



Legislation Details (With Text)

File #: CPC A 19-00157R **Version:** 1 **Name:** Jovenchi-1 Addition No. 1
Type: Resolution **Status:** Mayor's Office
File created: 10/22/2020 **In control:** City Council
On agenda: 1/12/2021 **Final action:** 1/12/2021

Title: A resolution adopting the findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Jovenchi-1 Addition No. 1 Annexation.

(Legislative)

Related Files: CPC A 19-00157R, CPC A 19-00157, CPC ZC 20-00034

Presenter:
Katie Carleo, Principal Planner, Planning & Community Development
Peter Wysocki, Planning and Community Development Director

Sponsors:

Indexes: Annexation

Code sections:

Attachments: 1. RES_FindingOfFacts_Jovenchi-1No.1Annex, 2. Exhibit A - JOVENCHI_Annexation Legal, 3. Exhibit B - AnnexationAgreement_Jovenchi-1Addition No.1, 4. Clerk Affidavit Jovenchi, 5. Planner Affidavit_Jovenchi Annexation, 6. Surveyor Affidavit_Jovenchi Annexation, 7. Signed Resolution 06-21

Date	Ver.	Action By	Action	Result
1/12/2021	1	City Council	adopted	Pass

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Summary:

Owner: Jovenchi-I LLC (Dean Venezia)
Applicant: NES Inc. - John Maynard
Location: 2.088 acres northwest of New Life Drive and Interquest Parkway

This project includes concurrent applications for annexation and establishment of zoning for the associated 2.088 acres located northwest of New Life Drive and Interquest Parkway. The proposed zoning will establish an A (Agricultural) zone district with the overall annexation to allow for future use to be established on the property in combination with the Flying Horse Master Planned area.

Background:

The proposed annexation is located at the intersection of New Life Drive and Interquest Parkway. The area encompassed by this annexation is 2.088 acres that was previously dedicated for Colorado Department of Transportation (CDOT) with the realignment of Highway 83 (Powers Boulevard). When the highway was realigned, the petitioner obtained this portion of the excess right-of-way. This annexation will further clean-up City/County boundaries and allow opportunity for future development. The area directly north, adjacent to this property, is within the Flying Horse Master Plan proposed for commercial and mixed-use. Future intent would be for this area to be designed in concert with the proposed Flying Horse development and at that time would come before the City for a zone change aligned with the commercial/mixed-use intent. **(JOVENCHI PARCEL)**

Land owners seeking voluntary annexation must petition the municipality to request annexation into the City. The Annexation Petition for this property was heard and accepted by City Council on December 10, 2019. The City's authority to annex land is established by Colorado Revised Statutes (C.R.S. 31-12-101) which sets requirements and procedures which municipalities must follow. A property is eligible for annexation if the contiguity requirement is met; not less than one-sixth the perimeter of the proposed area for annexation is contiguous with the existing boundary of the annexing municipality.

The Jovenchi Addition No. 1 Annexation **(JOVENCHI ANNEXATION PLAT)** will annex 2.088 acres of property into the municipal limits of the City of Colorado Springs. The property is intended for future development in conjunction with Flying Horse. This property is being proposed to establish an A (Agricultural) zone district for future development; at which time a re-zone of the property for the envisioned development would be required.

A master plan is typically required with annexation; however, per City Code Section 7.5.403(B)(1), this requirement may be waived if the land area under review is a small parcel and is part of an area with a well-established surrounding development pattern and intended for a single primary land use. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern; no master plan is required with this application.

The proposed zoning request is to establish an A (Agricultural) zone district to accommodate the future development. It is required by City Code that any annexed property be accompanied by a zoning designation. If the petitioner so chooses they can establish an A (Agricultural) zone district as a 'holding zone' to proceed through the annexation process; further request for zone change would be required when a final development intent is determined. As mentioned this parcel is directly south of the existing area of the Flying Horse Master Plan. Overall intent is for this parcel to be annexed now for future use as part of the envisioned commercial and mixed-use development of Parcel 17 in the Flying Horse Master Plan.

The current Comprehensive Plan, PlanCOS, identifies policies related to the annexation of property into the City of Colorado Springs as well as the establishment of zoning and planning for the land use pattern to be created. The City Annexation Plan was last updated in 2006 and is an advisory document. Staff recommends this annexation as consistent with the intent of the 2006 Plan as it the gap to infrastructure and services being provided by the City.

