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Title: A Resolution Setting Forth Findings of Fact and Conclusions of Law Based Thereon and Determining the Status of the Territory Known as Dusty Hills Annexation Hereinafter More Specifically Described in Exhibit "A"
(Legislative Matter)

Sponsors:

Indexes:

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Attachments: 1. Dusty Hills Annexation Resolution, 2. Dusty Hills-Exhibit A, 3. Signed Resolution No. 5-15

Date	Ver.	Action By	Action	Result
1/13/2015	1	City Council	adopted	Pass

A Resolution Setting Forth Findings of Fact and Conclusions of Law Based Thereon and Determining the Status of the Territory Known as Dusty Hills Annexation Hereinafter More Specifically Described in Exhibit "A"
(Legislative Matter)

From:

Peter Wysocki, Planning and Development Director, Planning and Development Department

Summary:

CPC A 13-00112 - LEGISLATIVE
 CPC PUZ 14-00063 - LEGISLATIVE
 CPC PUP 14-00064 - QUASI-JUDICIAL

This project includes the following applications: 1.) the Dusty Hills Annexation; 2.) Establishment of the PUD/HS (Planned Unit Development: Detached Single-Family Residential, 0.83 Dwelling Units per Acre, 35 Foot Maximum Building Height, with Hillside Overlay) zone district; and 3.) Dusty Hills Concept Plan.

If approved, the applications would allow the 27.74-acre property to be included within the City and developed as 23 single-family residential lots ranging in size from 18,260 square feet to 5.23 acres, public streets, and open space tracts.

The property is located north of Woodmen Road, east and south of Woodmen Court and directly west of the railway line and consists of 27.74 acres.

Previous Council Action:

The City Council accepted the petition and referred the annexation to staff on January 14, 2014. The City Council approved a resolution setting the public hearing date for January 13, 2015, at their regular meeting of December 9, 2014.

Background:

The request is to annex the property into the municipal limits of the City of Colorado Springs and develop 22 new home sites. The overall density of the project is 0.83 dwelling units per acre. The concept plan illustrates an extension of the western leg of Woodmen Court through the development to connect to the northern section of Woodmen Court. All roads are public. Open space tracts will be maintained by a future HOA.

The concept plan includes 23 single-family lots ranging in size from 18,260 square feet to 5.23 acres. The 5.23 acre lot includes the existing home on the property that will remain. The plan contains 6.53 acres of preservation and open space to be owned and maintained by a future HOA. Woodmen Court will connect through the project.

Financial Implications:

The City Finance Department prepared a fiscal impact analysis report for this annexation; they found a positive cumulative cash flow for the City.

Board/Commission Recommendation:

The City Planning Commission unanimously approved the applications at their November 20, 2014, regular meeting.

Stakeholder Process:

The public process included posting the site and sending postcards to property owners within 500 feet and posting notice of two neighborhood meetings and the public hearing.

The applicant held two public meetings. The first was a pre-application neighborhood meeting on February 20, 2014. Staff notified 32 neighbors of the meeting and approximately 35 attended. Concerns from the neighbors included lot sizes, increased traffic, and building design.

When the applications were formally submitted to City Land Use Review on June 24th, staff realized that notices for the original neighborhood meeting had not been sent to all of the neighbors reflected on the 500-foot buffer map. Because of this, staff requested that the applicant hold a second neighborhood meeting. That meeting was held on July 17th and was attended by approximately 20 neighboring residents. Concerns at this meeting echoed those heard previously including density, traffic, and the design of future homes and covenants. The applicant also met with the Woodmen Oaks Homeowners Association (HOA) as a third opportunity to introduce the project to the neighborhood.

The originally submitted design connected Woodmen Court through the property. Numerous emails were received from concerned neighbors based on the neighborhood impact of connecting these long time dead-end streets. Because of the initial neighbor concerns, the applicant redesigned the project to cul-de-sac Woodmen Court at the north end of the project.

Initially, all review agencies, including City Fire, supported the cul-de-sac design. However, in the first days of November, prior to City Planning Commission on November 20th, the City Fire Department conducted additional research on the area and made the final recommendation that Woodmen Court

be required to connect through this project for public safety and emergency ingress/egress enhancements.

With the updated recommendation from Fire, there are neighbors in the Woodmen Mesa section of the neighborhood that are very opposed to the roadway connection. Conversely, there are neighbors in Woodmen Oaks that support the connection for fire/public safety access to their neighborhood. This issue is fully addressed in the Traffic, Fire and Roadway Design sub-section of the Planning Commission staff report attached to this memo.

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 US Air Force Academy. Until such time that Colorado Springs Utilities' water system is extended to the Property, Colorado Springs Utilities recommends that Council allow the owner to continue to use the existing well on the property to withdraw the groundwater for uses consistent with the terms and conditions of the Colorado Division of Water Resources Well Permit No. 10952, as provided in the Annexation Agreement.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration.

Proposed Motion:

CPC A 13-00112 - ANNEXATION

Approve the Resolution for the Dusty Hills 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.

Not applicable