



## Legislation Text

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**File #:** ZONE-24-0024, **Version:** 2

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Ordinance No. 25-98 establishing a R-Flex Low/AP-O/SS-O (Residential Flex Low Scale with Airport and Streamside Overlays) zone district for 42.43 acres located southeast of North Powers Boulevard and Research Parkway intersection off Tutt Boulevard.

(Legislative)

Associated Files: ANEX-24-0012, ZONE-24-0024, LUPL-24-0017

Council District: Upon Annexation District 2

### **Presenter:**

Chris Sullivan, Senior Planner, City Planning Department

Kevin Walker, Planning Director, City Planning Department

### **Summary:**

Owner: Peach Ranch, LLC

Developer: Toll Brothers

Representative: NES, Inc.

Location: southeast of North Powers Boulevard and Research Parkway intersection off Tutt Boulevard

This project includes concurrent applications for Annexation, Zone Establishment, and Land Use Plan for the associated 42.43 acres located southeast of North Powers Boulevard and Research Parkway intersection from Tutt Boulevard. The Land Use Plan illustrates land use configuration, access and circulation, intended infrastructure and conceptual layout for Single-Family use. The proposed zoning is R-Flex Low/AP-O/SS-O (Residential-Flex Low with Airport and Streamside Overlays).

### **Background:**

Please review the attached 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

Staff and City Planning Commission finds the proposed annexation meets the review criteria for Annexation into the City of Colorado Springs.

The review criteria for a Zoning Establishment, as set forth in City Code Section 7.5.704.D. (UDC) are noted below.

- 1. The proposed rezoning is consistent with the goals and policies of the Colorado Springs

- Comprehensive Plan, with other plans and policies adopted by the City Council; and with the purpose statement of the proposed zone district.
2. The rezoning will not be detrimental to the public interest, health, safety, convenience or general welfare.
  3. The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).
  4. If the application proposes to rezone a small area of land, the application demonstrates that the size, scale, height density, and multimodal traffic impacts of the proposed rezoning are compatible with surrounding development or can be made compatible with surrounding development through approval conditions.
  5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the change in zoning will not create significant dislocations of tenants or occupants of the property, or that any impacts are outweighed by other public benefits or progress toward other Colorado Springs Comprehensive Plan goals that would be achieved by approval of the application.
  6. If a Land Use Plan or amendment to a Land Use Plan accompanies the application, the Land Use Plan or amendment complies with the applicable criteria in Subsection 7.5.514C.3 (Land Use Plan Criteria).
  7. The application is consistent with any approved Concept Plans in the area for which the map is being amended or includes or is accompanied by a provision that the approved Concept Plans have been classified as implemented and do not have to be amended to be considered consistent with an amended zoning map.
  8. If the application is for creation of an ADS-O district, the approval criteria applicable to the creation of the text of the ADS-O district in Section 7.2.607D.47.5.702 (Decision) shall also apply to consideration of the zoning map amendment required to create or amend the boundaries of the ADS-O district.
  9. If rezoning to a PDZ district, the proposed PDZ district provides significant community amenities or other benefits, as determined by the Manager, that promote the achievement of Colorado Springs Comprehensive Plan goals and would not otherwise be required of the applicant under this UDC or other City or governmental regulations.
  10. Complies with the additional standards of the base zone district where the property is located (see Article 7.2 (Zone Districts)) or in an overlay district that applies to the property (see Part 7.2.6 (Overlay Districts)).

Staff and City Planning Commission find the proposed applications meet the review criteria for Zone Establishment.

The review criteria for a Land Use Plan, as set forth in City Code Section 7.5.514.C.3. (UDC) are noted below:

1. Consistency with the Colorado Springs Comprehensive Plan and other plans and policies adopted by City Council;

2. Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;
3. Compatibility with the land uses and development intensities surrounding the property;
4. Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;
5. Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;
6. Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;
7. Promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts.

Staff and Planning Commission finds the proposed application meets the review criteria for a Land Use Plan.

**Previous Council Action:**

On December 10, 2024, City Council accepted the original petition for annexation. On September 23, 2025, City Council approved a resolution finding the Peach Ranch Addition No.1 Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of November 10, 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:**

A Fiscal Impact Analysis was prepared by the City Finance and Budget Office and includes a 10-year financial snapshot based on the proposed development. Per that analysis, this development is expected to have a net positive outcome at the end of 10 years.

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

This item was heard before City Planning Commission on June 11, 2025, as part of the New Business, Public Hearing agenda. The Planning Commission voted to approve the applications unanimously.

**Proposed Motion:**

Adopt ordinance No. 25-98 establishing 42.43 acres as R-Flex Low/AP-O/SS-O (Residential Flex Low with Airport and Streamside Overlays) zone district, based upon the findings that the zone establishment request complies with the criteria for granting a zone establishment as set forth in City Unified Development Code Section 7.5.704.

An ordinance establishing a R-Flex Low/AP-O/SS-O (Residential Flex Low with Airport and Streamside Overlays) zone district for 42.43 acres located southeast of North Powers Boulevard and Research Parkway off Tutt Boulevard.