



Legislation Details (With Text)

File #: ANEX-23-0001RF **Version:** 1 **Name:** Extol Park Vista Addition No. 2 Findings of Fact
Type: Planning Case **Status:** Mayor's Office
File created: 6/28/2024 **In control:** City Council
On agenda: **Final action:** 7/9/2024

Title: A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Extol Park Vista Addition No. 2 Annexation.

(Legislative)

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Sponsors: Planning Department

Indexes:

Code sections:

Attachments: 1. ResFindofFact_ Extol Park Vista Addition No 2, 2. Exhibit A - Extol Park Vista Addition No 2 - Legal Description, 3. Exhibit B - Annexation Agreement - Extol Park Vista Addition No 2, 4. Exhibit 12A_Planner Affidavit, 5. Exhibit 12C_Surveyor Affidavit - Extol Park Vista, 6. Signed Resolution No. 64-24.pdf

Date	Ver.	Action By	Action	Result
7/9/2024	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 Extol Park Vista Addition No. 2 Annexation.

(Legislative)

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Summary:
Owner: Extol Homes, LLC, Brad Griebenow
Representative: Land Development Consultants, Inc, Dave Hostetler
Location: 4401 Siferd Boulevard

The proposed annexation is located within the Park Vista enclave and is comprised of 0.66 acres. The application seeks to bring this property into the City municipal limits. There is an associated zone establishment of R-5/AP-O (Multi-Family High with Airport Overlay) and a Preliminary/Final Plat showing the future use as single-family attached housing. The difference in acreage from the annexation total of 0.66 acres to the Preliminary/Final Plat total of 0.67 acres is due to addressing a platting error of a northern small tract that has already been annexed into the municipal boundaries of Colorado Springs.

The proposed annexation and associated applications were reviewed under City Code Chapter 7.

Background:

Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed applications.

Review Criteria:

The below criteria from City Code (Chapter 7) outline the applicable codes associated with this overall project and each associated application.

The Conditions for Annexation as set forth in City Code Section 7.6.203 (Chapter 7) are noted below:

1. *The area proposed to be annexed is a logical extension of the City's boundary;*
2. *The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;*
3. *There is a projected available water surplus at the time of request;*
4. *The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;*
5. *The annexation can be effected at the time the utilities are extended or at some time in the future;*
6. *The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;*
7. *All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;*
8. *If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.*
9. *After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this Zoning Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met.*

In addition to the Conditions for Annexation ratified in the UDC, the City Council recently accepted the following "guidelines" to further aid in analyzing annexations:

1. *Offers housing diversity*
2. *Sufficiency of existing or planned roadway infrastructure*
3. *Sufficiency of existing or planned public safety staffing*
4. *Proximity/opportunity to serve employment centers*
5. *Diversity of development (commercial/industrial/residential)*
6. *Economic impact on city*
7. *Reasonable utilities cost recovery / ROI projections*
8. *Connectivity / Proximity to transportation options*
9. *Desirable parkland/open space*
10. *Ability to fund / offset costs for needed public facilities*

Staff finds the proposed application meets Colorado Revised Statute and is eligible for annexation.

The review criteria for a Zoning Establishment as set forth in City Code Section 7.5.603.B (Chapter 7) are noted below.

1. *The rezoning will not be detrimental to the public interest, health, safety, convenience or general welfare.*
2. *The proposal is consistent with the goals and policies of the Comprehensive Plan.*
3. *Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.*
4. *For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this chapter. (Ord. 94-107; Ord. 97-111; Ord. 03-157; Ord. 12-76)*

Staff finds the proposed application meets the review criteria for a Zone Establishment.

The proposal is also in compliance with the requirements for a Preliminary/Final Plat as set forth in Chapter 7 Code Sections 7.7.204 (Preliminary Plat) and 7.7.303 (Final Plat).

Previous Council Action:

On September 14, 2021, the City Council accepted the original petition for annexation. On May 28, 2024, the City Council approved a resolution finding the Extol Park Vista Addition No. 2 Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of July 9, 2024, 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:

The annexation falls below the threshold for a Fiscal Impact Analysis. The memo received from the City Budget Office is attached.

City Council Appointed Board/Commission/Committee Recommendation:

Colorado Springs Utilities Board provided a unanimous recommendation at their May 17, 2023 meeting. This item was heard before the City Planning Commission on May 8, 2024 as part of the

New Business, Public Hearing agenda. The Planning Commission voted unanimous to approve the applications.

Proposed Motions:

Approve a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Extol Park Vista Addition No. 2 Annexation consisting of 0.66 acres.

Deny a resolution adopting findings of fact and conclusions of law based thereon and determining ineligibility for an annexation of property known as Extol Park Vista Addition No. 2 Annexation consisting of 0.66 acres.

N/A