



## Legislation Text

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**File #:** CPC ZC 21-00165, **Version:** 3

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Ordinance No. 22-37 amending the zoning map of the City of Colorado Springs pertaining to 14.665 acres located northeast of the Space Village Avenue and Marksheffel Road intersection establishing a PIP-2/APZ2/AO (Planned Industrial Park, Accident Potential Subzone 2 with Airport Overlay) zone

(Legislative)

Related Files: CPC A 21-00153R, CPC A 21-00153, CPC CP 20-00137-A1MJ21

### **Presenter:**

Gabe Sevigny, Planning Supervisor, Planning and Community Development  
Peter Wysocki, Planning Director, Planning and Community Development

### **Summary:**

Owner: Space Village Industrial LLC  
Developer: Space Village Industrial LLC  
Representative: Matrix Design Group  
Location: Northwest of Marksheffel Road and Space Village Avenue intersection.

The project includes concurrent applications for annexation of 21.82 acres, establishment of zoning of 14.665 acres, and a concept plan for 49.9 acres. The proposed zoning will establish a PIP-2/APZ2/AO (Planned Industrial Park / Accident Potential Subzone 2 with Airport Overlay) zone district.

### **Background:**

The proposed annexation is located in the Cimmaron Hills Enclave north of Colorado Springs Airport, north of Space Village Avenue and east of Marksheffel Road. This is a large enclave, consisting of 4,495 acres. The area consists of several different uses, from industrial, commercial, and residential. The immediate area of the proposed annexation is industrial to the west and un-developed property to the north, south and east.

There is a property line bisecting the proposed annexation and zone change. This area is not identified in a Master Plan, however, a remaining portion of the concept plan amendment area is located within the Banning Lewis Ranch Master Plan and is identified as Office/Light Industrial.

The Space Village Addition No. 1 Annexation will annex 21.82 acres of property into the municipal limits of the City of Colorado Springs. The property is intended for industrial uses to be developed within the City and utilizing city infrastructure. Initial comments from El Paso County included the request to annex Space Village Avenue further west towards Peterson Road; however, this roadway

continues to serve other properties within the County and further instruction from City Traffic Engineering, was to only include Space Village Avenue to its intersection with Air Lane. It is the City's standard policy that roadways adjacent to voluntary annexations should also be annexed but roadways beyond this remain for potential discussion of whether there is rationale for the City to assume the additional ownership and maintenance.

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 industrial 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 concept also captures a similar level of detail and clearly identifies the intended land use configuration.

The proposed zoning request will establish the PIP-2/APZ2/AO (Planned Industrial Park / Accident Potential Subzone 2 with Airport Overlay) zone district to accommodate the future intended industrial development. It is required by City Code that any annexed property be accompanied by a zoning designation. As a general land pattern that has been established in the area, we see developed industrial zoning along Space Village Avenue in the immediate vicinity to the west, un-developed Airport Planned Development to the north and south, and un-developed commercial to the east which gives opportunity to industrial uses in the area in question.

The subject property is proposed to establish the PIP-2 zone district as an extension of the PIP-2 district within the area already annexed to the east and to allow, as a use by right, the development of industrial uses. City Code Section(s) 7.4.104, Site Development Standards, and 7.5.502, Development Plan, allow for the establishment of such uses conforming to design criteria. The associated Concept Plan Amendment details the dimensional requirements and will guide the future development and administrative building permit applications.

The proposed zone change is supported by the submittal of a concept plan that identifies the locations of the proposed land use, major access points, and major roadways. The existence of the Accident Potential Zone (APZ) in this area supports a use other than residential in this corridor, and the PIP-2 zone district provides a variety of uses that balance the transition from industrial uses to the west, transitioning to commercial to the east and residential further east. Accident Potential Zones are based on the Department of Defense criteria and Federal Aviation Agency recommendations related to the start or end of the particular runway. These areas have been identified as having a high potential for accidents and are represented as sub-zones of the Airport Overlay (AO) Zone.

Land use compatibility guidelines for APZ sub-zones recommend lower-density non-residential uses for these areas; places of assembly (e.g., theaters, churches, schools, etc.) are not considered appropriate. Uses permitted in the PIP-2 zone under the City Code do not include any residential or multi-family uses but instead allow service-oriented businesses such as automotive repair garage, as well as business parks and commercial centers. Communication services, mini-storage, and offices are also permitted uses under the PIP-2 zone. According to the comments provided by the Colorado

Springs airport, the permitted land uses under the City's PIP-2 zone district are permissible in this location. Future development plan proposals will continually be reviewed by the Airport Advisory Commission for compliance with APZ land use recommendations. For the reasons stated above, staff finds that the proposed zone change meets the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603B.

