



Legislation Details (With Text)

File #: ANEX-22-0012R
Version: 1
Name:
Type: Resolution
Status: Mayor's Office
File created: 7/11/2023
In control: City Council
On agenda: 7/25/2023
Final action: 7/25/2023
Title: A Resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as T5 Addition No. 1. (Legislative)

Related Files: ANEX-22-0012, ZONE-22-0009, COPN-22-0026

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution, 2. Exhibit A - Legal Description, 3. Exhibit B - Annexation Agreement, 4. Planner Affidavit, 5. Surveyor Affidavit, 6. Signed Resolution No. 107-23.pdf

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 7/25/2023, 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 T5 Addition No. 1. (Legislative)

Related Files: ANEX-22-0012, ZONE-22-0009, COPN-22-0026

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development
Peter Wysocki, Planning Director, Planning and Community Development

Summary:

Owner: IP Vineyard, LLC
Representative: Classic Consulting
Location: Southern portion of 3819 Janitell Road

The project includes concurrent applications for annexation of 20,064 square feet, establishment of zoning of 20,064 square feet, and a concept plan amendment for 20,064 square feet. The concept plan illustrates the proposed area for stormwater related requirements, a fence, and a fire access road. The proposed zoning will establish a BP (Business Park) zone district with the overall annexation to allow for the are to be used for stormwater related requirements.

Background:

The proposed annexation is mostly surrounded by one property currently annexed in the city limits and zoned BP. The area directly adjacent to the south is Stratton Creek. A development plan, Lot 1, T5 @ Colorado Springs Filing No. 3 DEPN-22-104, was recently administratively approved for the northern portions of 3819 Janitell Road. Within that development plan the area to be annexed is labeled but included for this southern portion is stormwater related requirements, a fence, and a fire access road. Staff is unable to approve any improvements on the southern portion identified as it is not annexed, however, staff can approve the rest of the development plan as it is in conformance with City Standards for a development plan.

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 May 24, 2022. 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. With a perimeter of 726.88 feet to be annexed, the required contiguity is 121.14 feet. Currently the proposed annexation has a contiguity of 475.18 feet, staff has determined the proposed annexation meets the requirements of contiguity.

The proposed annexation is not located within an enclave, but can be considered as a near enclave as most of the adjacent property surrounding to the north, west, and east are currently annexed into city limits and to the south is Stratton Creek. The annexation is a logical extension of the city boundaries to extend the boundaries to a parcel that does not have direct access to a road and will require access through properties annexed into city limits.

As the City Policy supports the elimination of enclaves and thus closing the gap to services being provided, the city further supports a voluntary annexation based by property owners wishing to utilize City Services and Utilities for future development. Surrounding areas as part of this enclave have been annexed and now include the connection to major infrastructure and services. As supported by the City Comprehensive Plan, 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 T5 Addition No. 1 Annexation will annex 20,064 square feet of property into the municipal limits of the City of Colorado Springs. The property is intended for stormwater related requirements, a fence, and fire access road to be developed within the City and to help with the over-all site to be developed

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 subject parcel has been identified on both the Vineyard Commerce Park Master Plan, and the Vineyard Commerce Park Concept Plan as an area to be annexed. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern; no master plan or master plan amendment is required with this application. The supporting concept plan amendment also captures a similar level of detail and clearly identifies the intended land use configuration.

The proposed zoning request will establish the BP (Business Park) zone district to accommodate the future intended stormwater related requirements, a fence, and fire access road. It is required by City Code that any annexed property be accompanied by a zoning designation. As a general land pattern that has been established in the area, we see developed industrial zoning in the immediate vicinity to the north, east, and west.

The subject property is proposed to establish the BP zone district as an extension of the BP zone district with the area already annexed to the east and to allow as a use by right the development of the industrial use. City Code Section(s) 7.4.104, Site Development Standards, and 7.5.502 Development Plan, allows for the establishment of such uses conforming to design criteria. The associated Concept Plan Amendment as part of this application details the dimensional requirements and will guide the future development and administrative building permit applications.

For the reasons stated above, staff finds that the proposed zone change meets the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603B.

The proposed zone change is supported by the submittal of a concept plan. The concept plan amendment will not be detrimental to the area. The approval of the concept plan amendment will help with the development of the northern portion of the site and complete the circulation of the fire access road, the complete installation of stormwater related requirements and a fence.

For the reasons stated above, staff finds that the proposed concept plan meets the review criteria for a Concept Plan Amendment as set forth in City Code Section 7.5.503.C and the Concept Plan criteria as set forth in City Code Section 7.5.501.E.

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. Several themes support the proposed development with positive connections between industrial uses that will foster economic and community growth. The proposed development allows for logical industrial growth within an identified High Area of Change in PlanCOS. The typology is also identified as a New/Developing Corridor under the urban place typologies. This typology encompasses major arterial streets with land use patterns involving automobile-dominated development.

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 new growth opportunity will be a benefit to the City as discussed with economic findings and logical establishment for industrial growth. Lastly, the proposed annexation does continue to eliminate portions of this existing near enclave.

It is the finding of the Planning and Community Development Department that the T5 Addition No. 1

Annexation along with associated zoning, and concept plan amendment substantially conform to the PlanCOS goals and objectives.

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 eliminates land within an existing near enclave within the City and thus closes the gap to infrastructure and services being provided by the City. The proposed annexation is a voluntary annexation, and as stated above the city is in support of reducing near enclaves through voluntary annexation.

Previous Council Action:

City Council accepted the Annexation petition on May 24, 2022.

Financial Implications:

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA memo was completed on July 10, 2023. 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; new budget policy sets forth criteria to be met for proposed annexations and how a FIA will be completed.

Per the FIA memo this proposal annexes a 20,064 square foot property in the City. The proposed annexation does not meet the criteria, and a full fiscal impact analysis is not required.

The draft annexation agreement addresses dedication and improvements with this annexation are fully outlined in the agreement.

City Council Appointed Board/Commission/Committee Recommendation:

Utilities Board met on May 17, 2023 to recommend approval.

Stakeholder Process:

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards on three occasions: during the internal review stage, prior to the Planning Commission hearing, and prior to City Council hearing. The site was also posted during the three occasions noted above as well as being posted in the newspaper. During the internal review notification City Planning staff did not receive any comments in response to the notification.

The applications were sent to the standard internal and external agencies for review and comment. Review comments received have been addressed. Internal review agencies for this project included City Traffic, City Engineering, City Parks, City Fire Department and Police/E-911, Colorado Springs Utilities.

- SECWCD: This property was determined to be located with the SECWCD and no further action was required with its application.
- Traffic: City Traffic Engineering did not require a Traffic Impact Study to be updated for this annexation and Concept plan, however, a traffic study was associated with the over-all development for Lot 1, T5 @ Colorado Springs Filing No. 3 Development Plan. The Traffic Impact Study associated with that project has been accepted.

- SWENT: The T5 Addition No. 1 area is located within the Stratton Drainage Basin. Stormwater Enterprise was sent a referral and have no outstanding comments. They have provided language on the attached Annexation Agreement that the Owner shall provide full spectrum detention for all developed areas; to be owned and maintained by the Owner. A Final Drainage Report was reviewed and approved for the Lot 1, T5 @ Colorado Springs Filing No. 3 Development Plan, however, final signatures cannot be granted until annexation of the parcel in question.

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 T5 Addition No. 1 and approving an annexation agreement.

N/A