



## Legislation Text

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**File #:** CPC A 19-00068-R, **Version:** 1

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A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Sorpresa East Addition No.1

(Legislative)

Related Files: CPC A 19-00068-R, CPC A 19-00068, CPC PUZ 19-00138, CPC PUP 19-00139

**Presenter:**

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**Summary:**

Owner: CHALLENGER COMMUNITIES LLC  
Developer: CHALLENGER COMMUNITIES LLC  
Representative: LAND PATTERS INC. - DAVE MORRISON  
Location: Southeast of Sorpresa Lane and Gilpin Peak Drive

This project includes concurrent applications for annexation, establishment of zoning, and concept plan for the associated 8.83 acres located southeast of Tutt Boulevard and Sorpresa Lane, south of the eastern terminus of the Sorpresa Lane roadway. The concept plan illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent. The proposed zoning will establish a PUD/AO (Planned Unit Development; single-family residential, 8 DU/AC, 35-foot maximum height with Airport Overlay) zone district with the overall annexation of 8.83 acres.

**Background:**

The proposed annexation is located in a small county enclave north of East Woodmen Road and west of Black Forest Road. This enclave has seen several annexations over the past fifteen years, reducing the enclave and establishing surrounding residential development. Directly west of this site the single-family residential area was annexed in 2005 as Powerwood No. 6 Addition. Directly north of the subject site the single-family residential development, Cumbre Vista, was annexed in 2005 as Powerwood No. 4 Addition. The proposed site shares a major roadway, Sorpresa Lane, with the northern Cumbre Vista development.

As the Cumbre Vista development occurred over the past 10 years, there was litigation between County residents within this enclave and the developers. This litigation included concern for access from Ski Lane (located just south of Sorpresa Lane adjacent to the proposed development) to Cowpoke Road. Court orders issued through the litigation set forth required access to the County residences through the Cumbre Vista development; these access points are in place today. The establishment of the Sorpresa East development being proposed will not change any access or roadway configuration related to the previous litigation and determination of access.

Furthermore, with the construction of the Cumbre Vista development, the existing Sorpresa Lane (at its furthest eastern terminus) was designed and constructed now includes a retaining wall. Residents of Ski Lane continue to have access from Ski Lane to the City roadway of Sorpresa Lane; however, the retaining wall sits in the middle of City Right-of-Way. This condition is to provide access for the County residents along Ski Lane pursuant to Court Order. Upon the future annexation of the remaining portions of this enclave (currently private property), the configuration of the roadway may be reevaluated.

The Sorpresa East Addition No. 1 Annexation (**FIGURE 4**) will annex 8.83 acres of property into the municipal limits of the City of Colorado Springs. The property is intended for single-family residential uses to be developed within the City and utilizing city infrastructure. This annexation does not include any further annexation of surrounding roadway as Sorpresa Lane is already within the City limits. Initial comments with El Paso County did include conversation of annexing Ski Lane; however, this roadway is public right-of-way within the County serving only those three lots remaining on this roadway and will remain in the County.

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 July 9, 2019. The City's authority to annex land is established by Colorado Revised Statutes (C.R.S. 31-12-101) which sets requirements and procedures that 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 surrounding 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. Further details are illustrated as **FIGURE 5** - a map depicting City enclaves.

A master plan is 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. Similarly, surrounding annexations in the area have been annexed without the master plan requirement as we begin to fill in this enclave with a well-established land use pattern. The supporting concept plan also captures a similar level of detail as would a master plan and clearly identifies the intended land use configuration.

The proposed zoning request will establish a Planned Unit Development (PUD) zoning district for the entirety of the annexing acres. It is required by City Code that any annexed property be accompanied by a zoning designation. The subject property is proposed to establish a PUD zoning that will allow for a zone district with maximum residential density of 8 DU/AC (dwelling units per acre) with 35-foot maximum building height. The property is also within the City Airport Overlay and will be established

with this overlay zoning. When establishing a PUD zoning district the governing PUD zoning shall establish the type, density, and allowable building height. This PUD zone district will be governed by the associated Sorpresa East PUD Concept Plan, which details the dimensional requirements, and will guide future development plan and subdivision plat administrative applications.

The establishment of this zone district will allow for the expansion to residential development that fits appropriately into the land use patterns established in the surrounding area and is supported by nearby community and regional commercial land uses. **(FIGURE 8)** As a mix of residential, the site is within less than a mile of larger lot single-family residential, higher density single-family residential, multi-family apartments and senior living. A public park is located within less than a quarter of a mile of the proposed annexation; additionally the Cottonwood Creek Regional Trail is located approximately a half mile from the site. Woodmen Road is a major corridor which supports many regional uses within the area. A grocery and general store is located within two miles of the site as well as a home improvement store and other retail. St. Francis Hospital is located directly across Woodmen and the regional park-n-ride facility is located at Woodmen Road and Black Forest Road. Overall, the residential site is supported with essential businesses and amenities within less than two -miles.

