



## Legislation Details (With Text)

**File #:** 14-0435      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Mayor's Office

**File created:** 7/22/2014      **In control:** City Council

**On agenda:** 8/26/2014      **Final action:** 8/26/2014

**Title:** Ordinance No. 14-60 Amending the Zoning Map of the City of Colorado Springs Relating to 2.22 Acres Located South of Diamond Rock Road and Roughly 1,000 Feet West of Pride Mountain Drive (Quasi-Judicial Matter)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Flying Horse Annexation-Ordinance-Rezoning, 2. Flying Horse Annexation-Exhibit A-PUD Rezone, 3. Flying Horse Annexation-Review Criteria-7.3.603-Zone Change, 4. Flying Horse Annexation-Review Criteria-7.5.603-Zone Change

Date	Ver.	Action By	Action	Result
8/26/2014	1	City Council	finally passed	Pass
8/12/2014	1	City Council	approved on first reading	Pass

Ordinance No. 14-60 Amending the Zoning Map of the City of Colorado Springs Relating to 2.22 Acres Located South of Diamond Rock Road and Roughly 1,000 Feet West of Pride Mountain Drive (Quasi-Judicial Matter)

**From:**

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

**Summary:**

- Annexation: Legislative Action
- CPC ZC 14-00039 Zone Change: Legislative Action - establishment of initial zoning
- CPC PUZ 14-00042 Zone change: Quasi-Judicial action - rezoning of already city-zoned property.

This project includes concurrent applications for the annexation and establishment of the A (Agricultural) zone district for a 1.67-acre strip of land and the subsequent rezoning of a total of 2.22 acres from A (Agricultural) and PUD (Planned Unit Development; Single-family residential 2 - 3.5 dwelling units/acre, 35-foot maximum building height) to PUD (Planned Unit Development; Single-family residential 2 - 3.5 dwelling units/acre, 35-foot maximum building height). The property is located in the Flying Horse community south of Diamond Rock Road and roughly 1,000 feet west of Pride Mountain Drive.

Please see the attached Planning Commission staff report for further detail and analysis.

**Previous Council Action:**

The City Council accepted the annexation petition and referred it to the City Administrative staff to review and process on December 10, 2013. City Council approved a resolution setting the public hearing date for August 12, 2014 at their regular meeting of June 24, 2014.

**Background:**

The 1.67-acre strip is the result of a survey error and was omitted from the original annexation of Flying Horse Ranch in 2004. The proposed annexation is needed to bring the strip into the city so that it can be developed as part of the Flying Horse master development. The subsequent rezoning of the 2.22 acres allows the strip of land to be incorporated into lots planned with Flying Horse Parcel #8.

There is no development plan as part of this submittal because the portion of the land to be developed will be the back halves of lots that are already within the city and approved as part of a previous development plan known as Flying Horse Parcel #8 approved in 2011.

The annexation agreement references the original Flying Horse Ranch Addition Annexation Agreement adopted by Council and recorded in 2004. This strip is subject to the sections of that original agreement.

**Financial Implications:**

The City Budget Department prepared a fiscal impact analysis for this annexation. Because this request is to clean up a small survey error, a modified analysis was prepared that shows the annexation does not demonstrate any adverse fiscal impact upon the general community.

**Board/Commission Recommendation:**

At their meeting of May 15, 2014 the Planning Commission voted 9-0 to approve the annexation. The attached CPC Record-of-Decision of the meeting provides the discussion on the application.

**Stakeholder Process:**

The public process included posting the site and sending postcards to property owners within 500 feet noticing them of the public hearing.

The same posting and notification process was utilized prior to the CPC public hearing.

Staff also sent the 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, City Finance, Police and E-911 and the US Air Force Academy.

**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 PUZ 14-00042 - REZONE 2.22 ACRES TO PUD

Approve the rezoning of 2.22 acres from A (Agricultural) and PUD (Planned Unit Development; Single-family residential, 2 - 3.5 dwelling units per acre, 35-foot maximum building height) to PUD (Planned

Unit Development; Single-family residential, 2 - 3.5 dwelling units per acre, 35-foot maximum building height), based on the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) and the criteria for the establishment and development of a PUD zone as set forth in City Code Section 7.3.603.

An ordinance amending the Zoning Map of the City of Colorado Springs by rezoning 2.22 acres from A (Agricultural) and PUD (Planned Unit Development; Single-family Residential, 2-3.5 dwelling units per acre, 35-foot maximum building height) to PUD (Planned Unit Development; Single-family Residential 2-3.5 dwelling units per acre, 35-foot maximum building height).