



## Legislation Details (With Text)

**File #:** CPC A 19-00022R      **Version:** 1      **Name:** BLR North  
**Type:** Resolution      **Status:** Mayor's Office  
**File created:** 7/28/2020      **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 Banning Lewis Ranch North Annexation.

(Legislative)

Related Files: CPC A 19-00022R, CPC A 19-00022, CPC MP 19-00123, CPC PUZ 19-00124, CPC PUP 19-00125

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

**Sponsors:**

**Indexes:** Annexation, BLR

**Code sections:**

**Attachments:** 1. RES\_FindingsOfFact\_BLRNorthAnnex, 2. Exhibit A - Legal Description\_BLR North Annexation, 3. Exhibit B - AnnexationAgreement\_BLRNorthAnnex, 4. Waiting Clerk Affidavit, 5. Planner Affidavit\_BLR North Annex, 6. Surveyor Affidavit\_BLR North Annex 11-18-20

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

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**Summary:**

Owner/Developer: Nor'wood Development, BLH No. 1,2, & 3 LLC

Applicant: NES Inc. - Andrea Barlow

Location: Property along the north and south side of Woodmen Road between Mohawk Road and Golden Sage Road

The proposed project includes concurrent applications for the Banning Lewis Ranch North

annexation of 887 acres, establishment of zoning, master plan and concept plan for the associated, buildable 808 acres. The site is located along the north and south side of East Woodmen Road between Mohawk Road and Golden Sage Road. The plans illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent.

### **Background:**

The proposed annexation is located along the north and south side of East Woodmen Road stretching from Mohawk Road to Golden Sage Road. This property is currently within the unincorporated area of El Paso County and is mostly vacant. The overall site comprises of a few different existing zone districts with El Paso County (listed above) but overall the site is undeveloped.

This site sits as a notch of undeveloped land along a major roadway between largely urban level development both along the eastern boundary of the City as well as within Meridian Ranch. Banning Lewis Ranch just south of the proposed site supports plans for the continued extension of Banning Lewis Parkway now through the proposed annexation with the supported urban level development surrounding.

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 March 26, 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 current City Annexation Plan does identify a portion of the proposed annexation area as recommended for annexation. Overall the Annexation Plan supports urban level development, as part of a logical extension of the City limits, being established within the City. The cornerstone of the annexation evaluation through this Plan points to the comprehensive plan, PlanCOS, that directs a focus on diversification of economic base and the City's ability to accommodate projected population increases leading to positive outcomes for annexation into the City. This economic outcome is discussed further below with the evaluation of the Fiscal Impact Analysis.

The Banning Lewis Ranch North Annexation (**BLR-NORTH ANNEXATION PLAT**) will annex 887.08 acres of property into the municipal limits of the City of Colorado Springs. The proposed annexation will also annex into the City of Colorado Springs East Woodmen Road from the furthest eastern extent of this property, to include the intersection of Golden Sage Road, to the current eastern City boundary. The proposed land use patterns to be established within this development, as discussed further below, support the economic baseline for annexation of this area. The annexation agreement is attached as (**BLR-NORTH ANNEXATION AGREEMENT**). Dedication and improvements with this annexation are fully outlined in the agreement.

The establishment of the Banning Lewis Ranch North Master Plan (**BLR-NORTH MASTER PLAN**) sets the overall land use pattern to be established across the 800+ acres. The master plan and supporting zone district will allow for urban level development within the City of Colorado Springs. The property is intended for a mix of commercial, civic, single-family and multi-family residential uses to be developed utilizing city infrastructure.

The land use pattern within the Banning Lewis Ranch North Master Plan takes shape first influenced from the major roadways within the plan. East Woodmen Road will remain as the major east-west

corridor within the planned area while a new extension of Banning Lewis Parkway is introduced as the major corridor moving north-south. From this point of circulation the more intense land uses are configured with closer proximity to these roadways with most of the commercial uses being located near the intersection of East Woodmen Road and future Banning Lewis Parkway.

