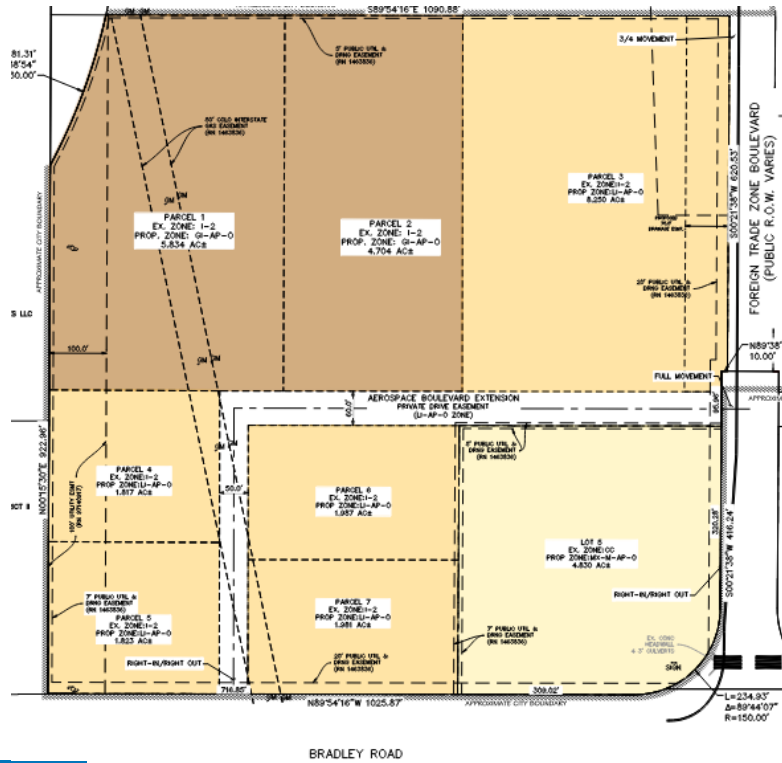




COLORADO CENTRE ADDITION NO. 3

Planning Commission May 8, 2024

Staff Report by Case Planner: Gabe Sevigny



Quick Facts

Applicant

Kimley Horn

Property Owner

COPO 8560 Real Estate LLC

Address / Location

Northwest of Foreign Trade Zone Boulevard and Bradley Road Intersection

TSN(s)

5509101001, 5509101002

Zoning and Overlays

Current: Unincorporated El Paso County (CC CAD-O)

Proposed: LI/AP-O, GI/AP-O, and MX-M/AP-O.

Site Area

32.94

Proposed Land Use

Fueling Station, Retail, Office, Restaurant, and Light Industrial

Applicable Code

UDC

Project Summary

This project includes concurrent applications for annexation, establishment of zoning(s), and a Land Use Plan for the associated 32.94-acres located northwest of the Foreign Trade Zone Boulevard and Bradley Road intersection. The land use plan illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent for future development. The proposed zoning will establish an LI/AP-O (Light Industrial with Airport Overlay), GI/AP-O (General Industrial with Airport Overlay), and a MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) zone districts with the overall annexation to allow for a fueling station, retail, office, restaurant, and light industrial uses to be established on the properties (see 'Project Statement' attachment).

File Number	Application Type	Decision Type
ANEX-22-0014	Annexation	Legislative
ZONE-23-0020	Zone Establishment	Legislative
ZONE-23-0021	Zone Establishment	Legislative
ZONE-23-0022	Zone Establishment	Legislative
MAPN-23-0008	Land Use Plan	Legislative

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Current Proposal	N/A
Subdivision	Current Proposal	N/A
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

