

**CITY PLANNING COMMISSION AGENDA
March 17, 2022**

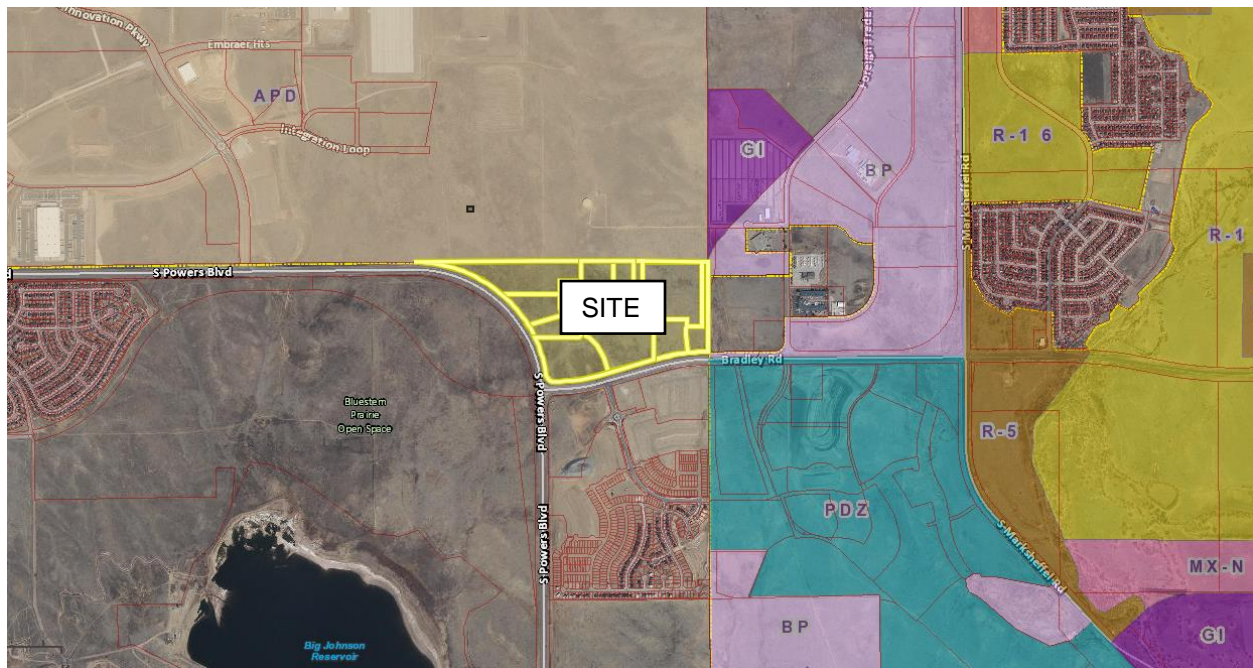
STAFF: GABE SEVIGNY

FILE NO(S):
ANEX-22-0001 - LEGISLATIVE
MAPN-22-0002 – LEGISLATIVE
ZONE-22-0013 – LEGISLATIVE
ZONE-22-0014 – LEGISLATIVE
ZONE-22-0015 – LEGISLATIVE
ZONE-22-0016 – LEGISLATIVE
ZONE-22-0017 – LEGISLATIVE
COPN-22-0002 – QUASI-JUDICIAL

PROJECT: VILLAGES AT WATERVIEW NORTH ADDITION NO. 1 – ANNEXATION

OWNER(S): CPR ENTITLEMENTS LLC, PHI REAL ESTATE SERVICES, LLC, VETERANS VILLA OPERATING, LLC, SCHULZ PARTNERSHIP, LLLP, WVN 96 LLC

APPLICANT: KIMLEY HORN (CONSULTANT)



The subject application(s) were submitted prior to the implementation date 06/05/2023 of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their application(s) be reviewed under. The subject application(s) were chosen to be reviewed under the previous, Chapter 7, Code per the applicant's instructions. All subsequent references within this report that are made to "the Code" and related sections are references to Chapter 7 Code.

