



## Legislation Text

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**File #:** CPC A 17-00127R, **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 Park Vista Addition No. 5B Annexation consisting of 0.579 acres.

(Legislative)

Related Files: CPC A 17-00127, CPC ZC 20-00037, CPC PFP 20-00038

**Presenter:**

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**Summary:**

Owner/Developer: Mountain Property Builders, Inc.  
Consultant: Land Development Consultants

The project includes concurrent applications for annexation, establishment of zoning and a preliminary/final plat for the associated 0.579-acres located at 1122 Orchid Street. The zoning and preliminary/final plat establishes the proposed future land use configuration for a residential development consisting of two (2) single-family attached residential units.

**Background:**

The proposed annexation is located in the Park Vista enclave located east of North Academy Boulevard and south of Austin Bluffs Parkway. This enclave has seen several annexations over the past ten years reducing the enclave and establishing surrounding residential development. Within this area the existing county lots have historically annexed and established a slightly higher residential density than adjacent single-family residential to the east. The lots have been annexed on a voluntary annexation basis by property owners wishing to convert the standard county lots into single-family attached dwellings. The properties gain access from Austin Bluffs Parkway as it transitions to residential road circulation. This is a very active area of annexation and the City will most likely see the elimination of this enclave in coming years.

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 March 23, 2021. The City's authority to annex land is established by Colorado Revised Statutes (C.R.S. 31-12-101) which sets requirements and procedures which 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, some unincorporated properties chose not to annex and became enclaves

of land that are surrounded by the City and 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. A number of adjacent parcels, which were previous enclaves, have been annexed and are now residentially developed and allowed for the orderly connection to major infrastructure and services. As supported by PlanCOS, the City's comprehensive plan, 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.

The Park Vista Addition No. 5B Annexation will annex 0.579-acres of private property and adjacent roadway into the municipal limits of the City of Colorado Springs. The property is intended for an attached single-family residential use and will utilize City infrastructure. The adjacent segment of Orchid Street as well as a 240-foot stretch of Orchid Street extending to the southwest will become City roads. It is the City's standard policy that roadways adjacent to voluntary annexations should also be annexed, the City has agreed to incorporate additional portions of Orchid Street and will assume ownership and maintenance responsibilities.

A master plan is typically 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; no master plan is required with this application. The supporting preliminary/final plat also captures development layout and design and clearly identifies the intended land use configuration.

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 April 1, 2022.

The zoning request will establish the R-5 (Multi-Family Residential) zone district to accommodate the proposed attached single-family residential use. It is required by City Code that any annexed property be accompanied by a zoning designation. The general land pattern for the immediate area consists of commercial zoning and land uses along Austin Bluffs Parkway which gives way to higher density residential (Park Vista area) and then stepping further east there is a lesser dense residential neighborhood (Village Seven).

The subject property, with the proposed establishment of an R-5 zone district, would function as an extension of the already developed higher density residential uses in the area and further the community and mix of residential and commercial land uses. Per City Code Section 7.3.104 Residential Design Standards, attached single-family residential units are allowed as a use by right on individual lots. The associated Preliminary Plat as part of this application details the dimensional requirements for the residential use and will guide the future development and administrative building permit applications.

From a surrounding area context, the residential site is within less than one mile of several supporting commercial and civic uses to include: grocery store, convenience and fuel station, bank, post office, religious institutions and several restaurants. Carver City Park is located within less than

a half mile of this site. The site is proximate to four bus stops and bus route 23 along Austin Bluffs Parkway. As discussed above, overall, the residential site is supported with essential businesses and amenities along the surrounding major roadways.

As required by City Code Section 7.5.501(B), a concept plan is required to accompany an application for the establishment of a zone district. Subsection 7.5.501(C) Exceptions, further details alternate options that can be used to substitute the concept plan requirement for zoning establishment and, specifically, identifies that a preliminary plat may be used in lieu if all the information required for a concept plan is included. In this case Staff has required a Preliminary/Final Plat as the supporting document to the Annexation and Zone Change applications as it meets this requirement for the very small project area and allows for the review of needed criteria for both the concept plan and subdivision plat level of detail. (see "PRELIMINARY/FINAL PLAT" attachment) The preliminary/final plat gives details of dimensional controls for the site and indicates the configuration for the future residential development. Per City Code Section 7.5.502(C), a development plan will not be required and after approval of the preliminary/final plat and future building permits will be reviewed and approved administratively.

City Traffic Engineering did not require that a Traffic Impact Study be completed for this annexation and development. The use fits well into the already established traffic circulation pattern and the projected operation of the adjacent roadway will be at an acceptable level of service with the addition of this use.