As required by City Code Section 7.3.603(A) the establishment of a PUD (Planned Unit Development) zoning district shall be accompanied by a concept plan **(FIGURE 9)**. A concept plan illustrates the intention of future development pattern, access, and dimensional controls for the associated land uses. The concept plan document is not required to show specific landscaping, screening and buffering, lighting or other site design aspects. That type of detail is specific to a development plan. Any future request for building permits within the proposed development area will require the submission of a development plan, which will be reviewed administratively per City Code Section 7.3.606. The following sections give more detail of the scope of proposed development.

The proposed Sorpresa East PUD will establish allowable 8 DU/AC (dwelling units per acre). As a conceptual understanding of this, it would allow future single-family residential lots between 2500 square feet and 2700 square feet in a small lot planned unit development configuration. The northern Cumbre Vista development is zoned R1-6000 with single-family residential lots of a minimum 6000 square feet in size; the westerly residential is zoned PUD with lots ranging from 3200 square feet to 5700 square feet. The proposed zoning would allow a mix of residential to the neighborhood adding to diversity of housing type.

At the request of the City Traffic Division, a Traffic Impact Study was completed. The projected operation of the adjacent roadway will be at a satisfactory level of service assuming traffic control measures and roadway designs are developed as analyzed. After review, the Traffic Division supports all findings from the traffic study. The concept plan illustrates the proposed intersections including a new full movement at Grand Lake Grove and Sorpresa Lane. This will be the main access to the development.

Secondary access is provided for along Ski Lane. This access point will only be constructed as part of construction of phase two platting over fifty lots in the overall development. Appropriate fire access has been provided from Sorpresa Lane to Ski Lane and approved per Colorado Springs Fire. The access along William Lake View to Ski Lane will only be permitted for this second phase and only for emergency access. Residents of Sorpresa East will be restricted from use of Ski Lane and would use Grand Lake Grove as the main access point to the development. As a diagrammatic

representation of the layout, please see **FIGURE 10**. No southerly access is proposed due to significant grade changes that do not allow for a roadway connection. Future development eastward in the remaining enclave will extend Sorpresa Lane to the east.

The City Traffic Engineering Division supports the projected road configuration. In addition, City Traffic and City Engineering will work to evaluate Sorpresa Lane in its entirety if at some point in the future, the remaining lots off Ski Lane (private ownership) are annexed and the retaining wall condition from Ski Lane may be reconfigured.

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. Several themes support the proposed development with positive connections between a mix of residential that will foster economic and community growth. **(FIGURE 11)** The proposed development allows for logical residential growth within the Vibrant Neighborhood Framework as a Newer Developing Neighborhood. This typology encourages incorporated higher density housing types along with supported neighborhood amenities.

Within the Strong Connections Framework of PlanCOS Woodmen Road is identified as a Multimodal and Smart Corridor. The project area is established less than one mile from Woodmen Road, which will serve as a strong transportation connection. In addition, a park-n-ride is located at Woodmen Road and Black Forest Road which will give opportunity to smart transportation options. Typology 5, Special Focus Corridors, identifies the effort to promote effective transit service to connect key destinations areas within the City. The goal being while this roadway continues to be transformed into a Multimodal Corridor (per PlanCOS) the supportive areas of development may be established. This approach supports establishing residential nearby.

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. PlanCOS anticipates changes that would focus on the kinds of strategic, logical, targeted and fiscally effective annexations such as this one.

**Previous Council Action:**

Annexation Petition for this property was heard and accepted by City Council on July 9, 2019. The annexation resolution finding a petition for annexation and setting the hearing date was passed by City Council on May 26, 2020.

**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 April 7, 2020. The fiscal review criteria of the City Code states city costs related to infrastructure and service levels shall be determined for a ten-year time horizon for the appropriate municipal funds. This is a standard FIA modeling by the City Budget

Office and does not reflect any potential supplemental funding mechanisms the Developer may gain towards the overall development of the project.

