



Legislation Details (With Text)

File #: CPC A 20-00102R **Version:** 1 **Name:** Park Vista No. 9
Lighthouse Baptist Church Addition No. 1

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

File created: 8/31/2021 **In control:** City Council

On agenda: 12/14/2021 **Final action:** 12/14/2021

Title: A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Park Vista Addition No. 9 Annexation (Legislative)

Related Files: CPC A 20-00102, CPC ZC 21-00016

Presenter:
Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development Director

Sponsors:

Indexes: Annexation

Code sections:

Attachments: 1. RES_FindingofFactsandConclusionsofLaw, 2. Exhibit B - Park Vista Addition No.9 Annexation Agreement, 3. Exhibit A - Legal annexation, 4. Planner Affidavit_Park Vista Add. No. 9, 5. Surveyor Affidavit_Park Vista Add. No. 9, 6. Clerk Affidavit_Park Vista Add. No. 9, 7. Signed Resolution 200-21

Date	Ver.	Action By	Action	Result
12/14/2021	1	City Council	adopted	Pass

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Park Vista Addition No. 9 Annexation (Legislative)

Related Files: CPC A 20-00102, CPC ZC 21-00016

Presenter:

Katie Carleo, Land Use Planning Manager, Planning & Community Development
Peter Wysocki, Director, Planning & Community Development Director

Summary:

Applicant: Land Development Consultants, David Hostetler
Owner/Developer: Lighthouse Baptist Church, Nathan Scholz
Location: 4397, 4391, 4383, 4373, 4365, 4359, 4351 Siferd Blvd.

This project includes concurrent applications for annexation and establishment of zoning for the associated 1.29-acres located southeast of Hopeful Drive and Siferd Boulevard. The proposed zoning will establish an R1-6000 (Residential) zone district with the overall annexation to allow for future development of the property.

Background:

The proposed annexation is located within the Park Vista enclave, east of North Academy Boulevard and south of Austin Bluffs Parkway. This enclave has seen several annexations over the past ten years reducing the enclave and establishing surrounding residential development. The lots in this area that have previously been annexed have served as an appropriate transition to adjacent City zoned single-family residential as the density is comparable to what is permitted through El Paso County zoning. The lots have been annexed on a voluntary annexation basis by property owners wishing to establish development within the City and thus receiving City services. The subject site gains access from both Siferd Boulevard and Hopeful Drive as part of the overall residential road circulation within the Park Vista area. This is a very active area of annexation, and the City will most likely see the elimination of this enclave in coming years.

Landowners 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 July 14, 2020. 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.

As the City has expanded enclaves, remnants of land that are surrounded by the City have remained within the jurisdiction of Unincorporated El Paso County. **(PARK VISTA ENCLAVE ANALYSIS)** Several enclaves remain from the City's very active period of annexation in the 1980's. City Policy supports the elimination of enclaves and thus closing the gap to services being provided. Surrounding areas as part of this enclave have been recently annexed and now include the connection to major City infrastructure and services. As supported by PlanCOS, as well as the City Annexation Plan, the City is working through the annexation process to annex active enclaves and close the city boundary gap.

The Park Vista Addition No.9 Annexation **(PARK VISTA ADD. NO.9 ANNEXATION PLAT)** will annex 1.29-acres of property into the municipal limits of the City of Colorado Springs. The property is intended for future development of single-family residential and/or other supporting uses of the existing religious institution (located east of the annexation area already within the City of Colorado Springs). Initial comments from El Paso County request to annex all roadways within Park Vista; however, the City Traffic Division, Public Works, has had discussion with El Paso County on the surrounding roadways and at this time, will not move to accept the annexation of additional roadways associated with Park Vista unless tied to a specific voluntary annexation request. The City's stance on accepting roadways adjacent to voluntary annexations indicates that they should also be annexed; however, in this case, roadways beyond the scope of the request are subject to a discussion on the rational connection for the City assuming additional ownership and maintenance. The portion of Hopeful Drive directly adjacent the proposed annexation will be included with this request. Siferd Boulevard is currently under review with the City and would cover the annexation of that portion of Siferd Boulevard that is adjacent to both proposed annexations.

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 enclave with a well-established surrounding development pattern and intended for a single primary land use. The owner has identified future intentions for residential and/or religious institution supportive uses. 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 will establish the R1-6000 (Residential) zone district to accommodate the existing residential and future development. This zone district would allow for future expansion of uses of religious institution as processed through a Conditional Use. It is the intent of the owner to have all of the Lighthouse Baptist Church property in the City and under one jurisdiction for future development. City Code Section 7.5.501.C.1 allows for the rezoning of a property to R1-6000 with an accompanying concept statement. **(LIGHHOUSE BAPTIST CONCEPT STATEMENT)** The applicant has detailed in the concept statement the overall intent for the existing church residence and future expansion of supporting religious institution use. It is required by City Code that any annexed property be accompanied by a zoning designation.