The overall intent of annexation is to benefit the City and occur in a manner that ensures a logical extension of the City's boundary. Chapter 8 of PlanCOS provides broad policy direction for

annexation; annexations will occur in accordance with State law; support of economic development objectives of the City and will be a fiscal benefit; development will be consistent with long range plans; and avoid creating enclaves while proactively work at incorporating existing enclaves into the City. Staff has evaluated the proposed annexation and determined its eligibility in accordance with State law to be acceptable. The annexation is a logical establishment; removing the remnant right-of-way cleans up City - County boundaries and will add value for future development within the Flying Horse Master Plan area.

Previous Council Action:

On December 10, 2019, City Council accepted the original petition for annexation. On November 24, 2020 City Council approved a resolution finding the Jovenchi-1 Addition No. 1 Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of January 12, 2021 to consider the annexation, and directing the City Clerk to provide notice of the hearing in accordance with C.R.S. section 31-12-108.

Financial Implications:

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA was completed on September 29, 2020. The fiscal review criteria of the City Code states city costs related to infrastructure and service levels shall be determined for a ten-year time horizon for the appropriate municipal funds. This is a standard FIA modeling by the City Budget Office.

The FIA methodology estimates the City expenditures attributed to the Jovenchi annexation for the period 2021-2030. The FIA states the overall result of the Fiscal Impact Analysis is a positive cumulative cashflow 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. **(JOVENCHI FISCAL IMPACT ANALYSIS)**

City Council Appointed Board/Commission/Committee Recommendation:

This item was heard before City Planning Commission on October 15, 2020 as part of the Consent Agenda and was recommended for approval by the City Planning Commission.

Stakeholder Process:

The public process included posting the site and sending postcards to six property owners within a 1000-foot buffer. From this mailing staff did not receive any public comment. 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, Academy School District 20, Police and E-911.

Agreements between the City of Colorado Springs and the surrounding military installations establish a two-mile buffer for land use application review; staff has determined that this application is within the two-mile buffer for USAFA notification. A comment letter was received by USAFA with their standard request for aircraft noise notes to be added as well as establishment of an aviation easement. At this time the Owner is only seeking annexation and will be required to submit to the City for zone change when preparing to develop. At such time the City supports the USAFA notes and easements should be established.

- **Southeastern Colorado Water Conservancy District (SECWCD):** This property has completed its required inclusion application into the Southeastern Colorado Water

Conservancy District through the Bureau of Reclamation. The Inclusion process was completed with the Bureau of Reclamation with a final Letter of Assent being issued on July 8, 2020.

- **Traffic Division:** City Traffic Engineering did not require a Traffic Impact Study be completed for this annexation. At the time of future development a full study will be completed. City Traffic did request 12-feet of additional right-of-way which will be dedicated on a future subdivision plat, and is noted in the annexation agreement.
- **Stormwater Enterprise (SWENT):** This property was analyzed in the “Master Development Drainage Plan for Flying Horse” which was approved by the City in 2004. Final Drainage Reports and Plans will be prepared and submitted to the City prior to recording any subdivision plats.
- **El Paso County Planning:** Comments were received from El Paso County Planning and Community Development. The request was for the inclusion of a larger portion of Interquest Parkway from it’s intersection with New Life Drive to the intersection with southbound Powers ramp (Highway 83). Staff recognizes this additional portion of remnant right-of-way for Interquest Parkway; City Traffic Division will work directly with El Paso County to appropriately annex this additional roadway for better unified control and maintenance of Interquest Parkway. This process will happen outside of the currently proposed Jovenchi-1 annexation.
- **Colorado Geological Survey:** As part of annexation a Geological Hazard review may be required (City Code 7.4.502) but is triggered by the establishment of a master plan. This property fit the criteria for waiving of the master plan as detailed above. When taking into account site conditions; relatively flat and not within a streamside or hillside overlay, this site was not required to conduct a geological hazard study.
- **Parkland Dedication and Open Space:** The associated development is not yet envisioned. At which time the use is established any residential uses will be subject to PLDO review and fees as applicable.
- **Academy School District 20:** Academy School District 20 had no concerns for this annexation and similarly when an intended use is established the District will review and may require fees or land dedication.

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:

Approve a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Jovenchi-1 Addition No. 1 Annexation and approving an annexation agreement.

N/A