



## Legislation Details (With Text)

**File #:** CPC A 17-00074R      **Version:** 1      **Name:** Airport Spectrum Addition No. 1  
**Type:** Resolution      **Status:** Mayor's Office  
**File created:** 8/29/2018      **In control:** City Council  
**On agenda:** 9/11/2018      **Final action:** 9/11/2018

**Title:** A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Airport Spectrum Addition No. 1 Annexation.

(Legislative)

Related Files: CPC A 17-00074, CPC A 17-00074R, CPC PUZ 17-00146, CPC PUP 17-00147

**Presenter:**

Catherine Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

**Sponsors:**

**Indexes:** Annexation

**Code sections:**

**Attachments:** 1. RES\_FindingofFacts\_AirportSpectrum, 2. Exhibit A - Airport Spectrum\_Annex Legal, 3. Figure 1 - Clerk Affidavit\_Airport Spectrum, 4. Figure 2 - Planner Affidavit\_Airport Spectrum, 5. Figure 3 - Surveyor Affidavit\_Airport Spectrum, 6. PowerPoint\_Airport Spectrum\_CC 9-11-18, 7. Signed Resolution 103-18

Date	Ver.	Action By	Action	Result
9/11/2018	1	City Council	adopted	Pass

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

(Legislative)

Related Files: CPC A 17-00074, CPC A 17-00074R, CPC PUZ 17-00146, CPC PUP 17-00147

**Presenter:**

Catherine Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

**Summary:**

Applicant: Classic Consulting Engineers and Surveyors

Owners: Bert A Getz as Trustee of the Bert Atwater Gets Trust DTD

Location: Southwest corner of Powers Boulevard and Milton E Proby Parkway

This project includes concurrent applications for annexation of 78.95 acres into the City of Colorado Springs including an adjacent portion of Powers Boulevard; establishment of zoning for the associated 60.21 acre property and concept plan for an area of development located southwest of

the intersection of Powers Boulevard and Milton E Proby Parkway. The proposed zoning will establish a PUD/SS/AO, Planned Unit Development (Community Commercial to allow permitted uses in the Planned Business Center and Office Commercial zone districts, maximum building height of 45 -feet) with Streamside and Airport Overlay zone district. The associated concept plan illustrates the proposed land use configuration, access, intended roadway infrastructure, proposed open space and overall intent.

### **Previous Council Action:**

On August 22, 2017, City Council accepted the original petition for annexation which authorized further processing of the annexation through the City Land Use Review process. A resolution setting the City Council hearing date of September 11, 2018 was heard and passed at the July 24, 2018 City Council agenda.

### **Background:**

This annexation consists of 78.95 acres as a request to annex the property into the municipal limits of the City of Colorado Springs for community commercial development. This includes the annexation of the Powers Boulevard right-of-way along the eastern property boundary, as well as 20 acres of proposed open space along the western property boundary. The site is contiguous to the municipal limits of the City of Colorado Springs and meets Colorado Revised State Statute required minimums for contiguity. Land owners seeking voluntary annexation must petition the municipality to request annexation into the City. 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 contiguity, not less than one-sixth the perimeter of the proposed area for annexation, is contiguous with the existing boundary of the annexing municipality. A parcel's relationship to the existing City boundary is the key factor in the determination of its eligibility for annexation. Figure 4 as part of the associated staff report helps better depict the City boundary relationship to the proposed parcel for annexation.

As supported by the City Comprehensive Plan as well as the City Annexation Plan the City strives through the annexation process to close gaps to service areas while also encouraging economic growth opportunities. Staff supports that although the subject property is identified in the City Annexation Plan as a parcel 'eligible for annexation but not recommended' this annexation is a logical extension of services already provided by the City and is an opportunity for economic growth. At the time this evaluation was completed (City Annexation Plan 2006) this area was identified in this category as an area that is statutorily eligible for voluntary annexation, but raised concerns for providing services and establishing compatible land use patterns. The annexation directly north of this parcel was approved in 1980 (the Drennan Road Site Addition) which annexed over 300 acres, including a portion of Powers Boulevard and Milton E Proby, which is now a mix of land uses including single-family residential (with a variety of densities throughout), two park sites, a school site and a sports complex. Further in 2010 the Milton E Proby Parkway Annexation was completed which annexed Milton E Proby from South Academy to the terminus of the Drennan Road Site Annexation bringing all of Milton E Proby into the City and establishing urban level utility services. The site is also surrounded to the east by the Municipal Airfield Addition Annexations. The evaluation in 2006 when the City Annexation Plan was completed would not have taken into account these additional annexations and thus established this site in the category of 'Eligible but not Recommended'. Staff believes with the current evaluation of surrounding urban services this is a logical extension of the City boundary and when evaluated with the more recent surrounding annexations would meet the intent of the City Annexation Plan to support annexation.