PROJECT SUMMARY:

1. Project Description: The project includes concurrent applications for annexation of 144.82 acres, a master plan for 116.52 acres, establishment of LI/APZ1-AO (Light Industrial / Accident Potential Subzone-1 with Airport Overlay) zone district consisting of 20.45 acres, establishment of MX-L/APZ1-AO (Mixed-Use Large Scale / Accident Potential Subzone-1 with Airport Overlay) zone district consisting of 27.65 acres, establishment of PF-AO (Public Facilities with Airport Overlay) zone district consisting of 3.84 acres, establishment of R-5-AO (Multi-Family High with Airport Overlay) zone district consisting of 41.28 acres, establishment of R-FLEX-MED-AO (R-Flex Medium with Airport Overlay) zone district consisting of 23.28 acres and a concept plan for 116.52 acres located northeast of the South Powers Boulevard and Bradley Road intersection. The master plan and concept plan illustrate a mixture of industrial, commercial, multi-family residential, single-family detached and attached residential, public facilities, and public parkland uses.
2. Applicant's Project Statement: **(see "Project Statement" attachment)**
3. Planning and Development Team's Recommendation: City Planning staff recommends approval of the applications.

BACKGROUND:

1. Site Address: The property is not addressed and is located northeast of the South Powers Boulevard and Bradley Road intersection.
2. Existing Zoning/Land Use: The property is currently in unincorporated El Paso County and is currently vacant.
3. Surrounding Zoning/Land Use: North: APD/RPZ/APZ-1/APZ-2/AO (Airport Planned Development / Runway Protection Zone / Accident Potential Subzone-1 / Accident Potential Subzone-2 with Airport Overlay) / Vacant.
East: Unincorporated El Paso County / Vacant.
South: Unincorporated El Paso County / currently vacant but to be developed as single-family residential.
West Unincorporated El Paso County / Vacant;
4. Annexation: The property is not annexed.
5. Master Plan/Designated Master Plan Land Use: There is a concurrent applicant for the Villages at Waterview North Master Plan **(see "Villages at Waterview North Master Plan" attachment)**
6. Subdivision: The property has not been platted.
7. Zoning Enforcement Action: None
8. Physical Characteristics: The project site has a slight peak through middle with sloping from that point to the east and west. Vegetation on-site primarily consists of native grass.

STAKEHOLDER PROCESS AND INVOLVEMENT:

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 16 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 not receive any comments in response to the notification.

Staff's analysis of the proposed applications is outlined in the following sections of this report. In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers, including the following:

INTERNAL (CITY) REVIEWERS

Colorado Springs Airport
Parks and Recreation Department – Parks, Trails, Open Space
Engineering –Traffic Engineering; Street Improvements; Transportation/Bicycle Planning; Stormwater
City Surveyor
Police –Crime Prevention
Division of the Fire Marshall
Colorado Springs Utilities
Information Technology - Street Naming
Finance Department – Fiscal Impact Analysis

EXTERNAL AGENCY REVIEWERS

United States Postal Service
Peterson Space Command
Colorado Department of Transportation
El Paso County
Ellicott School District
Pikes Peak Regional Building Department – Floodplain; Enumerations/Addressing;
Colorado Springs Chamber of Commerce
Cable Providers
CONO

The reviewing agencies have no objections to the proposed applications as presented.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:
 - a) Background

As the City has expanded over the last several decades; we can see larger areas of annexation throughout our City history. The City experienced a very active period of annexation in the 1980's which included the annexation of areas of North Gate, Briargate and Banning Lewis Ranch. In the early 2000's we see the annexation of Flying Horse. Much of this area has now been developed with some areas of greenfield that still exist. **(see 'Decade' attachment)**

The proposed annexation is located northeast of the South Powers Boulevard and Bradley Road intersection. This property is currently within El Paso County and is vacant,

When evaluating the El Paso County Master Plan (Your El Paso Master Plan) the subject area is listed as an area classified as 'New Development' in the Areas of Change analysis of the Your El Paso Master Plan. The New Development areas within El Paso County are identified to make up ten-percent of the expected future change of unincorporated El Paso County (leaving ninety-percent of the County expected to experience minimal change). The plan states these areas are expected to be significantly transformed as projected new development takes place on lands currently largely designated as undeveloped or agricultural areas. It is further anticipated that these areas of change will see development similar to that already established or complementary to an urban neighborhood.

In addition, Your El Paso Master Plan identifies this area as a future employment center. Employment Centers comprise land for industrial, office, business park, manufacturing, distribution, warehousing, and other similar business uses. The priority function of this placetype is to provide space for large-scale employers to establish and expand in El Paso County.

b) Annexation

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 August 9, 2022. 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. With a perimeter of 12,385.24 feet to be annexed, the required contiguity is 2,064.21 feet. Currently the proposes annexation has a contiguity of 5,031.80 feet on the north side, staff has determined the proposed annexation meets the requirements of contiguity.

