



## Legislation Details (With Text)

<b>File #:</b>	CPC A 21-00048R	<b>Version:</b>	1	<b>Name:</b>	Woodmen East Commercial Center Addition No. 1
<b>Type:</b>	Resolution	<b>Status:</b>		<b>Status:</b>	Mayor's Office
<b>File created:</b>	7/14/2022	<b>In control:</b>		<b>In control:</b>	City Council
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**Title:** A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Woodmen East Commercial Center Addition No. 1 annexation consisting of 30.74 acres, and approving an annexation agreement

(Legislative)

Related Files: CPC A 21-00048, CPC ZC 21-00141, CPC CP 21-00142

**Presenter:**  
Katelynn Wintz, Planning Supervisor, Planning and Community Development  
Peter Wysocki, Director, Planning and Community Development

**Sponsors:**

**Indexes:** Annexation

**Code sections:**

**Attachments:** 1. Resolution\_Findings\_WoodmenEastCommercialCtrAddNo1, 2. Exhibit A - AnnexLegalDesc, 3. Exhibit B - Anx Agreement, 4. Planner Affidavit, 5. Surveyor Affidavit, 6. City Clerk Affidavit, 7. Signed Resolution No. 114-22

Date	Ver.	Action By	Action	Result
8/23/2022	1	City Council	adopted	Pass

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**Summary:**

Owner/Developer: American Heritage Holdings, LLC  
Representative: NES, INC - Andrea Barlow  
Location: southeast of the Mohawk Road and East Woodmen Road intersection

This project includes concurrent applications for annexation, establishment of zoning, and a concept plan for the associated 30.74-acre property located southeast of Mohawk Road and East Woodmen

Road. The concept plan establishes the proposed future land use configuration, access, circulation, intended infrastructure and overall development intent. The proposed zoning will establish a PBC (Planned Business Center) zone district with the overall annexation to allow for future development consistent with that zoning to be established on the property.

### **Background:**

Landowners 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 April 29, 2021. 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.

As the City has expanded enclaves, remnants of land that are surrounded by the City have remained within the jurisdiction of Unincorporated El Paso County. Several enclaves remain from the City's very active period of annexation in the 1980's. City Policy supports the elimination of enclaves and thus closing the gap to services being provided. Surrounding areas as part of this enclave have been recently annexed and now include the connection to major infrastructure and services. As supported by the City Comprehensive Plan, PlanCOS, as well as the City Annexation Plan, the City is working through the annexation process to annex active enclaves and close the city boundary gap.

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 residential 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 preliminary/final plat also captures a similar level of detail and clearly identifies the intended land use configuration.

This property has completed its required inclusion application into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation.

The proposed zoning request will establish the PBC/AO (Planned Business Center, Airport Overlay) zone district to accommodate the future mixed-use development proposed for the project area, as further described in the "Concept Plan" section below. 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 commercial and residential development surrounding the site. Any undeveloped or underutilized parcels do have active entitlement approvals for commercial, residential, or mixed-use development.

The subject property is proposed to establish the PBC zone district as an extension of the PBC district with the area already annexed to the west and to allow a mix of by-right and conditionally permitted uses for future development. City Code Section(s) 7.4.104, Site Development Standards, and 7.5.502 Development Plan, allows for the establishment of such uses conforming to design criteria. The associated Concept Plan Amendment as part of this application will guide the future development and administrative building permit applications.

The concept plan illustrates the proposed land uses for the Woodmen East Commercial Center. 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 commercial, residential, and other land uses permitted or conditionally permitted in the PBC zone. Per the plans, 16.13-acres are proposed to be multi-family residential uses and 14.61-acres are reserved for the creation of 6 lots for commercial uses.

General notes on the plan indicate that no lots shall have direct access to Woodmen Road. All access to the commercial development is envisioned to be provided off the future public road, Straight Way. The intersection of Mohawk Road and Straight Way will be a full movement access. A three-quarter movement access will operate at the intersection of Mohawk Road and Golden Jubilee Drive. There are also two full movement access points into the proposed multi-family residential parcel from Golden Jubilee Drive. Per the agency comments noted below, the developer is responsible for construction of Mohawk Road from Woodmen Road south to the future Golden Jubilee Drive.

