



Legislation Details (With Text)

File #: CPC A 17-00025R **Version:** 1 **Name:** Briargate Church Assembly of God
Type: Resolution **Status:** Mayor's Office
File created: 1/28/2019 **In control:** City Council
On agenda: 2/12/2019 **Final action:** 2/12/2019

Title: A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Briargate Church Assembly of God Annexation.

(Legislative)

Related Files: CPC A 17-00025, CPC ZC 18-00035, CPC DP 18-00036

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

Sponsors:

Indexes: Annexation

Code sections:

Attachments: 1. RES_FindingofFacts_BriargateChurchAnnexation, 2. Exhibit A - Annexation Legal Desc, 3. Figure 1_Planner Affidavit, 4. Figure 2_City Clerk Affidavit_BCAG, 5. Figure 3_Surveyor Affidavit-signed, 6. Signed Resolution 21-19

Date	Ver.	Action By	Action	Result
2/12/2019	1	City Council	adopted	Pass

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Summary:
Owners: Briargate Church Assembly of God (Pastor, Scott Bottoms)
Consultant: RMG Architects
Location: Northeast corner of Voyager Parkway and Springcrest Road

This project includes concurrent applications for annexation of 8.26 acres into the City of Colorado Springs including an adjacent portion of Springcrest Road; establishment of zoning for the associated property and development plan for development of an expansion to the religious facility. The proposed zoning will establish an A (Agricultural) zone district. The associated development plan

illustrates the proposed land use configuration, access, and overall intent.

Previous Council Action:

On January 9, 2018, 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 February 12, 2019 was heard and passed on the January 8, 2019 City Council agenda.

Background:

This annexation consists of 8.26 acres as a request to annex the property into the municipal limits of the City of Colorado Springs for further development of a religious facility. The proposed annexation largely reflects the need for City utility services for any further development of the property. The property owner has stated in their project statement that any further addition to the church facility will overburden the existing well and septic system capacity for the property and with a growing congregation they are in need of a facility expansion. Per City Code Section 7.6.210 utility services may be provided to property outside the City limits; however, when the area to be served is legally eligible for annexation the property should be annexed into the City to receive utility services. The proposed annexation does meet the State Statute requirement for contiguity with the City boundary and is legally eligible for annexation.

The current City Annexation Plan (2006) identifies the property in an area eligible for annexation but not recommended as that evaluation states that the nature of the existing land use pattern at that time was low density residential areas. In general the City's policy would not support annexation of low density residential. The proposed site, as well as the neighboring property to the east, have developed as religious uses along with the school development to the south have created an overall function of a transitional civic/commercial land use pattern rather than the previously identified low density residential evaluated in the 2006 Plan. Staff would support that the evaluation done in 2006 was previous to the established land uses along Springcrest Road and this land use pattern more aligns with areas the City supports for annexation.

Although this property is not located in a true enclave (remnants of land that are surrounding by the City), the property is located within a small area of unincorporated El Paso County with similar characteristics of an enclave. The city boundary surrounds this area along the north, east and south; and it is completely boarded to the west by United States Airforce federally owned property that will not be annexed into the City. (FIGURE 3) The methodology, as identified in the City Annexation Plan, of supporting the annexation of areas of enclaves is to eliminate areas that are smaller portions of unincorporated county that are surrounded by City infrastructure closing the gap to City services.

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 full detail of future planned development is depicted on the development plan. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern supporting the establishment of the intended land use associated with this annexation.

The proposed zoning request is to establish 8.26 acres as A (Agricultural). The owner has identified the intention for the expansion of the existing religious use on the property. The property is currently zoned RR-5 (Rural Residential) in El Paso County with the allowable use by right for a religious institution on the property. The Owner is proposing a zone change to Agricultural which will allow the

continuation of the religious use as well as has compatible dimensional controls for the property that are harmonious with the surrounding properties.

City Code section 7.5.501(B)(1) requires the minimum of a concept plan accompany an application for the establishment of a zone district with the exemption per City Code section 7.5.501(C)(1) for the establishment of a zone district including A (Agricultural). In this instance the owner has chosen to go beyond the required concept plan and has submitted a full development plan for the further expansion of the religious facility.

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 on July 24, 2018, this decree and Letter of Assent were issued by the Bureau of Reclamation.

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 if the property is more than 10-acres in size. Since the subject property is under 10-acres this report was not completed.

PlanCOS, the City's newly adopted Comprehensive Plan, is a high level and visionary document. Although PlanCOS purposefully does not include site-specific map-based recommendations regarding land use or annexations, there are areas of alignment between the Plan and this proposed annexation and land use to allow expansion of an existing religious institution at this location. This site is within proximity of a Regional Employment and Activity Center to the south in Briargate (Typology 4 in the Unique Places), and therefore can take advantage of this proximity including efficient access to existing City utilities, services and infrastructure. Common desired elements for all the Thriving Economy typologies 5 include a "mix of complimentary uses" and "land use integration with surrounding uses". Religious institutions are recognized in the Plan as part of the Renowned Culture fabric of the City, with aspects of Renowned Culture Typology 2 "Community Assets", being specifically applicable.

This property would fall in the category of "near enclave" as defined in PlanCOS. Although these areas do not technically meet the statutory definition of an enclave, they share many of the characteristics of enclaves. In this case, this larger area would qualify as a legal enclave but for the presence of the unincorporated USAFA property along its western border. PlanCOS specifically recommends more proactivity in integrating all or parts of near enclaves into the City where and when feasible. Overall, the Plan recommends strategic annexations that are or will be well aligned with existing and planned City infrastructure. On balance, this annexation would appear consistent with these goals.

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 December 4, 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 December 20, 2018 at which the commission made motion with a vote of 8-0-1 (Absent: Chair McDonald) for recommendation of approval for the annexation and zone change; and made motion with a vote of 7-1-1 (Opposed: McMurray, Absent: Chair McDonald) for the development plan.

Stakeholder Process:

The public notification process consisted of providing notice to the neighbors by posting for the project on site and sending postcards to property owners within 1000-foot of the project site. No comment or letters of opposition were received. A second mailing will be sent to a 1000-foot buffer prior to the public hearing.

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 49, Police and E-911, El Paso County Development Services, and USAFA (No comments were received from 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 Briargate Church Assembly of God 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