There are areas adjacent to the City, particularly along the eastern edge, that may meet the contiguity requirement but are costly to serve due to the distance from existing public facilities and service. There are peninsulas, such as the proposed, remaining within El Paso County that can be served with a full range of urban level services within the City in a more efficient manner. Urban services are being provided by the City in the surrounding residential and airport developments. The area is currently being serviced by City public safety agencies, and the surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. Furthermore, staff suggests that the community commercial land use in this area will foster commercial development as a complementary land use to the adjacent the City airport and would maintain compatibility with the surrounding residential development.

There is no master plan associated with this annexation and necessary detail is depicted through the concept plan. A master plan is typically required with annexation; however, per City Code, a master plan may be waived if the land area under review is a parcel is less than 30 acres, and is part of a well-established surrounding development pattern. The proposed annexation includes 78.95 acres; however, only 29 acres is proposed for development due to development suitability constraints. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern, as well as the Comprehensive Plan 2020 Land Use Map, supporting the establishment of the intended land use associated with this annexation. The concept plan (included as Figure 9 of the staff report) illustrates further the intention of future development pattern, access, and dimensional controls for the associated land uses; further details are included in the associated staff report.

Proposed zoning will establish a PUD/SS/AO (Planned Unit Development; community commercial to allow permitted uses in the Planned Business Center and Office Commercial zone districts with Streamside and Airport Overlay, with maximum building height of 45-feet) zone district for the future establishment of community commercial development. (FIGURE 8) The proposed zone is compatible and complementary to surrounding land uses.

Property within El Paso County in the area of this annexation are being serviced by Security Water and Sanitation Districts. Staff has been in conversation with the general manager of the Districts and have received comment related to ensuring that development of the annexation area will follow City BMPs for wastewater and stormwater as a result of this development. The District has no further comments. All standard City Code related to development will be required for future entitlements.

The subject site was previously reviewed for preliminary plan request before the Board of County Commissioners with a resolution passed on October 15, 2015 with preliminary approval for the Airport Spectrum development. Since that time the Owner has requested annexation to establish his development within the City of Colorado Springs rather than El Paso County. Staff received final comment from El Paso County Planning and Community Development that they had no concerning comments for the annexation.

The final annexation agreement is attached as part of this memo. Dedication and improvements with this annexation are fully outlined in the agreement and follow the City standard annexation agreement. The owner is required to participate financially in needed traffic control devices on surrounding roadway. The standard Police and Fire service fees will be collected.

This property has completed required inclusion into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. Inclusion was approved with surrounding properties in

1958, this decree and Letter of Assent are attached as Figure 7 to the staff report.

As required under Section 31-12-108.5 C.R.S an Annexation Impact Report must be prepared and submitted to the Clerk of the County Commissioners of El Paso County 25 days prior to an annexation hearing. Staff prepared these documents and they were submitted on August 16, 2018 to the Clerk.

The proposed applications support the City's strategic goals to promote a mixed land use pattern and establish new development that is compatible and mutually supportive of one another. The establishment of the proposed land uses will support an integrated neighborhood that is compatible with the surrounding land uses and will complement the character of adjacent land uses. In addition the annexation supports the City's strategic policy for potential annexation areas that are likely to be incorporated by the City.

### **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 July 3, 2018. The FIA states that there are no identifiable marginal costs of providing services to this development, as the area is currently being serviced by public safety agencies, and the surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. The result of the FIA is a positive cumulative cash flow for the City during the 10-year timeframe. The Summary of Expenditures and Revenues is included as Figure 6 of the staff report, along with the Expenditure and Revenue Notes to provide the methodology for calculating the expenditures and revenues.

### **Board/Commission Recommendation:**

These items were heard before the City Planning Commission on July 19, 2018 at which the commission approved a motion with a vote of 7-0-2 (Absent: Chair McDonald and Commissioner Almy) for recommendation of approval.

### **Stakeholder Process:**

The public process included posting the site and sending postcards to 239 property owners within a 1000-foot buffer at application submittal. A second mailing will be sent to a 1000-foot buffer prior to the Planning Commission hearing. Staff received one letter of written concern related to water quality, noise, lighting and trees. The resident was contacted with response for his concerns and no further comments were received.

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, School District 3, Police and E-911, CDOT, Security Water & Sanitation, and El Paso County Development Services. This site is within the Airport Overlay and was seen by the Airport Advisory Committee and approved on December 20, 2017. The site is outside of the buffer for review by USAFA.

### **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 of finding that the Airport Spectrum Addition No. 1 Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S, the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation.

N/A