In similar fashion, the residential focuses higher density along the major corridors with the classification of 'Residential Very Low' being the furthestmost residential district along the outermost portions of the development; also giving opportunity for a more suitable residential transition to rural residential that is adjacent to the development in some areas.

The residential density illustrated in this plan ranges from 'Residential Very Low' at 1-3.49 DU/AC to 'Residential Very High' at 12-24.99 DU/AC; there is a maximum allowed density of 2900 dwelling units for the entirety of the master planned area. Based on these densities the following traffic, parkland dedication and school district analysis was completed.

Within the overall master planned area there are several sites for community and neighborhood parks as well as open space. This arrangement of parks and open space as identified on the master plan is what was approved through Parks Board as the parks master plan. There is a centralized location for a future school site as well as a second location for a school site along the northern property boundary. Lastly, since the City Planning Commission hearing, the proposed BLR North Master Plan was updated to illustrate a site for a future fire station. The location and size of the parcel was determined in coordination with the City of Colorado Springs Fire Department with language reflected in the annexation agreement that there may be land dedication at this location or purchase and development of the fire station paid by fire fees.

The proposed zoning request will establish a Planned Unit Development (PUD) zoning district for the entirety of the annexing acres. It is required by City Code that any annexed property be accompanied by a zoning designation. The subject property is proposed to establish a PUD zoning that will be governed by the accompanying Banning Lewis Ranch North Zoning and Design Guidelines. The proposed PUD along with the master plan establish areas to allow commercial, industrial, civic, single-family residential, multi-family residential, open space and parks with a maximum residential density of 2800 dwelling units. The property is also within the City Airport Overlay and will be established with this overlay zoning.

As required by City Code Section 7.3.603(A) the establishment of a PUD (Planned Unit Development) zoning district shall be accompanied by a concept plan (**BLR-NORTH CONCEPT PLAN**). A concept plan illustrates the intention of future development pattern, access, and dimensional controls for the associated land uses. The concept plan document is not required to show specific landscaping, screening and buffering, lighting or other site design aspects. That type of detail is specific to a development plan. Any future request for building permits within the proposed development area will require the submission of a development plan, which will be reviewed administratively per City Code Section 7.3.606.

Although the current (2006) City Annexation Plan directly recommends annexation of only the part of this property located south of Woodmen Road, PlanCOS, the City's recently adopted new Comprehensive Plan, provides a more recent context for support of this entire proposed annexation. PlanCOS specifically recommends an update of the 2006 Annexation Plan that is more strategic and is reflective of current conditions and opportunities, particularly along the immediate periphery of the City, and especially along rapidly urbanizing major transportation corridors such as Woodmen Road.

In the fourteen years since the Annexation Plan was last updated, and the almost two decades since the prior Comprehensive Plan was adopted, Colorado Springs urban development has extended significantly to the south, west and north along this corridor. This includes hundreds of absorbed acres and thousands of added dwelling units in developments including Wolf Ranch, Woodmen Heights, Dublin North, Stetson Ridge, and (most notably) the currently developing Oakwood portion of Banning Lewis Ranch located southwest of this subject property. This BLR North property is now immediately proximate to both City limits, and with existing City urban-density development. BLR North is now in the path of, and poised for, near term, higher density development. Therefore, the only two feasible and pragmatic alternatives will be to accommodate this development in the unincorporated County, or within the City. A holistic interpretation of vision and goals of PlanCOS clearly suggest that annexation of this entire property is the better option.

The overall PlanCOS Vision Map depicts the full segment of Woodmen Road through this site as a “Priority Corridor” for the City. The Strong Connections Framework Map in Chapter 5 of PlanCOS, also depicts Woodmen Road as a fundamentally important City and regional Multimodal Corridor (see inset below). Colorado Springs has already annexed this right-of-way out to the eastern boundary of Woodmen Heights. This BLR North segment and the accompanying segment to the west and north of BLR/Oakwood are the next logical segments to be annexed. Additionally, this Framework Map depicts Banning Lewis Parkway and the easterly extension of Briargate Parkway as future Smart Corridors. The annexation will set the City up as the logical influencer of, and responsible party for the northerly extension of BLR Parkway, and for Briargate Parkway extending west into Colorado Springs.

