



## Legislation Details (With Text)

**File #:** CPC A 15-00060-R      **Version:** 1      **Name:**

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

**File created:** 5/27/2016      **In control:** City Council

**On agenda:** 6/14/2016      **Final action:** 6/14/2016

**Title:** A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Kum & Go Store 685 Annexation.

(Legislative)

**Presenter:**  
Mike Schultz, Principal Planner, Land Use Review

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution\_Kum&Go685 - Findings of Fact, 2. Exhibit A\_Annex-Legal, 3. Enclave Map, 4. Annexation Plan Map, 5. Affidavit\_Clerk, 6. Affidavit\_Planner, 7. Affidavit\_Surveyor, 8. Signed Resolution 65-16.pdf

Date	Ver.	Action By	Action	Result
6/14/2016	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 Kum & Go Store 685 Annexation.

(Legislative)

**Presenter:**  
Mike Schultz, Principal Planner, Land Use Review

**Summary:**  
Applicant: Olsson Associates  
Owner: Wilfred E. Perkins  
Location: Northwest corner of Powers Boulevard and Dublin Boulevard

This project includes an annexation request, establishment of zone district and a development/concept plan involving the subject property. The development plan includes the proposed Kum & Go convenience store on 1.877 acres of the site, the remaining 1.6 acres shows a conceptual layout for a future multi-tenant retail building.

**Previous Council Action:**  
On May 10, 2016, City Council adopted a resolution finding the petition for annexation of the area to be in substantial compliance and setting a hearing date of June 14, 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 Springs and develop two (2) commercial properties. The annexation itself consists of 7.711 acres; approximately 4.23 acres includes the right-of-way of Powers Boulevard and Dublin Boulevard.

The site is part of a larger enclave referred to as Templeton Gap, an area completely surrounded by the City limits and contiguous to the municipal limits of the City of Colorado Springs making the property eligible for annexation. Because the property consists of only two lots intended for commercial use no master plan was required. The development/concept plan acts as the planning document and illustrates the use layout.

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA was completed on October 23, 2015. The FIA states that there are minimal identifiable marginal costs of providing services to this development, as the surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. The result of the FIA is a positive cumulative cash flow for the City during the 10 -year timeframe.

The annexation agreement is attached for review. The property is located along a portion of Dublin Boulevard that is planned to be widened; although PPRTA (Pikes Peak Rural Transportation Authority) will be responsible for completing that section the developer is required to escrow \$31,858 to the Pikes Peak Rural Transportation Association for sidewalk, curb and gutter and pedestrian ramps, adjacent to this property for the future Dublin Improvements project. The developer will be required to escrow \$75,000 to the City for the future anticipated traffic signal at the intersection of Dublin Boulevard and Dalby Drive.

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 as an exhibit to the City Planning Commission staff report.

**Board/Commission Recommendation:**

At their meeting on April 21, 2016 the Planning Commission voted:

7-0 (2 absent) in favor of the Kum & Go Store #685 annexation.

7-0 (2 absent) in favor of the establishment of zone to PBC/AO.

7-0 (2 absent) in favor of the Kum & Go Store #685 development/concept plan.

**Stakeholder Process:**

The public process included posting the site and sending postcard notifications to 29 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 the property owner immediately north, Steven Hittle, along with Olsson Associates, regarding contributions and/or

reimbursements to the full build out to Dalby Drive; the applicant agrees to those terms.

Also, the property owner immediately to the south, Ed Lohman, has met with staff and appeared before the City Planning Commission to oppose the annexation agreement; citing that the terms of the agreement were not fair to his terms involving the Dublin Terrace Annexation to the south. The attached City Planning Commission minutes outline the discussion that occurred at the April 21, 2016 Commission meeting. Planning, Traffic Engineering, and City Attorney's staff met with Mr. Lohman subsequent to the Planning Commission meeting. Staff explained to Mr. Lohman the methodology used to determine how his obligations and the current petitioner's obligations were derived.

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, City Fire, City Landscape, Police and E-911.

The City Clerk published and mailed notices as required by 31-12-108, C.R.S.

**Alternatives:**

1. Approve the resolution;
2. Modify the resolution; or
3. Deny the resolution.

**Proposed Motion:**

Approve a resolution finding that the Kum & Go Store 685 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.

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Kum & Go Store 685.