The subject property is proposed to establish the R1-6000 zone district as an extension of this existing zone district on the church parcel (east of subject site) already within the City. This zone district will allow for appropriate designation of zoning to allow for future establishment of a religious use while being consistent with the other church holdings already zoned R1-6000.

This residential site is within less than one mile of several supporting commercial and civic uses to include: grocery store, convenience and fuel station, bank, post office, religious institutions and several restaurants. Carver City Park is located within less than a half mile of this site. The site is located within less than one-mile of four bus stops and bus route 23 along Austin Bluffs Parkway. As discussed above, overall, the residential site is supported with essential businesses and amenities along the surrounding major roadways. **(PARK VISTA SURROUNDING USE)**

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. Several themes support the proposed development with positive connections between a mix of residential that will foster economic and community growth. The proposed development allows for logical residential growth within an identified Vibrant Neighborhood Framework as well as supports community amenities such as religious institutions as integrated civic uses within our neighborhoods. This typology encourages incorporated housing types along with supported neighborhood amenities.

The overall intent of annexation is to be of a benefit for 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 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 new growth opportunity will be a benefit to the City as discussed and logical establishment for City growth. Lastly, the proposed annexation does continue to eliminate portions of this existing enclave. It is the finding of the Planning and Community Development Department that the Parks Vista Addition No.9 Annexation along with associated zoning substantially conform to the PlanCOS goals and objectives.

Previous Council Action:

On July 14, 2020, City Council accepted the original petition for annexation. On November 9, 2021, City Council approved a resolution finding the Park Vista Addition No. 9 Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of December 14, 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 fiscal review criteria of the City Code state city costs related to infrastructure and service levels shall be determined for a ten-year time horizon for the appropriate municipal funds; new budget policy sets forth criteria to be met for proposed annexations and how a FIA will be completed. Per the attached FIA memo (**PARK VISTA ADD. NO. 9 FIA MEMO**) this proposal annexes 1.29-acres of property into the City and zones for future development. The current annexation and future development will not meet the criteria, and a full fiscal impact analysis is not required.

City Council Appointed Board/Commission/Committee Recommendation:

This item was heard before City Planning Commission on September 16, 2021, as part of the Consent Public Hearing agenda. The Planning Commission voted unanimously to approve the applications (7-0-2); Commissioner Wilson and Raughton absent.

Stakeholder Process:

The public process included posting the site and sending postcards to 210 property owners within a 1000-foot buffer during the internal review stage; no letters of public comment were received. The site will also be posted prior to all public hearings.

Staff input is outlined in the following section of this report. 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 11, 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 outside the two-mile buffer for USAFA notification. Comments were received from El Paso County Development Services Division which generally involved questions regarding regional stormwater and roadway ownership; City Stormwater Enterprise (SWENT) continues to work with El Paso County Engineering for future approval of a Final Drainage Report when the property is developed; City Traffic Engineering supports the standard to annex roadway adjacent to proposed annexations.

- Southeastern Colorado Water Conservancy District: 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 November 5, 2020.
- City Traffic Engineering: City Traffic Engineering did not require a Traffic Impact Study be completed for this annexation and development. The use is compatible with the established traffic circulation pattern and the projected operation of the adjacent roadway will be at an acceptable level of service with the addition of this use.
- SWENT (Stormwater Enterprise): The Park Vista No.9 Annexation is located within the Templeton Gap Drainage Basin. This area has an approved Drainage Basin Planning Study (DBPS) along with a Master Development Drainage Plan (MDDP) that must be followed for all development unless modified. Items addressed in the drainage section of the annexation agreement are standard requirements that have been modified to be more specific for the Park Vista area. The applicant will be required to provide the City with an approved Final Drainage Report and Plans that require water quality treatment for the developable areas, as

per the City's drainage criteria, prior to recording a subdivision plat. They will be required to pay drainage fees prior to recording the annexation plat.

El Paso County expressed concerns with the Park Vista area and not specific to the parcel being annexed. It is the County's desire for the City to annex the entire Park Vista area and accept maintenance responsibility for the public infrastructure. At this time the City is in no position to annex the entire area on its own. This will be left to the private property owners that desire to be annexed into the City which will be evaluated on a case by case basis through the City's supported Voluntary Annexation process.

- **Geological Hazard (CGS):** 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.
- **Parks and Recreation:** Parkland Dedication will be required if any residential use is established as part of this annexation. The proposed annexation is small in nature and does not include a park site that could be counted towards any dedication. Therefore, the PLDO fees will be collected for residential units established as part of this annexation area. The Parks and Recreation Department has reviewed this application and supports the collection of fees in lieu of land dedication.
- **Academy School District 11:** Academy School District 11 has reviewed the associated applications. They are not requesting any land dedication with the size of this annexation and will be collecting the standard fee for any residential unit established within the annexed area.

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 Park Vista Addition No. 9 and approving an annexation agreement.

N/A