Applicable Code

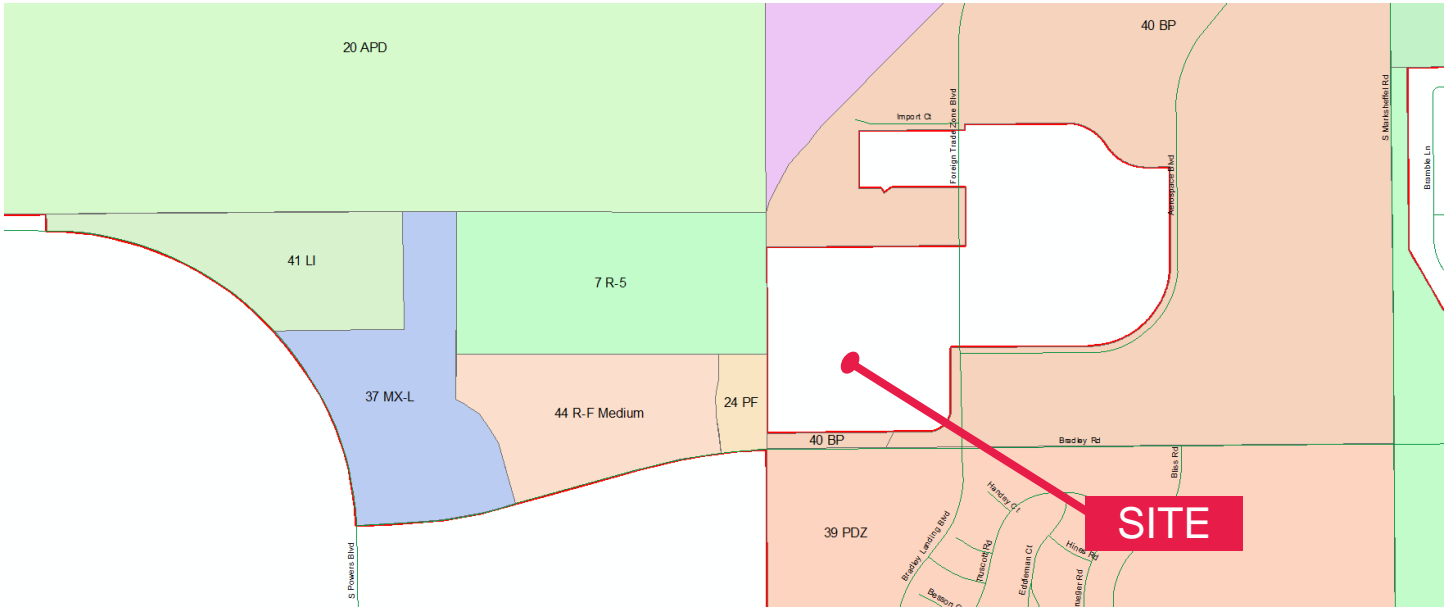
The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) were reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	GI, BP, Unincorporated El Paso County	Vacant, School, Utilities	N/A
West	Villages at Waterview Annexation approved 2023	Vacant	N/A
South	PDZ	Single-family	N/A
East	BP, Unincorporated El Paso County	Vacant, Office, Industrial	N/A

Zoning Map: Any area in white below is located in unincorporated El Paso County.



Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Initial Submittal and prior to Public Hearings, poster and postcards required
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	15
Number of Comments Received	none

Timeline of Review

Initial Petition Submittal	December 27, 2022
City Council Petition Acceptance	July 11, 2023
Initial Land Use Submittal	July 28, 2023
City Council Annexation Checkpoint Worksession	April 8, 2024
Utilities Board	April 17, 2024
Item(s) Ready for Agenda	April 11, 2024

Agency Review

Traffic Impact Study

A Traffic Impact Study was prepared by Kimley-Horn and Associates, Inc, dated January 2024. It was reviewed and accepted by City Traffic Engineering. The applicant will be responsible for the TIS recommended traffic mitigation measures and roadway improvements.

School District

School District 3 was sent a referral. They do not have any issues with the proposal and recommend approval. They did request that they continue to be an agency for further review and considerations for uses that are compatible with the school. As no residential uses are proposed, no school fees are anticipated with future development plans.

Parks

As no residential uses are proposed, no PLDO fees are required. The applicant(s) will be required to pay necessary CDI fees at time of building permit.

SWENT

SWENT has reviewed and recommended approval of this annexation proposal. Future development plans will require final drainage reports to be reviewed and approved by SWENT prior to land disturbance.

Colorado Springs Utilities

No outstanding comments, CSU recommends approval. The project was presented to the Utilities Board, where the board found that criteria per the Water Ordinance are met.

