



## Legislation Details (With Text)

<b>File #:</b>	ANEX-22-0010R	<b>Version:</b>	1	<b>Name:</b>	Hope Chapel Addition No. 1
<b>Type:</b>	Resolution	<b>Status:</b>			Mayor's Office
<b>File created:</b>	7/11/2023	<b>In control:</b>			City Council
<b>On agenda:</b>	7/25/2023	<b>Final action:</b>			7/25/2023
<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 Hope Chapel Addition No. 1.  (Legislative)  Related Files: ANEX-22-0010, ANEX-22-0011, ANEX-22-0011R, ZONE-22-0008, COPN-22-0008  Presenter: Gabe Sevigny, Planning Supervisor, Planning and Community Development Peter Wysocki, Planning Director, Planning and Community Development				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Resolution, 2. Exhibit A - Legal Description, 3. Exhibit B - Annexation Agreement, 4. Assent Approved, 5. Planner Affidavit, 6. Surveyors Affidavit Notarized, 7. Hope Chapel Additions 1 & 2 FIA Memo, 8. Signed Resolution No. 108-23.pdf

Date	Ver.	Action By	Action	Result
7/25/2023	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 Hope Chapel Addition No. 1.

(Legislative)

Related Files: ANEX-22-0010, ANEX-22-0011, ANEX-22-0011R, ZONE-22-0008, COPN-22-0008

### Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development  
Peter Wysocki, Planning Director, Planning and Community Development

### Summary:

Owner: Hope Chapel of Colorado Springs  
Representative: NES, INC  
Location: 2210 Old Ranch Road

The project includes concurrent applications for a serial annexation, Hope Chapel Addition No. 1 consisting of 4.6136 acres, Hope Chapel Addition No. 2 consisting of 9.8807 acres, establishment of R5/SS (Multi-family Residential with Streamside overlay) zoning district and a concept plan consisting of 11.1073 acres. The concept plan illustrates the proposed land use, multi-family

residential with twenty-two (22) units consisting of 4-6-plexes with a maximum unit count of 100 units, a religious institution not to exceed 20,000 square feet.

**Background:**

The proposed annexation is located in the Near Enclave 2 map north of Old Ranch Road and East of Voyager Parkway. The immediate area located in unincorporated El Paso County generally consists of single-family residential with lot sizes of 2.5 acres or greater. Further west is incorporated City of Colorado Springs city limits and is a mixture of multi-family residential and office type uses. The area further east is single-family residential lots on smaller lots consisting of 9,000 square foot on average. Northeast of the site is a larger open space area where Kettle Creek runs through and around the adjacent residential uses to the east.

The proposal has a serial annexation request for Hope Chapel Additions No. 1 & 2. The proposal also requires an establishment of a zone district and a concept plan.

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 October 12, 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.

The entire proposed area does not meet the one-sixth rule. However, per C.R.S. 31.12.104.1.a an applicant is able to apply for a serial annexation, in which, the applicant would therefore propose to annex a certain portion of the entire site, then make a serial annexation until the entire area meets the one-sixth rule. In this case, the applicant has requested the annexation for Hope Chapel Addition No. 1. This would include an area of 4.6136 acres with a perimeter of 2,261.49 feet, and providing the area of contiguity to be 466.4 feet along the eastern boundary meeting the one-sixth rule. Concurrently, the applicant requested Hope Chapel Addition No. 2 consisting 9.8807 acres with a perimeter of 5,971.90 feet, and providing an area of contiguity of 1,185.85 feet, therefore meeting the one-sixth rule.

C.R.S. defines an enclave as an unincorporated area of land entirely contained within the outer boundaries of the annexing municipality. While this proposed annexation is not entirely contained within the outer boundaries of the City of Colorado Springs, to the west is Highway 25 and further west is the United States Air Force Academy. Therefore, this would be considered to be a near enclave as the predominant area to be areas annexed into the City of Colorado Springs.

As the City Policy supports the elimination of enclaves and thus closing the gap to services being provided, the city further supports a voluntary annexation bases by property owners wishing to utilize City Services and Utilities for future development. 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.

The Hope Chapel Additions No. 1 & 2 Annexation will annex 14.4943 acres of property into the municipal limits of the City of Colorado Springs. The property is intended for multi-family and

religious institution uses to be developed within the City and utilizing city infrastructure. It is the City's standard policy that roadway adjacent to voluntary annexations should also be annexed but roadway beyond this remains for potential discussion of whether there is a rational connection for the City to assume the additional ownership and maintenance.

