



Legislation Text

File #: ANEX-24-0001RF, **Version:** 1

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Cheyenne Mountain State Park Addition No. 1 Annexation.
(Legislative)

Related Files: ANEX-24-0001RF, ANEX-24-0001, ANEX-24-0002RF, ANEX-24-0002, ANEX-24-0003RF, ANEX-24-0003, ANEX-24-0004RF, ANEX-24-0004, ANEX-24-0005RF, ANEX-24-0005, ANEX-24-0006RF, ANEX-24-0006, ANEX-24-0007RF, ANEX-24-0007, ZONE-23-0026, ZONE-23-0027, ZONE-23-0030, MAPN-23-0009

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 3.

Presenter:

Gabe Sevigny, Planning Supervisor, City Planning Department
Kevin Walker, Planning Director

Summary:

Owner: Rock Creek Residential LLC
Representative: Matrix
Location: West of Highway 115 and south of Cheyenne Mountain State Park.

This project includes concurrent applications for annexation, establishment of zoning, and a Land Use Plan for the associated 109-acres located west of Highway 115 and south of Cheyenne Mountain State Park. The land use plan illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent. The proposed zoning will establish a R-Flex-Med/HS-O/WUI-O (R-Flex Medium Scale with Hillside and Wildland Urban Interface Overlay), PK/WUI-O (Public Parks with Wildland Urban Interface Overlay), and R-Flex-Med/WUI-O (R-Flex Medium Scale with Wildland Urban Interface Overlay) zone districts to allow for a serial annexation consisting of a 53.84 acre parcel owned by the City of Colorado Springs and the remainder to be on private property and future right-of-way to be built to city standards and dedicated as public-rights-of-way.

Background:

Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed applications.

Review Criteria:

The Conditions for Annexation Criteria as set forth in City Code Section 7.5.701 (UDC) and are noted

below.

- A. The area proposed to be annexed is a logical extension of the City's boundary;
- B. The development of the area proposed to be annexed will be beneficial to the City. Financial considerations, although important, are not the only criteria and shall not be the sole measure of benefit to the City;
- C. There is a projected available water surplus at the time of request;
- D. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;
- E. The annexation can be effected at the time the utilities are extended or at some time in the future;
- F. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;
- G. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;
- H. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.
- I. After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility improvements, both on site and off site, that are required or not required under this Zoning Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met.

In addition to the Conditions for Annexation ratified in the UDC, the City Council recently accepted the following "guidelines" to further aid in analyzing annexations:

- 1. Offers housing diversity
- 2. Sufficiency of existing or planned roadway infrastructure
- 3. Sufficiency of existing or planned public safety staffing
- 4. Proximity/opportunity to serve employment centers
- 5. Diversity of development (commercial/industrial/residential)
- 6. Economic impact on city
- 7. Reasonable utilities cost recovery / ROI projections
- 8. Connectivity / Proximity to transportation options
- 9. Desirable parkland/open space
- 10. Ability to fund / offset costs for needed public facilities

After evaluation staff recognizes that the proposed annexation meets the eligibility requirements set forth in Colorado Revised Statutes; however, determination of compliance with Conditions of Annexation as set in City Code is at the discretion of City Council.

Previous Council Action:

On August 8, 2023, City Council accepted the petition for annexation. On October 7, 2024 an information presentation for the Annexation Policy Checkpoint was held with City Council. On December 10, 2024, City Council approved a resolution finding the Cheyenne Mountain State Park Addition No. 1 and Rock Creek Mesa Addition No. 1-6 Annexation petition(s) to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of January 28, 2025 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:

See the attached Fiscal Impact Analysis. The City Budget Office shows a positive cashflow for the 10-year timeframe.

City Council Appointed Board/Commission/Committee Recommendation:

This item was heard before City Planning Commission on November 13, 2024 as part of the New Business/Public Hearing agenda. The Planning Commission voted 7-2 to recommend approval, with Commissioners Rickett and Gigiano voting against. Those voting against had the following objections; Commissioner Rickett - Response time for Fire and Police and not having an additional area set aside for a future station, therefore he felt the application did not meet Criteria two (2); Commissioner Gigiano - concerns over the area not having their own police and fire services.

Proposed Motion:

ANEX-24-0001RF

Approve a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Cheyenne Mountain State Park Addition No. 1.

Deny a resolution adopting findings of fact and conclusions of law based thereon and determining ineligible for an annexation of property known as Cheyenne Mountain State Park Addition No. 1.

An ordinance annexing to the City of Colorado Springs that area known as Cheyenne Mountain State Park Addition No. 1 consisting of 53.84 acres located west of Highway 115 and south of Cheyenne Mountain State Park.

An ordinance annexing to the City of Colorado Springs that area known as Rock Creek Mesa Addition No. 1 consisting of 4.02 acres located west of Highway 115 and south of Cheyenne Mountain State Park.

An ordinance annexing to the City of Colorado Springs that area known as Rock Creek Mesa Addition No. 2 consisting of 8.35 acres located west of Highway 115 and south of Cheyenne Mountain State Park.

An ordinance annexing to the City of Colorado Springs that area known as Rock Creek Mesa Addition No. 3 consisting of 25.55 acres located west of Highway 115 and south of Cheyenne Mountain State Park.

An ordinance annexing to the City of Colorado Springs that area known as Rock Creek Mesa Addition No. 4 consisting of 4.06 acres located west of Highway 115 and south of Cheyenne Mountain State Park.

An ordinance annexing to the City of Colorado Springs that area known as Rock Creek Mesa Addition No. 5 consisting of 7.43 acres located west of Highway 115 and south of Cheyenne Mountain State Park.

An ordinance annexing to the City of Colorado Springs that area known as Rock Creek Mesa Addition No. 6 consisting of 5.61 acres located west of Highway 115 and south of Cheyenne Mountain State Park.

An ordinance amending the Zoning Map of the City of Colorado Springs relating to 38.11 acres located west of Highway 115 and south of Cheyenne Mountain State Park establishing an R-Flex-Med/HS-O/WUI-O (R-Flex Medium Scale with Hillside and Wildland Urban Interface Overlay) zone district.

An ordinance amending the Zoning Map of the City of Colorado Springs relating to 53.84 acres located west of Highway 115 and south of Cheyenne Mountain State Park establishing an PK/WUI-O (Public Parks with Wildland Urban Interface Overlay) zone district.

An ordinance amending the Zoning Map of the City of Colorado Springs relating to 12.51 acres located west of Highway 115 and south of Cheyenne Mountain State Park establishing an R-Flex-Med/WUI-O (R-Flex Medium Scale with Wildland Urban Interface Overlay) zone district.