



Legislation Details (With Text)

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Type: Planning Case **Status:** Mayor's Office
File created: 12/4/2017 **In control:** City Council
On agenda: 5/8/2018 **Final action:** 5/8/2018

Title: Ordinance No. 18-43 amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

(Legislative)

Presenter:
Peter Wysocki, Director of Planning and Development

Sponsors:

Indexes: BLR, Code Amendment

Code sections:

Attachments: 1. BLR_RegulationsORD-2018-04-02, 2. CPC_Minutes_BLR Code Amendment, 3. Signed Ordinance 18-43

Date	Ver.	Action By	Action	Result
5/8/2018	2	City Council	finally passed	Pass
4/24/2018	2	City Council	approved on first reading	Pass
4/9/2018	2	Council Work Session	referred	
1/18/2018	1	Planning Commission	referred	Pass

Ordinance No. 18-43 amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

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Summary:
These specific sections of City Code were adopted to implement the fees and obligations set forth by the 1988 Banning Lewis Ranch Annexation Agreement and Banning Lewis Ranch Annexor Shared

Obligation Study.

The proposed ordinance repeals pertinent sections of City Code referencing fees and other obligations required by the 1988 Annexation Agreement and the 2007 Annexor Shared Obligation Study, in light of proposed changes in the proposed restated Annexation Agreement. Adoption of the proposed ordinance will only be necessary if the City Council approves the restated Annexation Agreement.

Previous Council Action:

There have been no previous attempts or Council considerations to amend the original annexation agreement.

On April 24, 2018, this ordinance was approved on first reading on an 8:1:0 vote with Councilmember Murray being the dissenting vote.

Background:

The area known as Banning Lewis Ranch (BLR) was annexed into the City of Colorado Springs in 1988. It consists of approximately 20,000 acres and is generally bordered by Marksheffel Road, East Woodmen Road, Fountain Boulevard and eastern boundary of the City limits. Development of the area is subject to an annexation agreement approved by the City Council on September 23, 1988. A subsequent Banning Lewis Ranch Annexor Shared Obligation Study was adopted by City Council resolution in 2007.

Since being annexed in 1988, the area has realized very little development, certainly much less and at a much slower pace than originally anticipated. The only major development is occurring in the northern portion of BLR by Oakwood Homes, where approximately 450 acres have been developed with various types of single-family residential homes, recreational amenities, roads, utilities and a school. Development in the rest of BLR has been essentially non-existent. The general consensus of the owners is that the obligations required by the 1988 annexation agreement are inconsistent with current annexation terms and conditions and inhibit development of the property. Upon review, City staff concurs that the obligations are arbitrary due to four (4) primary reasons: (1) the lack of a phasing plan that stipulates triggers and equal assessment/distribution of the obligations among the property owners and eventual development projects; (2) base zoning that establishes very high residential densities and residential/non-residential land use ratios that are not attainable; (3) when the annexation was contemplated in the mid-1980's and ultimately approved in 1988, BLR was more than two (2) miles away from developed areas of the City; hence, the infrastructure requirements are far beyond what is now necessary or will be necessary, particularly based on market conditions and actual land use densities/intensities; and (4) the obligations are not equitable with other annexations and developments within the City.

There are three (3) primary reasons why development in BLR is advantageous, if not critical, for the City.

First, there are significant economic benefits. As presented at previous Council Work Sessions, fiscal and economic impact analyses prepared by TischlerBise, Inc., conclude positive economic impacts to the City. In other words, direct, indirect and induced economic impacts generated by new jobs, payroll, property tax and sales tax outweigh the costs of providing City services within BLR. Furthermore, development of BLR significantly reduces sales tax and property tax leakage to areas

outside of the City limits.

Second, if development does not occur within BLR, development will continue to leapfrog into the unincorporated areas of El Paso County. This leapfrog phenomenon will be fiscally detrimental to the City and will result in stress on City infrastructure and services, without the City receiving property tax and sales tax revenues from the development and new consumers to offset the costs of providing services and maintaining infrastructure. There are approximately 6,000 acres available for new development and future growth within the City limits. Included in the 6,000 acres, are lands that are already entitled (approved) for development and lands encumbered by geological conditions that may not be suitable for development. Granted that some new development will be through infill and redevelopment; however, based on the project growth of the City, the 6,000 acres will accommodate growth for less than ten years.

Third, in order to remain a competitive city in terms of quality of life, affordability and economic development, the City must provide conditions that are favorable for attainable housing through all income levels and that land is available for future commercial and industrial development. Staff believes that development in BLR provides an opportunity and “checks the boxes” on all those accounts.

Financial Implications:

As the Council is aware, the City staff has presented the fiscal and economic benefits of the development within BLR. The restated annexation agreement requires that the annexors/developers be subject to various infrastructure improvements, fees and other development-related obligations based on city code and other standard annexation terms and conditions.

Board/Commission Recommendation:

Since the proposed ordinance amends Chapter 7 of City Code (the “zoning code”) formal action was required by the City Planning Commission. The City Planning Commission held a public hearing on January 18, 2018 and voted unanimously to recommend approval of the ordinance to the City Council. The City Planning Commission supports development within BLR that complies with city code and is treated fairly and equitably with other annexations.

The proposed ordinance and background information was also presented to the City Parks Board on January 11, 2018, although no formal action by the Parks Board was required. The Parks Board supports applying the Park Land Dedication Ordinance (PLDO) to the annexation and working with the annexors/developers on building and maintaining public parks within BLR.

Stakeholder Process:

Amendments to City Code are legislative and do not require specific notifications as with quasi-judicial items. However, the proposed ordinance goes “hand-in-hand” with the review and consideration of the restated Annexation Agreement so the public will have an opportunity to provide additional comments beyond the two readings of the ordinance.

Alternatives:

N/A

Proposed Motion:

Move to adopt an ordinance amending Section 705 (Right of Way Dedication and Street Improvements) of Part 7 (Streets in Subdivisions), Section 1102 (Specific Requirements Prior to

Building Permit Issuance) of Part 11 (Assurances and Guaranties for Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development and Building) of the Code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations

An ordinance amending Section 705 (Right Of Way Dedication And Street Improvements) of Part 7 (Streets In Subdivisions), Section 1102 (Specific Requirements Prior To Building Permit Issuance) Of Part 11 (Assurances And Guaranties For Public Improvements), and repealing Part 19 (Banning Lewis Ranch Annexor Fees and Reimbursements), all of Article 7 (Subdivision Regulations) of Chapter 7 (Planning, Development And Building) of the code of the City Of Colorado Springs 2001, as amended, pertaining to Banning Lewis Ranch Regulations