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Development Services, Land Use Review Division
30 S. Nevada Avenue, Suite 701
Colorado Springs, CO 80903

Attn: Tamara Baxter . . . Phone: (719) 385-5621; Email: tamara.baxter@coloradosprings.gov

Re: **NEAGLE-DUTCHER FAMILY ADDITION ANNEXATION PLAT POST-PETITION APPLICATION**
APN 63262-09-009

Tamara: **LAND DEVELOPMENT CONSULTANTS, INC. (LDC)** is representing our client, Laurie Lee Neagle, in these applications for Annexation into the City of Colorado Springs, a Zone Change, and a Site Plan with applicable supplemental submittal items.

The property consists of 0.226 acres at 4105 Date Street, currently platted as Lot 11, Block Four, PARK VISTA ADDITION and has a County zone of "RM-30". This property exists as one (1) vacant lot. Date Street and Lotus Street are partially-improved City/County-maintained streets of a primary 60' right-of-way width. City water, sanitary sewer, electric and gas mains exist within said Date Street's right-of-way, with water and sanitary sewer mains existing within said Lotus Street's right-of-way, and it is our client's intent to tap into all available utility mains for service. Street improvements (curb/gutter with asphalt mat) to be installed per adjacent ownership proportional frontage requirements per accepted Annexation Agreement.

Our client's lot's surrounding lot and street right-of-way lines provide 37.85% contiguity with the existing City boundary, more than the minimum allowed requirement.

This lot is affected primarily by FEMA Flood Hazard Zone X (white) (areas determined to be outside 500-year floodplain) with a portion being Zone AE (dark gray) (base flood elevations determined). The synopsis is two-fold: 1) There is a base flood elevation and we are grading the house with a FFE 1' above it which will meet requirements for PPRBD floodplain management. 2) The City plans to do work on Templeton Gap Floodway that should move that 500-year floodplain out of the lot completely and the 100-year should stay within the future improved drainage way.

We are also asking for the final City zone of "R-5 MULTI-FAMILY HIGH", concurrently with this Annexation request, as has been granted for other PARK VISTA Annexations in the immediate adjacent vicinity.

Regarding criteria for Conditions for Annexation, we offer the following:

- a. The area proposed to be annexed is a logical extension of the City's boundary . . . this is an "in-fill" condition.
- 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 . . . will add to the City tax base and utilize City utility services.
- c. There is a projected available water surplus at the time of request . . . according to CSU, there should be no issues serving this annexation.
- 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 . . . according to CSU, there should be no issues serving this annexation.
- e. The annexation can be effected at the time the utilities are extended or at some time in the future . . . City utility service mains already existing within Date Street right-of-way, the frontage for this single-lot annexation.

- 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 . . . acknowledged by Owner, if any groundwater rights 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 . . . easements, if deemed necessary to provide, will be provided (none expected).
- 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 . . . not applicable with this annexation.

Regarding criteria for Zone Change approval, we offer the following:

- 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(s) . . . this property is within PARK VISTA, identified as Complex Enclave C within the City's Annexation Plan. Comprehensive Plan Policy CIS 204 supports the elimination of enclaves. Due to the fractured ownership, this is typically being accomplished on a piece-meal basis as individual owners bring their properties into the City, typically due to the need for City utilities.
- 2) The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare . . . it will not.
- 3) The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s) . . . the Future Land Use 3 Mile Plan shows this area as "general residential". This designation fits the existing and proposed use for the subject property.
- 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 . . . as mentioned, the Future Land Use 3 Mile Plan shows this area as "general residential". This designation fits the existing and proposed use for the subject property.
- 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 . . . as mentioned, the Future Land Use 3 Mile Plan shows this area as "general residential". This designation fits the existing and proposed use for the subject property.
- 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 in Subsection 7.5.514C.3 (Land Use Plan Criteria) . . . Waiver Request submitted.
- 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 approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map . . . the owner intends to build a single-family detached structure residence, after final Annexation approval. Our client's intent is to reside and/or sell this residence to others. Site Plan submitted for review.
- 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 . . . not applicable to this request.

- 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 . . . not applicable to this request.
- 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)) . . . yes, complies.

Thank you for your consideration,



David V. Hostetler, PLS
Director of Surveying, LAND DEVELOPMENT CONSULTANTS, INC.

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