Annexation

Summary of Application

The associated annexation follows the voluntary annexation rights under C.R.S. (Colorado Revised Statute) and owners must petition the municipality to request annexation into the City. The City's authority to annex land is established by Colorado Revised Statutes (CRS. 31-12-101) which sets requirements and procedures which municipalities must follow. The application consists of requesting to annex 32.94 acres.

The proposed annexation is located in an enclave southeast of the Colorado Springs Municipal Airport. The city is seeing a larger interest in annexing other areas of this smaller enclave over recent years. The properties gain access from Foreign Trade Zone Boulevard. The general use of the area is industrial, business park, and commercial uses with residential uses to the west and south of this enclave. A newly annexed area, Villages at Waterview North approved in 2023, will add a mixture of additional uses directly west of the subject site.

The owner has identified future intentions for industrial and/or commercial development. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern; the supporting land use plan also captures development layout and design and clearly identifies the intended land use configuration.

Application Review Criteria

UDC Section 7.5.701

An application for an annexation shall be subject the following conditions for annexation:

1. *The area proposed to be annexed is a logical extension of the City's boundary;*

The proposed annexation is located within an enclave, the city encourages voluntary annexation to remove enclaves.

2. *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;*

The proposed annexation assumes a positive cash flow for the first 10 years. A Fiscal Impact Study was prepared (see 'Fiscal Impact Study' attachment). The proposed use of commercial, retail, and/or industrial will add additional sales tax revenue for the city.

3. *There is a projected available water surplus at the time of request;*

There is a projected available water surplus at time of this request. Utilities Board met and recommended unanimous approval for this application.

4. *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;*

There are currently utility projects within the vicinity of the proposed annexation to extend water along Bradley Road and create a much need loop to Marksheffel. Any future costs for extensions for this particular proposal will be required to be at the expense of the developer.

5. *The annexation can be effected at the time the utilities are extended or at some time in the future;*

The proposed application will be required to extend services on this vacant property, any extension will be at the expense of the developer.

6. *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;*

The owner has executed an Annexation Agreement that requires the transfer of water rights (see 'Annexation Agreement – Draft' attachment).

7. *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;*

The owner has executed an Annexation Agreement that establishes timelines of rights-of-way and easements. Future development plans and final plats will be required to indicate such locations and be accepted by CSU.

8. *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.*

N/A

9. *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.

The owner has executed an Annexation Agreement that specifies the timing of certain public and utility improvements.

Staff finds that the Colorado Centre Addition No. 3 Annexation is eligible for annexation consideration.

Zone Establishment

Summary of Application

The proposed zoning request will establish the LI/AP-O (Light Industrial with Airport Overlay), GI/AP-O (General Industrial with Airport Overlay), and the MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) zone districts to accommodate the proposed industrial, commercial, and retail uses (see associated zoning map depiction attachments). It is required by City Code that any annexed property be accompanied by a zoning designation. The general land pattern for the immediate area consists of industrial and commercial zoning and land uses along Foreign Trade Zone Boulevard and further to the west along Powers Boulevard. There are also residential uses to the south of Bradley Road and west of the proposed site that could be seen as supportive residential to the proposed land uses.

Application Review Criteria

UDC Section 7.5.704

An application for an amendment to the zoning map shall be subject the following criteria for approval:

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.*

The proposed application is consistent with the Colorado Springs Comprehensive Plan (PlanCOS), and the future planned uses are consistent with the LI, GI, and MX-M zone district purpose statements.

2. *The rezoning will not be detrimental to the public interest, health, safety, convenience or general welfare.*

The proposed application will not be detrimental to the public interest, health, safety, convenience, or general welfare. The planned use is subject to the review criteria and standards for a development plan in the associated zone districts and the Airport Overlay. Zoning of the property as commercial, retail, and/or industrial zone districts is compatible with the surrounding area which includes industrial/office/utilities uses to the north and east, and further west along Powers, with additional residential uses to the south and directly adjacent to the west.

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 owner has identified future intentions for commercial/retail/industrial development. Staff has found that the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern. The Colorado Centre Addition No. 3 Land Use Plan also captures development layout and design and clearly identifies the intended land use configuration.

