subzone will be applied to Filing 3.

This item supports the City's strategic plan of investing in infrastructure by annexing City owned land into the City's jurisdiction. By annexing the property into the City the City retains vital oversight of zoning and future potential land use control over the land.

#### **Financial Implications:**

A Fiscal Impact Analysis was not completed for the subject properties because the properties are currently owned by the City and maintained by the Colorado Springs Airport and development of the properties is not anticipated at this time.

#### **Board/Commission Recommendation:**

The City Planning Commission unanimously (7-0) approved all six actions, three annexations and three zone change, at their hearing on April 14, 2016. See the hearing minutes for the detailed record.

#### **Stakeholder Process:**

The public process included posting of the site and sending postcard notices to 35 property owners within 500 feet. Notice was again sent for the City Planning Commission meeting in April.

Staff received an initial objection from Ben Pinello Jr., who owns property north of Filing 2. He

objected to the APZ overlay zoning and out of concern for how it would impact his property, use of the property, future access and utility service. Staff met with Mr. Pinello to discuss these issues; staff clarified that El Paso County has a similar APZ overlay zone that is applied to adjacent county properties. Staff also clarified that the Airport has no immediate plans to develop or utilize the property adjacent to his property. A copy of the owner's letter was included with the City Planning Commission staff report. Staff did not receive any other objections to this request.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Finance, Police and E-911, and the Colorado Springs Airport.

**Alternatives:**

1. Follow the recommendation of the City Planning Commission and approve the annexation and zoning;
2. Deny the annexation; or
3. Approve the annexation and modify or deny the zoning.

**Proposed Motion:**

Approve the ordinance amending the zoning map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district, based upon the findings that the zoning request complies with the three (3) criteria for establishment of a zone district as set forth in City Code Section 7.5.603.

An Ordinance amending the Zoning Map of the City of Colorado Springs relating to 18.89 acres located between State Highway 94 and Air Lane establishing the APD/AO/APZ-2 (Airport Planned District with Airport Overlay and Accident Potential Subzone 2 Overlay) zone district.