Finally, Chapter 8 of PlanCOS lays the groundwork for our anticipated Annexation Plan Update. For this pending Update, PlanCOS specifically recommends that the new plan will provide: *“Guidance for strategic annexations of properties along the periphery of the city, that support economic growth or accommodate expansion of the regional roadway network”*. This proposed annexation would clearly be consistent with this stated intent. It is the finding of the Planning and Development Department that the Banning Lewis Ranch North Annexation along with associated zoning, and concept plan substantially conform to the PlanCOS goals and objectives.

**Previous Council Action:**

On March 26, 2019, City Council accepted the original petition for annexation. On December 8, 2020 City Council approved a resolution finding the Banning Lewis Ranch North 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 August 7, 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 and does not reflect any potential supplemental funding mechanisms the Developer may gain towards the overall development of the project. The FIA methodology estimates the City expenditures attributed to this annexation for the period 2021-2030.

Based on the proposed zoning the FIA evaluates the 807 acre property and the addition of 2,434

housing units of various densities; 49.4 acres of commercial, office, and industrial; and 67.3 acres of new parks, open space, and trails. The development is planned for over a 15-year build out and plans to add 2,900 total housing units, however; the FIA is limited to a projected 10-year timeframe and does not capture the full build out.

Costs were identified from the City Police Department, Fire Department, Public Works and Parks Recreation and Cultural Services Department. Details of these costs are outlined in the analysis. The FIA states the result of the analysis is a positive cumulative cashflow for the City during the 10-year timeframe. This result is achieved with a combination of factors, primarily the mix of demographics projected to live within the development, sales taxable construction materials, and commercial zoning projected for development.

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. **(BLR-NORTH FISCAL IMPACT ANALYSIS)**

**City Council Appointed Board/Commission/Committee Recommendation:**

This item was heard before City Planning Commission on August 20, 2020 as part of the New Business Agenda on Public Hearing. The Planning Commission approved the associated applications with a vote of 7:1:1:0 (Commissioner Wilson - against, Commissioner McMurray - absent).

**Stakeholder Process:**

The public process included posting the site and sending postcards to 275 property owners within a 1000-foot buffer. As part of the City's standard notification there was correspondence of the applications sent to Council of Neighbors and Organizations (CONO) which is also distributed to all surrounding neighborhood organizations.

As part of this public outreach six letters of opposition were received throughout the review process and one additional email received prior to City Planning Commission hearing. **(PUBLIC COMMENT)** Comments received are focused on concerns for traffic, loss of wide-open space along Woodman, loss of rural lifestyle and some other items discussed. The owner/applicant responded to these concerns in a response letter to the neighbors. **(PUBLIC COMMENT REPSONSE)** Please see sections below in this report for further information from City agencies on the above listed overall concerns.

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, School District 49, Police and E-911. Agreements between the City of Colorado Springs and the surrounding military instillations 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. The property is within the Airport Overlay and was reviewed and approved on October 23, 2019 by the Airport Advisory Commission

- **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

January 17, 2020.

- **Traffic Division:** At the request of the City Traffic Division, a Traffic Impact Study was completed. The study evaluated short and long term scenarios for traffic volumes and traffic operations for the existing Woodmen Road intersections with Mohawk Road and Golden Sage Road and the future Woodmen Road intersection with Banning Lewis Parkway. The study also included traffic operations evaluations at the Woodmen Road frontage road intersections with Golden Sage and Mohawk. City Traffic Engineering has accepted the traffic study and the study's recommendations for roadway and intersection improvements.

The below information is from the Traffic Division discussing in more detail the evaluation they conducted. The following describes major study findings and recommendations.