The FIA methodology estimates the City expenditures attributed to the Sorpresa East annexation for the period 2021-2030. The FIA states most departments indicated there were no identifiable costs of providing services to this development. Some agencies as reported in the FIA identified marginal increases in operation costs annually. The prepared FIA states the result of the Fiscal Impact Analysis is a positive cumulative cash flow for the City during the 10-year timeframe; the reason for this outcome is that the development adds enough new residents to defray any burden created by the same development. The Summary of Expenditures and Revenues is attached, along with the Expenditure and Revenue Notes to provide the methodology for calculating the expenditures and revenues. **(FIGURE 6)**

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

This item was heard before City Planning Commission on April 30, 2020 as part of the New Business, Public Hearing agenda. The Planning Commission voted to approve the applications (5-1-2-1; commissioner Wilson against, Commissioner Raughton and Commissioner Rickett absent, and Vice Chair Hente recused). Commissioner Wilson stated she was not in favor of the annexation with the proposed concept plan due to concerns about density and egress. Please reference the minutes from the hearing for a detailed record.

### **Stakeholder Process:**

The stakeholder process included posting the site and sending postcards to 151 property owners within a 1000-foot buffer. An additional mailing was sent out to these residents for notice of a neighborhood meeting held on January 22, 2020 in which 34 people attended. Similar mailings will be sent prior to each scheduled public hearing

Throughout the public participation process, several letters of opposition have been received from surrounding citizens; both before the neighborhood meeting and as follow-up from the meeting. These correspondence are included with this report as **FIGURE 2**. With an overview of comments received both in email and heard at the neighborhood meeting comments are focused on: concerns for traffic volume along Sorpresa Lane, traffic through the adjacent Cumbre Vista development, general infrastructure of Sorpresa Lane and the retaining wall along this roadway, open space and park allocation as well as overall density proposed.

The owner/developer responded to these concerns in a response letter to the neighbors. **(FIGURE 3)** The developer did complete an overall traffic study that was reviewed and accepted by the City Traffic Division. In addition, the City Engineering Division has been involved in review of the current proposed infrastructure design for Sorpresa Lane and was previously involved in the approval of the retaining wall for this roadway. The Division continues to work with the neighborhood on concerns for roadway maintenance. Please see further details within the staff report for information from City agencies on the above listed overall concerns.

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, Academy School District 20, 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. All comments received from review agencies have been addressed. Below is further information from major agencies and their review of the associated applications.

- **Academy School District 20:** Academy School District 20 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 in-lieu of dedication calculated based on density and gross acreage of the area.
- **Military Installation, USAFA:** Staff has determined that this application is outside the two-mile buffer for USAFA notification.
- **Park Land Dedication and Open Space:** The associated development is proposed for future inclusion of residential uses and thus triggers the City Park Land Dedication Ordinance (PLDO) for any dedication or fee in-lieu of parkland. The proposed annexation area does not include a park site that will be counted towards any dedication; the PLDO fee 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.
- **Districts:** This site is in the Woodmen Road Metropolitan District Service area as defined in the January 15, 2013 adopted Intergovernmental Agreement and Service Plan for the District. The Agreement requires that all new land development and construction activity be subject to the terms of the Service Plan including the payment of platting and building fees as well as annexation into the District where they are subject to the mill levy assessment for all real property.
- **Airport Advisory Commission:** The property is within the Airport Overlay and was reviewed and approved on February 26, 2020 by the Airport Advisory Commission.
- **SECWCD:** This property has completed its required inclusion application into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. The Inclusion process was completed with the Bureau of Reclamation with a final Letter of Assent being issued on January 17, 2020.
- **Stormwater Enterprise (SWENT):** A Preliminary Drainage Report has been reviewed by City Stormwater Enterprise and approved. Future development will follow standard process and comply with all drainage criteria and will require a Final Drainage Report prior to any approval of a development plan. City Engineering has worked with the El Paso County Engineering Division to ensure drainage patterns and future facilities take into account surrounding county property and ensure runoff from this proposed development are captured and facilitated appropriately.
- **El Paso County Planning:** Comments were received from El Paso County Development Services Division, generally involving questions related to proper access to remaining adjacent county lots and proper drainage measures. Adjacent lots have been granted proper easements and access; City Stormwater Enterprise continues to work with El Paso County Engineering for future approval of a Final Drainage Report when the property is platted. No comments of concern remain with the County.
- **Colorado Geological Survey:** 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 as part of annexation is being waived from a master plan requirement as detailed above, however; staff has still asked for a geological analysis. For this project, the developer prepared a Limited Geologic Hazard Review. City Engineering has reviewed this report and

determined no further review is necessary from Colorado Geological Survey as the review done included analysis of slopes, underground mining or subsidence, history of landfill or uncontrolled fill activity and findings report that there are no conditions to this effect that are anticipated to preclude the proposed development.

**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 adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Sorpresa East Addition No.1

N/A