



## Legislation Details (With Text)

**File #:** CPC A 20-00141R      **Version:** 1      **Name:** Date Joint Venture Addition No. 1

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

**File created:** 9/14/2021      **In control:** City Council

**On agenda:** 9/28/2021      **Final action:** 9/28/2021

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

(Legislative)

**Presenter:**  
Katie Carleo, Planning Supervisor, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Sponsors:**

**Indexes:** Annexation

**Code sections:**

**Attachments:** 1. RES\_Findings\_DateJointVentureAdditionNo.pdf, 2. Exhibit A - Legal Description\_Date Joint Venture\_A-ZC, 3. Exhibit B - Date Joint Venture Addition No. 1\_Annexation Agreement, 4. Clerk Affidavit\_Date Joint Venture, 5. Planner Affidavit\_Date Joint Venture, 6. Surveyor Affidavit\_Date Joint Venture, 7. Vicinity Map\_Date Joint Venture

Date	Ver.	Action By	Action	Result
9/28/2021	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 Date Joint Venture Addition No. 1 Annexation

(Legislative)

**Presenter:**

Katie Carleo, Planning Supervisor, Planning and Community Development  
Peter Wysocki, Planning and Community Development Director

**Summary:**

Applicant: Land Development Consultants, David Hostetler  
Owner/Developer: Date Joint Venture, LLC  
Location: 4207 and 4215 Date Street

This project includes concurrent applications for annexation, establishment of zoning, and a preliminary/final plat for the associated .331-acre located southeast of Date Street and Rosalie Street. The preliminary/final plat illustrates the proposed land use configuration, access, and circulation, intended infrastructure and overall intent. The proposed zoning will establish an R-5 (Multi-family Residential) zone district with the overall annexation to allow for single-family attached residential use to be established on the property.

**Background:**

The proposed annexation is located in the Park Vista enclave located 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. Within this area the existing county lots have historically annexed and established a slightly higher residential density than surrounding City single-family residential; although in similar density to what is currently allowed within El Paso County. The lots have been annexed on a voluntary annexation basis by property owners wishing to convert the standard county lots into attached single-family dwellings. The proposed site gains access from Date Street as it transitions to residential road circulation. 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 November 10, 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 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 Date Joint Venture Addition No. 1 Annexation **(DATE JOINT VENTURE ANNEXATION PLAT)** will annex .331-acre of property into the municipal limits of the City of Colorado Springs. The property is intended for attached single-family residential uses to be developed within the City and utilizing city infrastructure. Initial comments from El Paso County included the request to annex all roadways within Park Vista; however, this roadway continues to serve residents within the County and the direct access to this site, Date Street, is already annexed and within City limits. In addition the City Traffic Division, Public Works, had discussion with El Paso County on the surrounding roadways and is not at this time going to accept any further annexing of roadways in Park Vista that are not tied to a specific voluntary annexation requests. It is the City's standard policy that roadway adjacent to voluntary annexations should also be annexed but roadway beyond this remains for potential discussion of whether there is a rational connection for the City to assume the additional ownership and maintenance.

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 development. 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 supporting

preliminary/final plat also captures a similar level of detail and clearly identifies the intended land use configuration.

The proposed zoning request will establish the R-5 (Multi-family Residential) zone district to accommodate the future intended attached single-family residential. 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 neighborhood we see commercial zoning along Austin Bluffs Parkway which gives opportunity to a higher density residential outside of this commercial corridor as a transition to lower residential density as seen in the surrounding eastern neighborhood, Village Seven.

The subject property is proposed to establish the R-5 zone district as an extension of the surrounding R-5 district within the Park Vista area to allow as a use by right the development of the attached single-family residential units intended to be constructed by this owner. City Code Section 7.3.104, Residential Design Standards, allows for the establishment of such attached single-family residential on individual lots. The associated Preliminary Plat as part of this application details the dimensional requirements and will guide the future development and administrative building permit applications.

The establishment of this zone district will allow for the further development of high density residential that fits appropriately into the land use patterns established in the surrounding area and is supported by nearby community and regional commercial land uses. **(PARK VISTA SURROUNDING USE)** 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 also within less a 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.

As required by City Code Section 7.5.501(B) a concept plan is required to accompany an application for the establishment of a zone district. Section 7.5.501(C) details the options for exemptions in which part three identifies that a preliminary plat may be used in lieu of a concept plan as long as all of the information required for a concept plan is included. In this case Staff has required a Preliminary/Final Plat as the supporting document to the Annexation and Zone Change applications as it meets this requirement for this very small parcel and allows for the review of needed criteria for both the concept plan and subdivision plat level of detail. **(DATE JOINT VENTURE PRELIMINARY FINAL PLAT)** The preliminary/final plat gives details of dimensional controls for the site and indicates the configuration for the future residential development. Per City Code Section 7.5.502(C), a development plan will not be required and after approval of the preliminary/final plat and future building permits will be reviewed and approved administratively.

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 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 from PlanCOS. This typology encourages incorporated higher density housing types along larger roadways with supported neighborhood amenities.

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 residential growth. Lastly, the proposed annexation does continue to eliminate portions of this existing enclave.

**Previous Council Action:**

On November 10, 2020, City Council accepted the original petition for annexation. On August 24, 2021 City Council approved a resolution finding the Date Joint Venture Addition No. 1 Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of September 28, 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 memo was completed on July 26, 2021. 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 attached FIA memo (**DATE JOINT VENTURE FISCAL IMPACT ANALYSIS MEMO**) this proposal annexes a 0.331-acre property in the City and zones for residential use and includes a replat to create four lots. The current plat is for two residential lots. Therefore, this annexation/amendment does 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 August 19, 2021 as part of the Consent Public Hearing agenda. The Planning Commission voted unanimously to approve the applications (7-0-2); Commissioner Rickett and Hente absent.

**Stakeholder Process:**

The public process included posting the site and sending postcards to 185 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 standards 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 May 21, 2021.

- City Traffic Engineering: City Traffic Engineering did not require a Traffic Impact Study be completed for this annexation and development. The use fits well into the already 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 Date Joint Venture Annexation is in the Park Vista area which 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 also have to pay drainage fees prior to recording the annexation plat. El Paso County had some concerns of the Park Vista area and not specific to the parcel being annexed. It was their 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: The associated development is proposed for future residential uses and thus triggers the City Park Land Dedication Ordinance (PLDO). 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 Date Joint Venture Addition No. 1 and approving an annexation agreement.

NA