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 multi-family and religious institution development. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern as a transition from the single-family detached development to the east, to the higher density multi-family development and office to the west; no master plan is required with this application. The supporting concept plan also captures a similar level of detail and clearly identifies the intended land use configuration.

The proposed zoning request will establish the R-5/SS (Multi-family Residential with Streamside Overlay) zone district to accommodate the future intended multi-family and religious institution development. It is required by City Code that any annexed property be accompanied by a zoning designation. The proposed zoning designation would have a maximum of 14 dwelling units per acre with Streamside Overlay as the project site is adjacent to Kettle Creek. Additional standards would apply at the time of development plan as outlined in Section 7.3.508 of the City Code.

As a general land pattern that has been established in the area, staff sees developed low to medium density development along Old Ranch Road in the immediate vicinity is a logical transition from the single-family detached development to the east to the higher density and office uses to the west.

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 as part of this application details the dimensional requirements and will guide the future development and administrative building permit applications.

The proposed zone change is supported by the submittal of a concept plan that identifies the locations of the proposed land use, major access point, and major roadways. The maximum density proposed is 14 dwelling units per acre. The concept plan depicts twenty-two (22) units consisting of 4-6-plexes with a maximum of 100 units. This does indicate a maximum of 14 units per acre is currently proposed, meeting the above maximum density.

For the reasons stated above, staff finds that the proposed zone change meets the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603B.

The Hope Chapel Addition No. 1 & 2 Concept Plan illustrates the proposed land uses within the proposed development for a maximum density of 14 dwelling units per acre to be constructed within twenty-two (22) units consisting of 4-6-plexes with a maximum of 100 units, and a maximum of 20,000 square feet for the religious institution. The maximum building height is 45 feet. A Geological Hazard Study was prepared by RMG on July 8, 2021 and approved by staff on March 28, 2022 illustrating the current location of the structures may be constructed. At the time of a development

plan a more detailed report will be required. This note has been added to the concept plan.

Concerns were raised about the Preble's Meadow Jumping Mouse Habitat. A letter was supplied from the United States Department of the Interior, dated September 17, 2021. This letter details that while the project site is located close to riparian vegetation along Kettle Creek that may support the Preble's Meadow Jumping Mouse, the applicant provided justification that the project will not likely result in "take" of a listed species. The Habitat area is identified on the concept plan with a note referring to any future correspondence at the time of a development plan.

Also illustrated within the concept plan, pages 3 and 4, is the Land Suitability Analysis that is required by Code for the Streamside Overlay. A note is added to the concept plan that any channel improvements that may be required with future development plans will be the responsibility of the developer and no building permit can be issued unless the work is constructed or 100% assurance paid to the City.

Also illustrated on the concept plan is the general location of a full movement access point, and major public roadway. Concerns were also raised to traffic, a previous submittal include a higher unit count that did trigger for widening of Old Ranch Road and an east-bound turn lane. The applicant then lowered the unit count from 120 to 88 units which is below what would trigger for a turn lane onto the site, therefore removing this requirement. See below for further conversation for items related to traffic.

The intended land uses for the area are multi-family and religious institution. As noted above, these are consistent with land use compatibility within the area that would provide a transition between the single-family residential uses to the east and the higher density multi-family and offices to the west. For the reasons stated above, staff finds that the proposed concept plan meets the review criteria for concept plans as set forth in City Code Section 7.5.501.E.

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 transition from single-family detached to higher density multi-family and office type uses.

The PlanCOS Vision Map shows the area to the east, west, and north to be within the newly developing neighborhood and to the west renowned culture. The PlanCOS Areas of Capacity and Change identifies the area to the east to be of a low to mid level of change while the area to the west to be a high area of change. The PlanCOS Thriving Economy Framework Map shows the area to the west to be Spinoffs and Startups and Cornerstone Institutions. The PlanCOS Vibrant Neighborhoods Framework Map identifies the area to the east, west, and north to be newer developing neighborhood.