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.*

If approved, future development plans will be required to reviewed with the zoning district standards applicable to the development. The current configuration of the associated Colorado Center Addition No. 3 Land Use Plan does demonstrate compatibility with surrounding development.

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.*

While not a relatively small area, the site is currently vacant and there is not an anticipation of dislocation of tenants or occupants.

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).*

The supporting Colorado Centre Addition No. 3 Land Use Plan also captures development layout and design and clearly identifies the intended land use configuration and meets the applicable 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.*

N/A

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.*

N/A

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.*

N/A

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)).*

The proposed application will require compliance with the Airport Overlay. An Avigation Easement is required at time of final plat to be established. This current proposal and any future entitlements will require review and recommendations from the Airport Advisory Committee (AAC).

Staff finds that the criteria of UDC Section 7.5.704, which are applicable to a zoning establishment, have been met with this application.

Summary of Application, MAPN-23-0008

Per Section 7.5.302.A of the Code, a *Land Use Plan* is a plan required in some circumstances to show the proposed layouts of land uses, development intensities and densities, primary access points, green space, public open space systems and areas that should be preserved or protected, potential needs for public land dedications, and other aspects of proposed development at a conceptual level. The purpose of a *Land Use Plan* is to provide the City the information needed to evaluate how a proposed development may impact surrounding development without requiring the applicant to provide the levels of detail required on a *Development Plan*.

The associated Colorado Centre Addition No. 3 Land Use Plan proposes land use designations of the LI/ AP-O (Light Industrial with Airport Overlay), GI/ AP-O (General Industrial with Airport Overlay), and MX-M/ AP-O (Mixed-Use Medium Scale with Airport Overlay) zone districts, as well as the street configuration through the proposed site and any access point from existing rights-of-way (see 'Colorado Centre Addition No. 3 Land Use Plan' attachment).

Application Review Criteria

UDC Section 7.5.514

Land Use Plan Criteria: If the Land Use Plan is submitted in connection with an application to establish a zone district or to change zone district boundaries shall be reviewed based on the following criteria:

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

The proposed application is consistent with the Colorado Springs Comprehensive Plan (Plan COS), and the future planned uses are consistent with the LI, GI, and MX-M zone district purpose statements.

2. *Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;*

Further evaluation of development plans per requirements of the desired zone district will be required. The current configuration proposed does not limit or require additional entitlements.

3. *Compatibility with the land uses and development intensities surrounding the property;*

Zoning of the property as commercial, retail, and/or industrial zone districts is compatible with the surrounding area which includes industrial/office/utilities uses to the north and east, and further west along Powers, with additional residential uses to the south and directly adjacent to the west.

4. *Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;*

The proposed uses are appropriate for this area as they will further promote the area for development and the proximity to work-force housing would allow for better commutes.

5. *Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;*

A Traffic Impact Study was prepared and reviewed and accepted by City Traffic Engineering. The Report indicates certain requirements and improvements that must be made at time of development.