The project site is in the Park Vista area which is located within the Templeton Gap Drainage Basin. This area has an approved Drainage Basin Planning Study (DBPS) along with a Master Development Drainage Plan (MDDP) that must be followed for all development unless modified. Items addressed in the drainage section of the annexation agreement are standard requirements that have been modified to be more specific for the Park Vista area. The Applicant has provided a provided a Preliminary Drainage Report, prepared by RMG Engineers & Architects, which the City's Stormwater Enterprise (SWENT) has reviewed the report and found it to follow the City's drainage criteria manual. The Applicant will be required to provide the City prior to final subdivision plat recordation a final drainage report for approval per the City's drainage criteria. Additionally, prior to annexation plat recordation, the Applicant will have to pay drainage fees.

As part of annexation a Geological Hazard review may be required per City Code 7.4.502 but is triggered by the establishment of a master plan. This property fits the criteria for waiving of the master plan as detailed above. Furthermore, when taking into account site conditions, which consist of primarily native vegetation with no areas of major slope and not within a streamside or hillside overlay, this site was not required to conduct a geological hazard study.

The associated development does propose future residential uses and, thus, triggers the City Park Land Dedication Ordinance (PLDO). The proposed annexation is small in nature and does not include acreage that could be dedicated and developed for a park site. Therefore, the fees in lieu of land dedication will be collected for each new residential unit at time of building permit issuance. The City's Parks and Recreation Department has reviewed the project applications and supports the collection of fees in lieu of land dedication.

Colorado Spring District 11 was solicited for comments on the project applications but did not respond. Due to the size of the annexation and the project's adjacency to Doherty High School, the

standard school collection fee will be applied for each new residential unit at time of building permit issuance to meet the requirements of the City's School Land Dedication Ordinance.

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 established commercial and residential uses near the project site and how additional residential options will foster economic and community growth. The proposed development allows for logical residential growth within an identified Established Suburban Neighborhood per the PlanCOS Vision Map. According to the Vibrant Neighborhoods (Chapter 2), the Established Neighborhoods typology encourages incorporated higher density housing and other uses along larger roadways with supported neighborhood amenities. New development and/or redevelopment should also be approached to support ongoing investment and improved adaptation of existing neighborhoods.

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 and enhance existing services and land use patterns. Per the Adaptable Implementation chapter (Chapter 8), the plan 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.

It is the finding of the Planning and Community Development Department that the Park Vista Addition No. 5B Annexation, along with the concurrent zoning establishment and preliminary/final plat applications, substantially conform to the PlanCOS goals and objectives.

The City Annexation Plan was last updated in 2006 and is an advisory document. Staff recommends this annexation as consistent with the intent of the 2006 Plan as it eliminates land within an existing enclave within the city and thus closes the gap to infrastructure and services being provided by the City.

There is no master plan for the proposed site. However, City Planning staff finds that the Park Vista Addition No. 5B project to be complimentary and supportive of the long-range vision for the Park Vista area. Through staff's review of the concurrent project applications through the lens of the applicable review criteria the overall area impacts of the project were analyzed.

#### **Previous Council Action:**

On March 23, 2021, City Council accepted the original petition for annexation. On October 11, 2022, City Council approved a resolution finding the Park Vista Addition No. 5B Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of November 22, 2022, 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:**

Per the City Budget Office, FIA's are completed for annexations when one of the following criteria is satisfied:

- Any changes/size from non-residential to residential development
- A minimum of 20-acres for all other changes
- A maximum of 400 acres before marginal fiscal analysis is recommended

The proposed annexation is 0.579-acres in size and therefore does not meet the above criteria requiring a full fiscal impact analysis.

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

This item was heard by City Planning Commission on September 14, 2022, as part of the New Business Calendar portion of the agenda. The Planning Commission voted unanimously to approve the applications (9-0-0).

**Stakeholder Process:**

In addition to the required notice of hearing process per C.R.S 31-12-107, the public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 261 property owners on three occasions: during the internal review stage, and prior to the Planning Commission and City Council hearing. The site was also posted during the three occasions noted above. City Planning staff did not receive any comments in response to the notification.

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, Academy School District 11, Police and E-911. Staff determined that this application is outside the two-mile buffer for USAFA notification. All comments received from the review agencies have been addressed.

**Alternatives:**

1. City Council may choose to approve, amend, or deny the item as presented.

**Proposed Motion:**

Approve a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Park Vista Addition No. 5B annexation consisting of 0.579 acres.

N/A