The short-term scenario was a 5-year (Year 2024) condition which assumed a partial build out of the BLR North area. This scenario included 270 single family and 772 multi-family dwelling units, a public park, and approximately 300,000 square feet of commercial. The projected operations of studied intersections will be a satisfactory level of service with existing Woodmen Road lanes and intersection configurations. The long-term scenario was a 20-year (Year 2039) conditions that assumed the full build out of the BLR North area. The analysis of this long-term scenario indicates that the combination of site-generation traffic plus traffic generated by other significant developments in the Woodmen corridor (Sterling Ranch, The Ranch, and buildout of Oakwood Homes BLR development) will cause traffic operations at studied intersection to fall below a satisfactory level of service without improvements to the Woodmen Road corridor. The study recommends the following intersection and roadway improvements to meet or exceed the City's intersection level of service goals.

**Woodmen Road & Mohawk Road:** Six through lanes (three in each direction) for the westbound/eastbound traffic may be necessary to improve the projected LOS E and LOS F operations. Additional through lanes may be merged back to the existing four lane section once extended beyond the bounds of the proposed development area. Signal timings and progression between signals should be optimized.

**Woodmen Road & Golden Sage Road** Dual northbound left turn lanes recommended due to high left turn volumes. Six through lanes (three in each direction) for the westbound/eastbound traffic may be necessary to improve the projected LOS E and LOS F operations. Additional through lanes may be merged back to the existing four lane section once extended beyond the bounds of the proposed development area. Signal timings and progression between signals should be optimized.

**Woodmen Frontage Road & Mohawk Road:** Dedicated westbound left turn lane recommended due to high left turn volumes.

**Woodmen Frontage Road & Golden Sage Road:** Dedicated northbound right turn lane recommended due to high right turn volumes. Dedicated westbound left turn lane recommended due to high left turn volumes.

**Woodmen Road & Banning Lewis Parkway:** Six through lanes (three in each direction) for the westbound/eastbound traffic may be necessary to improve the projected LOS E and LOS F operations. Additional through lanes may be merged back to the existing four lane section once extended beyond the bounds of the proposed development area. Dedicated left and right turn lanes recommended in all directions. Right-turn acceleration lanes recommended for all

directions subject to post speed limit on Banning Lewis Parkway. Acceleration lanes may be best implemented by using channelized right-turns. Future right-of-way dedication advised to allow for potential dual left turn lanes, or additional needed pursuant to future adjacent development impacts.

It should be noted that the above recommendations per the City Traffic Division are based on a “worst case” scenario. This “worst-case” scenario assumes that BLR North develops to the densities defined in the concept plan. As BLR North develops, changes to land use types and densities may alter the above recommendations. As actual land uses become more defined over time, additional analyses will be needed to assess appropriate mitigation measures. Furthermore, the planned extension of Briargate Parkway/Stapleton Drive would provide another east-west route to the north of Woodmen Road which could alter future traffic patterns by pulling some traffic from the Woodmen Road corridor. The point is that the timing and intensity of the development within BLR North development and other development in the Woodmen corridor plus the timing for the construction of new arterial roads in northeast Colorado Springs, will ultimately determine the need and the timing of the recommended improvements described above.

The City is not requiring a financial contribution for Woodmen Road. Woodmen Road is a regional connector impacted by many existing developments and by many future developments. Financial contributions were not required by prior development approvals. It is the City’s position that because Woodmen Road is a regional connector that expanding Woodmen Road to 6-lanes is the responsibility of government agencies. The City plans to annex Woodmen Road from the City western boundary which is located approximately 2,650 feet west of Mohawk Road to east of Golden Sage Road to the turn lanes. The annexation will also include the needed sections of the Woodmen frontage road and would include Golden Sage Road from Woodmen Road south to Rolling Thunder Way. The City will not annex Rolling Thunder Way as it feels it is not necessary as the traffic experienced on Rolling Thunder is not from the CSU facility but rather from the existing residential in the County.