6. *Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;*

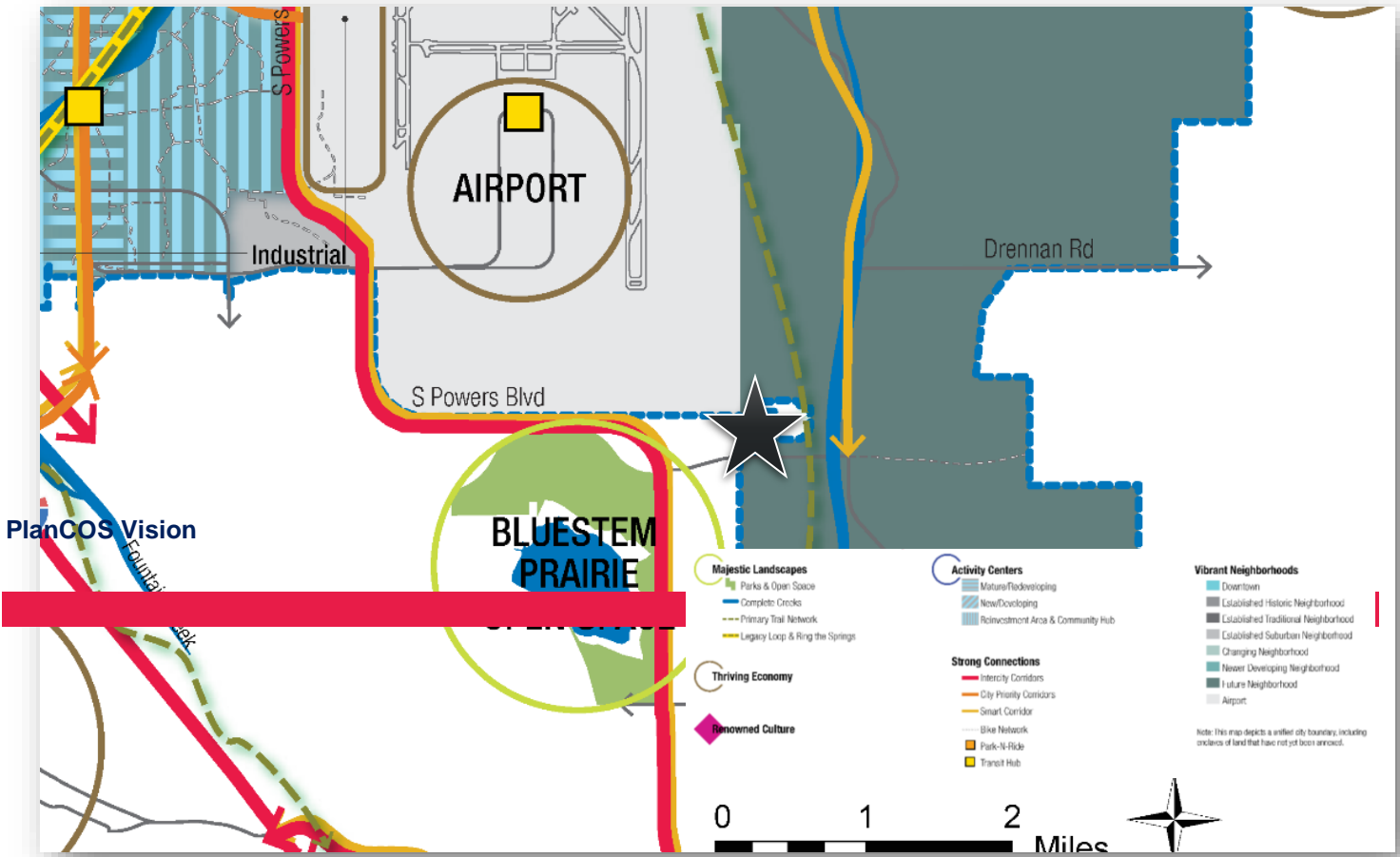
The proposed use will not require parks or the need to serve schools. The adjacent school site has responded with no issues with the proposal as long as future end-users are continued to be evaluated with proximity.

7. *Promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts.*

South of Bradley Road there are residential uses that are utilizing Bradley Road and a fuel dispensing station and other commercial or retail uses on the southeast corner of the proposed site to act as a continued transition. For future housing to the west, there are separations of a public drainage area that will act as a continued buffer between those uses.

Staff finds that the above criteria are met for the Colorado Centre Addition No. 3 Land Use Plan.

Compliance with PlanCOS



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 annexation is a logical establishment; removing the remnant right-of-way cleans up City – County boundaries.

Statement of Compliance

ANEX-22-0014

After evaluation of the Colorado Center Addition No. 3 Annexation the application meets the applicable Colorado Revised Statutes for annexation eligible for consideration for annexation.

ZONE-23-0020

After evaluation of the proposed Zone Establishment of LI/AP-O (Light Industrial with Airport Overlay) the application meets the review criteria.

ZONE-23-0021

After evaluation of the proposed Zone Establishment of GI/AP-O (General Industrial with Airport Overlay) the application meets the review criteria.

ZONE-23-0022

After evaluation of the proposed Zone Establishment of MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) the application meets the review criteria.

MAPN-23-0008

After evaluation of the Colorado Centre Addition No. 3 Land Use Plan the application meets the review criteria.