The proposed development allows for logical transition within an identified High Area of Change and lower to mid-level of change. The typology identified for the Vibrant Neighborhoods is Emerging Neighborhoods with recommendations for incorporating higher density and mix of housing types on remaining parcels and utilize drainageways and small spaces for neighborhood amenities. One of PlanCOS Big Idea's is Housing for All:

"Housing should reflect our community, not only where people live now, but where they

want to live in the next phases of their life. This Plan (PlanCOS) recognized the market realities that impact our housing and what we choose to regulate, incentivize, or subsidize. A fundamental expectation is to move our community in the firection of more housing choices. We choose to accomplish this less by mandated exactions and requirements and more by proactive accommodation, incentives, and support for full spectrum of attainable housing opportunities, located in different areas of the city.”

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 proposed application is a logical extension of city boundaries as it also provides additional housing options from single-family dwellings and the higher density housing in the area. The proposal can also help to serve as workforce housing for the multiple office uses within the area. Lastly, the proposed annexation does continue to eliminate portions of this existing near enclave.

It is the finding of the Planning and Community Development Department that the Hope Chapel Additions No. 1 & 2 Annexation along with associated zoning, and concept plan substantially conform to the PlanCOS goals and objectives.

The City Annexation Plan was last updated in 2006 and is an advisory document. Staff recommends this annexation is consistent with the intent of the 2006 Plan as it eliminates land within an existing near 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, and as stated above the city is in support of reducing near enclaves through voluntary annexation.

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

The Annexation Petition was heard and accepted by City Council on October 12, 2021

#### **Financial Implications:**

Per the FIA memo, this proposal annexes a 14.49-acre property in the City and establishes zoning for multi-family and religious institution uses. Therefore, this annexation/amendment does not meet the criteria below for a full fiscal impact analysis is not required.

- Any change/size from nonresidential to residential development
- Minimum of 20 acres for all other changes
- Maximum of 400 acres before marginal fiscal analysis recommended

The annexation agreement identifies dedication and improvements with this annexation and are fully outlined in the agreement.

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

Utilities Board met on May 17, 2023 to recommend approval.

### **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 101 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 receive comments in response to the notification. Concerns were related to traffic, open space, viewsheds, Prebles' Meadow Jumping Mouse habitat.

*The applications were sent to the standard internal and external agencies for review and comment. Review comments received have been addressed. Internal review agencies for this project included City Traffic, City Engineering, City Parks, City Fire Department and Police/E-911, Colorado Springs Utilities.*

- School District Academy School District No 20: School district did not comment, when the district does not respond with specific comments that the City collects the fees in lieu of land dedication per City Code Section 7.7.12
- Military Installation USAFA: USAFA was sent a referral and requested notes be added to the concept plan concerning aviation easements to be recorded prior to final plat and a notice concerning an impact of noise and other similar sensory effects of flight patterns. The applicant has added these as notes 1 and 2 on the concept plan. AAC (Airport):
- Traffic: City Traffic Engineering reviewed two (2) traffic studies. The initial study was prepared in February 2022. This report indicated a unit count of 120 total units and a 7,500 square foot religious institution. The report warranted for a requirement for an eastbound left turn lane at the proposed site access along Old Ranch Road. With the next submittal the applicant resubmitted the traffic study to indicate a lower unit count of 100 units with a 7,500 square foot religious institution. This change removed the requirement of the for the turn lane and Traffic Engineering accepted the study. Please note there is a technical modification that the applicant will need to further update the traffic study to reflect the correct concept plan under consideration.
- SWENT: The Hope Chapel Additions No. 1 & 2 area is located within the Kettle Creek Drainage Basin Planning Study. Stormwater Enterprise was sent a referral and have no outstanding comments for the annexation, zone establishment, and concept plan. However, the preliminary drainage report has not been approved. A condition of approval has been added that prior to final approval, the applicant will receive approval from Stormwater Enterprise (SWENT). SWENT has provided language on the Annexation Agreement that the Owners shall be responsible for channel improvements adjacent to the development with the understanding that improvements will not be reimbursable under the Drainage Basin Fee Program. A Final Drainage Report will be required to be reviewed and approved prior to approval of a development plan or final plat.
- SECWCD: This property has completed its required inclusion application into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. The Inclusion process was completed with the Bureau of Reclamation with a final Letter of Assent being issued on May 12, 2022.
- EDR: As part of annexation a Geological Hazard Study review may be required (City Code 7.4.502). A study was prepared by RMG on July 8, 2021 and was reviewed by both City Staff and Colorado Geologic Survey (CGS). The study was approved on March 28, 2022.

**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 Hope Chapel Addition No. 1 and approving an annexation agreement.

N/A