



Legislation Details (With Text)

Table with 4 columns: Field (File #, Type, File created, On agenda), Value, Version (1), Name (Dublin North Addition No. 5), Status (Mayor's Office), In control (City Council), Final action (9/13/2022)

Title: A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection

(Legislative)

Related Files: CPC A 21-00137, CPC PUZ 21-00171, CPC PUD 21-00172

Presenter: Katelynn Wintz, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Sponsors:

Indexes:

Code sections:

Attachments: 1. RES\_DublinNorthAdditionNo5\_Findings, 2. Exhibit A - Annex Legal Dublin North, 3. Exhibit B - Annex Agreement, 4. Annex Plat\_DublinNorthAddNo.5, 5. Planner Affidavit, 6. Surveyor Affidavit, 7. Signed Resolution No. 131-22

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 9/13/2022, 1, City Council, adopted, Pass

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Katelynn Wintz, Planning Supervisor, Planning and Community Development
Peter Wysocki, Director, Planning and Community Development

Summary:

Owner/Developer: Calculus Stabilis Corp -Gerhart Swart
Consultant: William Guman & Associates - Bill Guman

The project includes concurrent applications for annexation, establishment of zoning and a PUD development plan for the associated 5.895-acre property located at 6685 Templeton Gap Road. The PUD zoning and PUD development plan establishes the proposed future land use configuration to

support 45 single-family residential units with access, circulation, and overall development intent.

**Background:**

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 April 29, 2021. 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. 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.

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.

This property has completed its required inclusion application into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation.

The proposed zoning request will establish a PUD/AO (Planned Unit Development with Airport Overlay) zone district to accommodate the proposed single-family residential development, as further described in the PUD Development Plan section below. City Code requires that any annexed property be accompanied by a zoning establishment. The proposed zone establishment is consistent with the general land use pattern of small lot residential development adjacent to a few larger anchor institutions along the Tutt Boulevard corridor. Any developable parcels that remain undeveloped or underutilized adjacent to the subject property do have active entitlement applications or approvals for single-family or multi-family residential uses, or commercial development.

The subject property is proposed to establish a PUD zone district. Nearly all the adjacent developments have utilized a PUD zoning designation. This PUD will establish a residential zoning to support both attached and detached single-family residential development. The proposed maximum building height is 40-feet with a maximum residential density of 7.7 dwelling units per acre.

City Planning staff finds that the proposed project addresses all the applicable review criteria set forth in City Code.

The PUD Development Plan establishes the configuration for a 45-unit single-family residential development. The site design as proposed utilizes the elements of the Colorado Springs Small-Lot

PUD guidelines for street-oriented small lot residential development which includes narrower street sections, landscape improvements, and pedestrian connectivity through attached sidewalks. In consideration of the PUD guidelines, which are non-codified site design considerations for a PUD development where lot sizes average less than 6,000 square feet per lot, the developer has identified 13 dedicated off-street parking spaces for guest parking in addition to the provided 2-car garages and 20-foot driveways per unit. Staff believes the developer has substantially satisfied the parking and guest parking requirements per City Code and the suggested guidelines for guest parking.

Each residential unit will include private fenced rear-yard space. The PUD Development Plan also establishes the required building setback, lot coverage and permitted encroachments into established setback areas. Per the site design a private full spectrum detention facility, that will be owned and maintained by the future homeowner's association, is proposed along the Vickie Lane frontage. The developer has also strategically proposed a concrete walkway beginning at Richter Heights connecting to Vickie Lane to provide dedicated pedestrian access to the existing public improvements along Vickie Lane.

City Planning staff finds that the proposed project addresses all the applicable review criteria set forth in City Code.

The subject property is located within the Cottonwood Creek Drainage Basin. The area has an approved Drainage Basin Planning Study (DBPS) 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 project 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.

City Traffic Engineering (Traffic) reviewed a Traffic Impact Study (TIS) for this annexation. The TIS, dated September 7, 2021, was reviewed, and accepted by Traffic. The TIS indicates that there will be one full-movement access from Tutt Boulevard into the development via Calton Place, This will be a stop controlled access internal to the development. The segment of Tutt Boulevard adjacent to the subject property is part of the city-initiated Tutt Realignment project.

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 considering site conditions; relatively flat and not within a streamside or hillside overlay, this site was not required to conduct a geological hazard study.

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.

School District 49 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.

The Airport Advisory Commission reviewed the applications at their meeting on November 17, 2021. The Commission had no objections to the applications and provided standard conditions

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. The proposed development allows for logical residential growth within an identified 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 residential growth. Lastly, the proposed annexation does continue to eliminate portions of this existing enclave.

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 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 located within an unnamed enclave, and as stated above the city is in support of reducing enclaves through voluntary annexation.

**Previous Council Action:**

On October 12, 2021, City Council accepted the original petition for annexation. On August 9, 2022, City Council approved a resolution finding the Dublin North Addition No. 5 Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of September 13, 2022, 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 November 16<sup>th</sup>, 2021.

Per the City Budget Office, FIA's are completed for annexations when one of the following criteria is satisfied:

- Any changes/size from non-residential to residential development
- A minimum of 20-acres for all other changes
- A maximum of 400 acres before marginal fiscal analysis is recommended

The proposed annexation is 5.895-acres in size and therefore does not meet the above criteria requiring a full fiscal impact analysis.

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

This item was heard by City Planning Commission on August 10, 2022, as part of the New Business, Public Hearing agenda. The Planning Commission voted unanimously to approve the applications (7-

0-2, Commissioners McMurray and Foos absent).

**Stakeholder Process:**

In addition to the required notice of hearing process per C.R.S 31-12-107, 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 to 268 property owners on three occasions: during the internal review stage, and prior to the Planning Commission and City Council hearing. The site was also posted during the three occasions noted above. During the internal review notification City Planning staff did not receive any comments in response to the notification. When the item was scheduled for City Planning Commission, several residents who recently bought new construction homes adjacent to the proposed development commented in opposition to the application. Those comments included concerns about traffic and views.

Staff's analysis of the proposed applications is outlined in the following sections of this report. Staff 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, School District 49, Police and E-911. The City has an established relationship for review of developments within 2-miles of any military base within the City, this project falls outside this buffer area for review.

**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 Dublin North Addition No. 5 annexation consisting of 5.895 acres located southeast of the Spring Breeze Drive and Tutt Boulevard intersection

N/A