Staff notes that most of the subject property is proposed for future residential development which is conditionally permitted in the proposed PBC zone district. Notes on the plan reinforce that any conditionally permitted uses in this zone district must receive Planning Commission development plan approval.

Staff finds that the plans are in substantial conformance with the review criteria for establishing a concept plan.

The subject property is located within the Sand Creek Drainage Basin. The area has an approved Drainage Basis Planning Study (DBPS) that must be followed for all development unless modified. Items addressed in the drainage section of the annexation agreement are standard requirements that have been modified to be more specific for the project area. The applicant will be required to provide the City with an approved Final Drainage Report and Plans that require water quality treatment for the developable areas, as per the City's drainage criteria, prior to recording a subdivision plat. They will also have to pay drainage fees prior to recording the annexation plat.

City Traffic Engineering (Traffic) reviewed a Traffic Impact Study (TIS) for this annexation. The TIS, revision date December 8, 2021, was reviewed and accepted by Traffic. Per the findings in the final report, the developer will be responsible to fully construct Mohawk Road between Woodmen Road and future Golden Jubilee Drive to city standards as recommended in the traffic impact analysis Figure 10. The developer can file cost recovery against the eastern property, if desired.

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 considering site conditions; relatively flat and not within a streamside or hillside overlay, this site was not required to conduct a geological hazard study.

The associated development is proposed for future residential uses and thus triggers the City Park Land Dedication Ordinance (PLDO). The proposed annexation is small in nature and does not include a park site that could be counted towards any dedication. Therefore, the PLDO fees will be collected for residential units established as part of this annexation area. The Parks and Recreation Department has reviewed this application and supports the collection of fees in lieu of land dedication.

School District 49 has reviewed the associated applications. They are not requesting any land dedication with the size of this annexation and will be collecting the standard fee for any residential unit established within the annexed area.

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

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 a mix of commercial and residential development that will foster economic and community growth. The proposed development allows for logical residential growth within an identified New/Developing Corridor under the urban place typologies. This typology encompasses major arterial streets with land use patterns involving automobile-dominated development. This typology encourages incorporated higher density housing types along larger roadways with supported neighborhood amenities.

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 residential growth. Lastly, the proposed annexation does continue to eliminate portions of this existing enclave.

The City Annexation Plan was last updated in 2006 and is an advisory document. Staff recommends this annexation as 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 an unnamed enclave, and as stated above the city is in support of reducing enclaves through voluntary annexation.

#### **Previous Council Action:**

On May 11, 2021, City Council accepted the original petition for annexation. On July 12, 2022 City Council approved a resolution finding the Woodmen East Commercial Center Addition Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of August 23, 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 18, 2021. The fiscal review criteria of the City Code states that the 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 30.74-acre property in the City and zones for mixed commercial and residential uses. Per the provided analysis, the study finds that the annexation

and future development of the site would result in a positive cumulative cashflow over the noted ten-year time horizon. The findings suggest that the proposed uses of commercial and multi-family residential would result in a positive cumulative cashflow year over year, resulting in about 2.8 million dollars of revenue for the City across the ten-year horizon.

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

This item was heard by City Planning Commission on May 19, 2022, as part of the New Business, Public Hearing agenda. The Planning Commission voted to approve the applications (6-0-2; Commissioners Wilson and Graham absent). No concerns were raised specific to the applications, however Commissioner McMurray did inquire about the validity of a 10-year financial impact analysis horizon citing that it seems insufficient to truly understand the cost/benefit to the City and increased demand on City services.

**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 254 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.

Staff's analysis of the proposed applications is outlined in the following sections of this report. Staff sent the 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.

**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 the findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Woodmen East Commercial Center Addition No. 1 and approving an annexation agreement.

N/A