



Legislation Details (With Text)

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

File created: 10/30/2017 **In control:** City Council

On agenda: 8/14/2018 **Final action:** 8/14/2018

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. 4 Annexation.

Related Files: CPC A 15-00039, CPC ZC 16-00026, CPC PUZ 16-00029, CPC CP 16-00030

Presenter:
Catherine Carleo, Principal Planner, Planning and Development
Peter Wysocki, Planning and Community Development Director

Sponsors:

Indexes: Annexation, Dublin North No 4

Code sections:

Attachments: 1. RES_FindingOfFacts_Dublin North No.pdf, 2. Exhibit A - Legal Description_Dublin North No.4, 3. City Clerk Affidavit_Dublin North No.4, 4. Planner Affidavit_Dublin North No.4, 5. Surveyor Affidavit-signed, 6. Signed Resolution 86-18.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 8/14/2018 | 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 Dublin North Addition No. 4 Annexation.

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Summary:

Applicant: Classic Consulting Engineers and Surveyors
Owners: Vickie Lane LLC
Location: 6145 and 6235 Vickie Lane

This project includes concurrent applications for annexation, zoning and concept plan for 10.91 acres located northeast of the intersection of Tutt Boulevard and Dublin Boulevard. The proposed zoning will establish two zone districts, a 4.38 acre site as C-6/AO (General Business with Airport Overlay); and a 5.69 acres site as PUD/AO (Planning Unit Development; Single-family Residential, 3.5-11.99 Dwelling Units per Acre, 35-foot Maximum Building Height with Airport Overlay). The associated concept plan illustrates the commercial and residential portions with proposed access including a

new access point off of Dublin Boulevard into the commercial development.

Previous Council Action:

On July 28, 2015, City Council accepted the original petition for annexation which authorized further processing of the annexation. A resolution setting the City Council hearing date of August 14, 2018 was heard and passed at the June 26, 2018 City Council agenda.

Background:

This annexation consists of 10.91 acres as a request to annex the property into the municipal limits of the City of Colorado Springs for commercial and residential development. The annexation includes .84 acres of Vickie Lane right-of-way; 4.38 acres of proposed commercial and 5.69 acres of proposed residential at mid-high density (3.5-11.99 dwelling units per acre). The site is part of a larger enclave and contiguous to the municipal limits of the City of Colorado Springs. 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 active period of annexation in the 1980's. City Comprehensive Plan 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, or are currently in review for annexation. As supported by the City Comprehensive Plan and 2020 Land Use Map as well as the City Annexation Plan the City is working through the annexation process to completely annex this enclave and close the city boundary gap.

Proposed commercial zoning C6/AO (General Business with Airport Overlay) would establish 4.38 acres for development consistent with uses allowed in the General Business zone district. Property directly west of the subject site was annexed and zoned C6/AO in 2015; this will be an extension of this zone district establishing a commercial node. It is appropriate to establish a commercial node to serve the abundant residential development growing in the area. The proposed zone also fosters a mix of land uses and brings neighborhood services to the area.

The residential zoning request will establish 4.38 acres to be developed as PUD/AO (Planned Unit Development; single-family residential, density 3.5-11.99 dwelling units per acre, 35-foot maximum building height with Airport Overlay). This will allow for future residential development of proposed detached or attached units. There is significant residential development surrounding the site including the property zoned PUD/AO (Planned Unit Development; detached single-family residential, density 5.66 dwelling units per acre, maximum building height of 30 feet with Airport Overlay) along the east boundary and property across Dublin Boulevard zoned PUD/AO (Planned Unit Development; apartments, density 15.14 dwelling units per acre, 45-foot maximum building height with Airport Overlay). The proposed zone is an appropriate extension of similar residential use on adjacent property.

The proposed applications support the City's strategic goal relating to promoting job creation, investing in infrastructure and building community and collaborative relationships. This development proposal integrates variety into the neighborhood that generates opportunities and choices for households, while ensuring the area develops as a well-functioning neighborhood. This project will support the future creation of employment opportunities and maintain prospects for strengthening the Colorado Springs economy through the orderly growth of the corridor which ultimately will support the critical development of commercial uses. The attached City Planning Commission staff report summarizes the project in more detail.

As required under Section 31-12-108.5 C.R.S an Annexation Impact Report must be prepared and

submitted to the Clerk of the County Commissioners of El Paso County 25 days prior to an annexation hearing. Staff prepared these documents and they were submitted on July 18, 2018 to the Clerk.

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 June 13, 2016. The FIA states that there are no identifiable marginal costs of providing services to this development, as the area is currently being serviced by public safety agencies, and 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 Summary of Expenditures and Revenues is included in the City Planning Commission staff report as FIGURE 4.

Board/Commission Recommendation:

These items were originally heard before the City Planning Commission on October 19, 2017 at which the board approved the applications with a vote of 6-0-3 (Absent: Henninger, Satchell-Smith, and Raughton). Since the timing of this vote the applicant wished to revise the intention of the density for the residential portion of the proposed development. The previously proposed density was 3.5-7.99 dwelling units per acre; the revised proposed density is 3.5-11.99 dwelling units per acre. These changes affected only the proposed zoning and concept plan and thus these two applications were heard again before the City Planning Commission with revised proposals. At the City Planning Commission hearing held April 19, 2018 the board approved the applications with a vote of 6-0-3 (Absent: Graham, Markewich and Walkowski).

Please reference the minutes from the hearings for a detailed record.

Stakeholder Process:

The public process included posting the site and sending postcards to 199 property owners within a 500-foot buffer at application submittal. A second mailing was sent to a 1000-foot buffer prior to the Planning Commission hearing. In accordance with Colorado State Statute the Notice and Resolution for Annexation were published in the public newspaper for four consecutive Saturdays. Prior to the City Council hearing held August 14, 2018 the property was posted and postcards sent to surrounding property owners. No written comments have been received by staff.

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, and El Paso County Development Services. This site is within the Airport Overlay and was seen by the Airport Advisory Committee and approved on March 29, 2013. The site is outside of the buffer for review by 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 of finding that Dublin North Addition No. 4 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.

N/A