Legislation Text

File #: CPC A 16-00107, **Version:** 3

Ordinance No. 17-13 for annexation of the Hartsuiker Addition pertaining to 1.134 acres; .523 acres consists of the subject property and .611 acres consists of Ruby Drive right-of-way.

(Legislative)

Related Files: CPC A 16-00107R, CPC ZC 16-00108

Presenter:
Mike Schultz, Principal Planner, Land Use Review
Peter Wysocki, Planning and Development Director, Planning and Development Department

Summary:
Applicant: Dave Hostetler, LDC, Inc.
Owner: Kevin and Kandyce Hartsuiker
Location: 5135 Copper Drive (northeast corner of Copper Drive and Ruby Drive)

This project includes an annexation and establishment of zone for 1.134 acres; .523 acres consists of the subject property and .611 acres consists of a portion of the Ruby Drive right-of-way (includes right-of-way from Copper Drive to Austin Bluffs Parkway). The zoning will establish the R-2/AO/CR (Two-Family Residential with Airport Overlay and Conditions of Record) zone for the .523 of an acre property. No additional development is proposed at this time.

Previous Council Action:
On January 24, 2017 City Council adopted a resolution finding a petition for annexation of the subject property to be in substantial compliance and setting a hearing date of February 28, 2017 to consider the annexation of the subject property.

On February 28, 2017, City Council approved this item on first reading with a unanimous vote.

Background:
The request is to annex the subject property into the municipal limits of the City of Colorado Springs. The annexation area is 1.134 acres, .523 acres consists of the subject property and .611 acres consists of a portion of the Ruby Drive right-of-way (includes right-of-way from Copper Drive to Austin Bluffs Parkway).

The applicant is seeking annexation for the purposes of connecting to City utilities, particularly regarding the need for City water since the owner is experiencing a failing well system. It is the policy of the City that properties contiguous to the City municipal boundary annex to receive utility services.

It should be noted that a number of properties within the Park Vista Estates enclave have been allowed to connect to City water service because those properties were not contiguous to the City boundary but experiencing failing well systems. Property owners are required to enter into a pre-annexation agreement with the City, essentially giving the City the authority to initiate annexation of those properties when the City deems necessary.

The property owner is seeking to establish an R-2 (Two-Family Residential) zone district on the .523 of an acre property. The R-2 zone district is supported by staff because the R-2 zone will serve as a transition to the commercial zoning along Austin Bluffs Parkway and the Park Vista Estates neighborhood. The R-2 zoning will also allow for increased density with the possibility of adding an accessory dwelling unit where city zoning prohibits such use within single-family residential zones (R-1 6000 and R-1 9000).

City Planning Commission, upon a request by a resident of the Park Vista Estates neighborhood who opposed the zoning, recommended that the R-2 zone carry a condition of record that will allow for one (1) single-family home and one (1) accessory dwelling unit (ADU). The owner is in agreement with this condition.

This request supports the City strategic plan by investing in infrastructure by encouraging properties to connect to City services and abandon well and septic systems as well as building community and collaborative relationships by improving emergency response times that would involve City public safety agencies to respond to calls in lieu of El Paso County agencies.

 Financial Implications:
The proposed Hartsuiker Annexation does not merit the City's full fiscal impact analysis. This determination is based on a review of the current and proposed land uses within the annexation and Planning Department's recommendation of approval. The size of the annexation is insignificant enough to preclude any marginal change in service level.

 Board/Commission Recommendation:
The City Planning Commission recommended approval of the annexation on a 9-0 vote and recommended approval of the establishment of the R-2 zone with condition of record (that the property be limited to one (1) single-family home and one (1) accessory dwelling unit) on an 8-1 vote. Chairperson Phillips was the dissenting vote.

 Stakeholder Process:
The public process included posting the site and sending postcard notifications to 37 property owners within 500 feet of the property. Notification was provided during the internal review stage at the initial application as well as notice was provided for the City Planning Commission hearing.

Staff recieved one response in opposition to the proposed R-2 (Two-Family Residential) zoning. The resident expressed concern that the zoning was not appropriate for the Park Vista Estates neighborhood.

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

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:
CPC A 16-00107- ANNEXATION
Approve the ordinance annexing the Hartsuiker Addition, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

An ordinance annexing to the City of Colorado Springs that area known as the Hartsuiker Addition consisting of 1.134 acres located at the northeast corner of Copper Drive and Ruby Drive.