



## Legislation Details (With Text)

**File #:** CPC A 15-00099R      **Version:** 1      **Name:**

**Type:** Planning Case      **Status:** Mayor's Office

**File created:** 10/17/2016      **In control:** City Council

**On agenda:** 11/8/2016      **Final action:** 11/8/2016

**Title:** A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Reserve at Northcreek Annexation.

(Legislative)

Related Files: CPC A 15-00099, CPC ZC 16-00016, CPC CP 16-00017

**Presenter:**  
Mike Schultz, Principal Planner, Land Use Review  
Peter Wysocki, Planning and Development Director, Planning and Development Department

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. AX-NorthcreekAdoptFindingsFactConclusionsLawEligibilityRES-2016-10-19, 2. Reserve at Northcreek Annexation Legal REVISED -, 3. Clerk's Affidavit, 4. Planner's Affidavit, 5. Surveyor's Affidavit, 6. Reserve at Northgate Annexation Plat, 7. Reserve at Northcreek Annexation City Council Presentation, 8. Resolution 122-16

Date	Ver.	Action By	Action	Result
11/8/2016	1	City Council	adopted	Pass
11/7/2016	1	Council Work Session	referred	
10/25/2016	1	City Council	adopted	Pass
10/25/2016	1	City Council	approved	Pass
10/25/2016	1	City Council	postpone to a date certain	Pass

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**Summary:**

Applicant: Land Patterns / Challenger Homes

Owner: Reserve at North Creek LLC

Location: Lying on the north side of New Life Drive approximately 660 feet east from the intersection of New Life Drive and Jet Stream Drive.

This project includes an annexation request, establishment of zone district and a concept plan involving the subject property. The concept plan, consisting of 9.998 acres, proposes the development of attached single-family homes comprising of a gross maximum density of 8 dwelling units per acre and a maximum building height of 35 feet. The proposal is for a new public street to be constructed between the subject property and the Flying Horse development; access for both developments will be taken off the new street.

**Previous Council Action:**

On October 25, 2016, City Council heard the request to approve the annexation of the Reserve at Northcreek, establishment of PUD zone district and the Reserve at Northcreek PUD concept plan. Staff indicated during the public hearing that an amendment to the annexation agreement is required regarding cost recovery for the construction of North Gate Boulevard.

City Council voted unanimously 8-0 (absent: Councilor Murray) in favor of the resolution adopting findings of fact (CPC A 15-00099R) regarding the Reserve at Northcreek.

City Council voted 7-1 to postpone the annexation to the November 7, 2016 work session and the November 8, 2016 regular City Council meeting (in favor: Council President Bennett, Council President Pro-tem Gaebler, Councilmembers Knight, Bagley, King, Strand, Collins; opposed, Councilor Pico).

City Council voted unanimously 8-0 (absent: Councilor Murray) to postpone the establishment of zone district and concept plan to the November 7, 2016 work session and the November 8, 2016 regular City Council meeting.

City Council voted unanimously 8-0 (absent: Councilor Murray) in favor of reconsidering the resolution adopting findings of fact (CPC A 15-00099R) regarding the Reserve at Northcreek. City Council voted unanimously 8-0 (absent: Councilor Murray) in favor of postponing the item to a date certain, November 7, 2016 work session and the November 8, 2016 City Council meeting.

On September 13, 2016, City Council adopted a resolution finding a petition for annexation of the area to be in substantial compliance and setting a hearing date of October 25, 2016 to consider the annexation of the area.

**Background:**

The request is to annex the property into the municipal limits of the City of Colorado Spring, the annexation area consists of 17.023 acres; 9.998 acres consists of the subject property and 7.025 acres consists of New Life Drive right-of-way.

The site is entirely surrounded by the municipal City limits and is considered a “simple” enclave, which is a single parcel located within unincorporated El Paso County and surrounding by the City boundary. The property became an enclave once other properties surrounding it annexed into the City, including the Flying Horse Ranch addition (2003) and Ford Parcel addition (1982). Because the property is planned for a single use, there is no master plan requirement, the concept plan acts as the planning document and illustrates the intended use of the property.

The draft annexation agreement is attached; a final copy will be provided to City Council upon final signatures. The property owner will be responsible to construct New Life Drive adjacent to the subject property and west to the intersection of Jet Stream. The owner will have the responsibility to construct all other public streets internal to the site and have the responsibility to acquire and give to the City, the additional ROW from the adjacent property to the east, and construct that road with a cost recovery available from the adjacent property owner.

The zoning request is to zone the property PUD (Planned Unit Development) to allow for attached single-family residential (duplex units). The maximum residential density will be 8 dwelling units per acre for a maximum of 80 dwelling units. The adjacent Flying Horse master plan development demonstrates high density residential immediately to the east and low density residential immediately to the north of the subject property.

The concept plan illustrates the layout of a paired housing (duplex) development consisting of 9.998 acres and residential density of 8 dwelling units per acre. A new public street would be constructed from New Life Drive to the north and serve both the subject property and future development to the east and north as part of the Flying Horse development. A single access is shown from the future public street; private streets will provide internal access to the residential units.

#### Additional Requested Information

City staff requested that an amendment to the Reserve at Northcreek annexation agreement be considered, in particular subsection V (5) of the annexation agreement that would pertain to cost recovery for the construction of North Gate Boulevard. At issue is the unrecovered costs associated with the annexation and platting of Northgate Highlands Filing No. 1 Plat and Northgate Estates Annexation and Filing No. 1 plat. City staff has decided to withdraw its request for an amendment to the annexation agreement and recommends that the annexation move forward without that additional term.

A full development plan and final plat will be required prior to issuance of building permits that demonstrate the detailed layout of the units, access drives, parking, open space and landscaping.

This request supports the City's strategic plan by encouraging infill development, responsible land use and adding housing stock.

#### **Financial Implications:**

The City Finance Department prepared a fiscal impact analysis report for this annexation which found a positive cumulative cash flow for the City; the report is attached to the City Council memo.

#### **Board/Commission Recommendation:**

At their meeting on June 16, 2016 the Planning Commission voted unanimously, 9-0, approval of the annexation, zone change and concept plan.

The Commissioners voted in favor of all three (3) requests citing that the review criteria were met for each of the respective applications.

#### **Stakeholder Process:**

The public process included posting the site and sending postcard notifications to 24 property owners within 500 feet of the property. The notice was sent when the applications were submitted and notice

of the City Planning Commission hearing.

Staff did not receive any written opposition to the proposal. Staff did meet with Classic Homes regarding how the development related to the Flying Horse development. Classic Homes is working with the Challenger Homes, the perspective purchaser of the property, and is deeding a portion of its adjacent property (already annexed) for purposes of the shared public street from New Life Drive.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, Airport, City Fire, City Landscape, 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.

The United States Air Force Academy (USAFA) provided comment on March 29, 2016 that although they do not object to the project all parties should be aware that the property is located directly within the flight training route for cadets (a copy of that letter is included). A follow up letter was sent on August 29, 2016 noting that although the property may not be directly within the training flight paths, that the property may still be impacted by "a number of factors" which could result in the property still being impacted by training flights.

Staff would point out that there are existing residential properties located immediately north of the subject property as well as future residential properties planned within the Flying Horse development which also would be located within or near the flight training routes of the USAFA.

**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:**

Adopt a resolution finding that the Reserve at Northcreek annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S., the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation.

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