



## Legislation Details (With Text)

<b>File #:</b>	CPC A 19-00067R	<b>Version:</b>	1	<b>Name:</b>	Tutt Boulevard
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Mayor's Office</b>	
<b>File created:</b>	10/23/2019	<b>In control:</b>		<b>City Council</b>	
<b>On agenda:</b>	11/12/2019	<b>Final action:</b>		<b>11/12/2019</b>	
<b>Title:</b>	A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Tutt Boulevard Addition No. 1 Annexation. (Legislative)				
	Related Files: CPC A 19-00067R, CPC A 19-00067, CPC ZC 19-00121				
	Presenter: Katie Carleo, Principal Planner, Planning & Community Development Peter Wysocki, Director of Planning and Community Development				
<b>Sponsors:</b>					
<b>Indexes:</b>	Annexation				
<b>Code sections:</b>					
<b>Attachments:</b>	1. RES_Findings_TuttBlvd, 2. Exhibit A - Tutt Boulevard Annex_Annex Legal, 3. Figure 1_Planner Affidavit Tutt Annexation - signed, 4. Figure 2_Surveyor Affidavit Tutt Annexation - signed, 5. Signed Resolution 127-19.pdf				

Date	Ver.	Action By	Action	Result
11/12/2019	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 Tutt Boulevard Addition No. 1 Annexation. (Legislative)

Related Files: CPC A 19-00067R, CPC A 19-00067, CPC ZC 19-00121

### Presenter:

Katie Carleo, Principal Planner, Planning & Community Development  
Peter Wysocki, Director of Planning and Community Development

### Summary:

Owner: City of Colorado Springs

Consultant: Rockwell Consulting Inc.

Location: The property is located northwest of Tutt Boulevard and Cowpoke Road

This project includes concurrent applications for annexation and establishment of a City zoning for a parcel located northwest of Tutt Boulevard and Cowpoke Road. The proposed zoning will establish a PF (Public Facility) zone district for the development of a regional City Stormwater facility; with the overall annexation of the 1.74 acre parcel.

### **Background:**

The Tutt Boulevard Addition No. 1 Annexation will annex 1.74 acres of property into the municipal limits of the City of Colorado Springs. The property is intended for the development of a City stormwater drainage facility. As part of the City's obligation with the current IGA (Intergovernmental Agreement) with Pueblo County the City shall construct the Cottonwood Creek Stormwater Detention Basin PR-2 facility. The parcel should be annexed into the City since the City of Colorado Springs will be required to own and maintain the facility, and all City owned property should be within the City limits. The property is completely owned already by the City of Colorado Springs. This annexation will also annex a small portion of roadway for future Tutt Boulevard extension.

Land owners seeking voluntary annexation must petition the municipality to request annexation into the City. The Annexation Petition for this property was heard and accepted by City Council on July 9, 2019. 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 the contiguity requirement is met; not less than one-sixth the perimeter of the proposed area for annexation is contiguous with the existing boundary of the annexing municipality. This property meets those requirements with 52.7% contiguity.

C.R.S. (Colorado Revised Statute) 31-12-105 governs the annexation process for municipalities to annex a portion of land in which is owned by that municipality. In this process the annexation is not required to follow the notification process outlined in C.R.S. 31-12-108 and have the associated resolution hearing date and four consecutive Saturdays of public notice in the newspaper. Rather the annexation is allowed to move straight to public hearing. City staff has ensured these items did follow our standard City public notification process.

A master plan is typically required with annexation; however, per City Code section 7.5.403(B) this requirement may be waived if the land area under review is a small parcel (less than 30 acres) and is part of an enclave with a well-established surrounding development pattern and intended for a single primary use. Since this parcel is well under the 30 acres benchmark and is fully intended for a City Stormwater facility the master plan requirement has been waived by the manager. In addition section 7.5.408.F of City Code identifies the details for Fiscal Impact Analysis requirements with the establishment of a master plan. Since there was not the establishment of a master plan and further the construction of this facility is governed by an IGA (Intergovernmental Agreement) with Pueblo County and must be constructed the City has ultimate responsibility for the development of this facility. Staff still supports that the establishment of this annexation and ultimate stormwater facility remains consistent with City Code Section 7.5.408.F and will have no adverse impact on the surrounding community, on the contrary this project will be a great benefit to the surrounding community.

The proposed zoning request will establish a PF (Public Facility) zoning district for the entirety of the annexing acres. It is required by City Code 7.5.603.B that any annexed property be accompanied by a zoning designation. The subject property is proposed to establish a new City stormwater drainage facility built and maintained by the City. Please refer to the Project Statement (Included as Figure 1 of the Staff Report) for further details from the City's project manager, Mr. Jeff Dunn. The establishment of the Public Facility zone district allows for the development of the needed stormwater detention facility (City Code Section 7.3.203).

### **Previous Council Action:**

Previous Council action on this property included the annexation petition communication that was accepted by City Council on July 9, 2019

**Financial Implications:**

A Fiscal Impact Report is required with the establishment of a master plan (Section 7.5.408.F) or a major amendment. There is no master plan associated with this annexation and since the City as owner is obligated by the associated IGA for the construction of this facility there was no FIA completed.

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

At the Planning Commission meeting held on October 17, 2019, these items were approved unanimously on the New Business calendar. The Planning Commission voted 7-0-2 in favor of the items (with Commissioner McMurray and Commissioner Graham excused).

Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

The public process included posting the site and sending postcards to all property owners within a 1000-foot buffer prior to public hearing.

Staff input is outlined in the associated Staff 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 20, Police and E-911. Comments were sent to El Paso County Development Services Division but no comments were received.

**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:**

Approve a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as the Tutt Boulevard Addition No. 1 Annexation.

N/A