- **Stormwater Enterprise (SWENT):** As part of the annexation review a Preliminary Drainage Report was completed and reviewed by City Stormwater Enterprise (SWENT). Future development will follow standard process and comply with all drainage criteria and will require a Final Drainage Report prior to any approval of a development plan and subdivision plat. SWENT will continue working with the El Paso County Engineering Division to ensure drainage patterns and future facilities take into account surrounding county property and ensure runoff from this proposed development are captured and facilitated appropriately.
- **City Fire Department:** Initial comments were made for further road network details needed to determine if or where a fire station would be needed. After further review of the plans it was determined by the Fire Department that a dedication of land at this time for a future station was needed. A site is identified on the master plan for a potential future fire station to be developed; the annexation agreement also reflects that the standard contribution of fees may be collected instead of land dedication.
- **City Police Department:** Initial comments and discussion reviled no major concerns for the added area as the officer coverage for developable areas is easier due to the mobility of officers from a station. Standard police fees will be collected for any future needs of a station in the northeast area of Colorado Springs.
- **Colorado Springs Utilities:** Initial comments did not include any major concerning items. There are locations of some large easements for overhead electric that will be considered at

the time of development and are reflected on the master plan as restricted areas.

- **El Paso County Planning:** Comments were received from El Paso County Development Services Division which generally involved questions regarding annexation of Woodmen Road and some surrounding minor roadways. The City Traffic Division continues to work with El Paso County Engineering for roadway ownership and maintenance. With this annexation it was agreed for the annexation of Woodmen Road between the developable site westward to the current City terminus. In addition the annexation of Golden Sage Road intersection. Initial comments with El Paso County did include requests for annexation of other surrounding roadways and easements pertaining to those roadways. City Traffic Division and City Planning met with El Paso County Engineering in late 2019 to discuss the requests. The proposed annexation configuration is agreed to with continued efforts between City Traffic Engineering and El Paso County to analyses and mitigate impacts of development on City and County roads
- **Woodmen Road Metropolitan District:** Pursuant to a 2003 IGA between the City, El Paso County and the Woodmen Road Metropolitan District, the property is required to join the District as part of the annexation. The District was originally formed in 2001 to finance Woodmen Road expansion. Upon recordation of the annexation plat, the annexor is required to submit confirmation that the property was included in the District.
- **Colorado Geological Survey:** As part of annexation a Geological Hazard review may be required (City Code 7.4.502) and is triggered by the establishment of a master plan. For this project the developer prepared a Geologic Hazard Report that was reviewed by Colorado Geological Survey (CGS). CGS stated they concur with the geologic interpretations and geologic hazard identification and conceptual mitigation for those hazards. Specific notes to support their review and outcomes have been placed on the concept plan. CGS has no objections to the proposed development with support of recommendations identified in the report and notes on the plans be observed.
- **Parkland Dedication and Open Space:** With initial review a summary of how the Parkland Dedication Ordinance is being met was requested by the Parks Department. Details of parks and open space are included on the master plan. The overall master plan has been before the Parks Board with made final approval on October 8, 2020 The associated development includes proposed future residential uses and thus triggers the City Parkland Dedication Ordinance (PLDO) for any dedication or fee of parkland. Parks Department has reviewed the master plan and dedication requirements for this development. With the resulting maximum 2900 units calculations reflects an obligation of 60 acres. The applicant is providing 60.2 acres as represented on the master plan and further in the PLDO Density Requirement table included on the master plan. This land would be dedicated to the City in the future and further developed and maintained by the City.
- **Academy School District 49:** School District 49 has received all the associated applications for review. The district has submitted a referral letter (**SCHOOL DISTRICT 49 COMMENT LTR**) in reference to the land dedication as included on the master plan. The owner and applicant have had conversation with the district and they have reviewed the proposed plan. As development occurs within Banning Lewis Ranch North land reservation for future school sites will apply and the School District will be able to review any applications as they come forward through the City process.

#### 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 Banning Lewis Ranch North Annexation and approving an annexation agreement.