The concept plan illustrates the proposed land uses within Reagan Ranch Concept Plan for those areas located within the Accident Potential Zone boundary and Airport Overlay. Also illustrated on the concept plan are general locations of access points, and major public roadways. The intended land uses for the amendment area are office, industrial, and other land uses allowed under the PIP-2 zone. As noted above, these are consistent with land use compatibility guidelines for APZ areas. The establishment of the Reagan Ranch Concept Plan (CPC CP 20-00137) displays land uses for PBC (Planned Business Center) that would provide a transition between the proposed residential uses within Reagan Ranch to the east and the proposed industrial uses within this application. For the reasons stated above, staff finds that the proposed concept plan meets the review criteria for concept plans as set forth in City Code Section 7.5.501.E.

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 industrial uses that will foster economic and community growth. The proposed development allows for logical industrial growth within an identified High Area of Change in PlanCOS. The typology is also identified as a New/Developing Corridor under the urban place typologies. This typology encompasses major arterial streets with land use patterns involving automobile-dominated development.

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 industrial 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 Space Village Addition No. 1 Annexation along with associated zoning, and concept plan amendment substantially conform to the PlanCOS goals and objectives.

The City Annexation Plan is last updated in 2006 and is an advisory document. Staff finds this annexation 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. The proposed annexation is a voluntary annexation located within the Cimmaron Hills Enclave, and as stated above the city is in support of reducing enclaves through voluntary annexation.

**Previous Council Action:**

On October 12, 2021, City Council accepted the original petition for annexation. On May 24, 2022 City Council approved a resolution finding the Space Village Addition No. 1 petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of June 28, 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:**

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA memo was completed on November 17, 2021. 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; new budget policy sets forth criteria to be met for proposed annexations and how a FIA will be completed.

Per the attached FIA memo this proposal annexes a 21.8-acre property in the City and establishes zoning for 14.6-acres of Industrial use. As a fiscal impact analysis is normally completed on the planned zoned acreage, which in this case is 14.6 acres, the proposed annexation and rezone does not meet the criteria, and a full fiscal impact analysis is not required.

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

This item was heard by City Planning Commission on March 17, 2022 as part of the New Business, Public Hearing agenda. The Planning Commission voted to approve the applications (7-0-2; Commissioners Raughton and Graham absent). No concerns were raised. Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

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 11 property owners on two occasions: during the internal review stage, and prior to the Planning Commission hearing. The site was also posted during the two occasions noted above. During the internal review notification City Planning staff did not receive any comments in response to the notification.

*The applications were sent to the standard internal and external agencies for review and comment. Review comments received have been addressed. Internal review agencies for this project included City Traffic, City Engineering, City Parks, City Fire Department and Police/E-911, Colorado Springs Utilities.*

- School District 11: The district was sent a referral and no comments have been received.
- Military Installation Peterson Air Force Base: A statement from base leadership with an excerpt from those comments appears below:  
*“PAFB is not opposed to the development subject to adherence to traffic study with the purpose of redesigning the PAFB east gate intersection and revisiting the proposed traffic pattern at the intersection of Space Village Ave and Marksheffel Rd. These locations directly affect traffic entering and exiting the installation. Please keep PAFB Base Development updated on the progress of development, transportation changes,*

*and plans for pedestrian and bicycle connectivity between the development and the installation. PAFB POC for this matter is Mrs. Ayoka Paek, PAFB Community Planner, [ayoka.paek@spaceforce.mil](mailto:ayoka.paek@spaceforce.mil) <<mailto:ayoka.paek@spaceforce.mil>>”*

- AAC (Airport): The Airport Advisory Commission reviewed the applications at their meeting on November 17, 2021. The Commission had no objections to the applications and provided standard conditions **(see Airport Advisory Commission attachment.)**
- CGS: 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 fit the criteria for waiving of the master plan as detailed above. When taking into account site conditions; relatively flat and not within a streamside or hillside overlay, this site was not required to conduct a geological hazard study.
- SECWCD: The document of Assent was completed December 23, 2021 **(see BOR Assent Space Village attachment)**
- El Paso County Planning: An Annexation Impact Report was forwarded to El Paso County on May 4, 2022.

**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 an ordinance establishing 14.665 acres as PIP2/APZ2/AO (Planned Industrial Park/Accident Potential Zone 2/Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B) as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603

An ordinance amending the zoning map of the City of Colorado Springs pertaining to 14.665 acres located northeast of the Space Village Avenue and Marksheffel Road intersection establishing a PIP-2/APZ2/AO (Planned Industrial Park, Accident Potential Subzone 2 with Airport Overlay) zone