The petitioner proposes to annex approximately 144.521 acres into the municipal limits of the City of Colorado Springs. The proposed annexation also includes portions of Bradley Road and South Powers Boulevard. This annexation is comprised of only one addition and not requiring serial annexations due to its current contiguity, (**see "Annexation Plat" attachment**). The property is intended for mixture of industrial, commercial, multi-family residential, single-family detached and attached residential, public facilities, and public parkland uses to be developed within the City and utilizing city infrastructure.

The owner has identified future intentions for the above uses and discussed further below in the master plan and concept plan sections. Staff believes the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern. The supporting concept also captures a similar level of detail and clearly identifies the intended land use configuration.

Conditions for Annexation (City Code Section 7.6.203)

- 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.*

Springs Utilities has studied the subsections of the Conditions for Annexation related to its utility services in order to assist in the evaluation of the proposed annexation. Springs Utilities has negotiated an annexation agreement with the annexor that includes the terms by which Springs Utilities will be able to provide utility services to the annexing property (**see “Villages at Waterview North - Annexation Agreement” attachment**). Per City Code Section 12.1.111 with annexation Springs Utilities shall be the exclusive provider of utility services. Springs Utilities has reviewed the master plan for areas of impact and needed extensions; the exact details of extension responsibilities is captured in the annexation agreement. All standards per the utilities code will be required for future entitlements for the specifics of development.

Furthermore, on February 14, 2023, City Council approved Ordinance No. 23-02, pertaining to the extension of water service. This ordinance requires a recommendation of approval by the Utilities Board and approval by City Council. The Utilities Board met on May 17, 2023 to take action and ultimately recommended approval with a unanimous vote.

i. Southeastern Colorado Water Conservancy District (SECWCD)

This property has initiated the request for Bureau of Reclamation assent. The SECWCD Board did approve the applicant on June 15, 2023, and is now in the process of the final by the Bureau of Reclamation. The final approval will be communicated to City Council at time of public hearing.

ii. Fiscal Impact Analysis

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA memo will be completed prior to scheduling for City Council and will be communicated at that time.

c) Establishment Master Plan

The establishment of the Villages at Waterview North Master Plan (**see “Villages at Waterview North – Master Plan” attachment**) sets the overall land use pattern to be established across the 116.52 acres. The proposal will allow for industrial, commercial, multi-family residential, single-family detached and attached residential, public facilities, and public parkland uses.

The master plan sets out each land use category and establishes maximum unit counts. The proposed uses are compatible with the residential uses to the south and southeast, to the commercial and industrial to the west and north of the proposed site. Staff finds that proposed master plan meets the review criteria for master plans as set forth in City Code Section 7.5.408

d) Establishment of Zoning

The proposed zoning request will establish LI/APZ1-AO (Light Industrial / Accident Potential Subzone-1 with Airport Overlay) zone district consisting of 20.45 acres, MX-L/APZ1-AO (Mixed-Use Large Scale / Accident Potential Subzone-1 with Airport Overlay) zone district consisting of 27.65 acres, PF-AO (Public Facilities with Airport Overlay) zone district consisting of 3.84 acres, R-5-AO (Multi-Family High with Airport Overlay) zone district consisting of 41.28 acres, and R-FLEX-MED-AO (R-Flex Medium with Airport Overlay) zone district consisting of 23.28 acres (**see associated zoning exhibits attached**) to accommodate the future intended industrial, commercial, multi-family, and single-family development. It is required by City Code that any annexed property be accompanied by a zoning designation.

The general area consists of residential single-family and multi-family to the south and southeast, while there is a school northeast along with additional industrial uses to the east and northeast. North of the site is the Colorado Springs Municipal Airport to consist of commercial, office, industrial, and retail uses. Staff finds that the proposal promotes a transition from those residential uses to the south and southeast and is compatible with the uses to the north, east and west.

The existence of the Accident Potential Subzone-1 (APZ-1) in this area is indicated on the zoning exhibits and supports the industrial zoning of LI and the commercial zoning of MX-L. Accident Potential Zones are based on the Department of Defense criteria and Federal Aviation Agency recommendations related to the start or end of the particular runway. These areas have been identified as having a high potential for accidents and are represented as sub-zones of the Airport Overlay (AO) Zone. Land use compatibility guidelines for APZ sub-zones recommend lower-density non-residential uses for these areas; places of assembly (e.g., theaters, churches, schools, etc.) are not considered appropriate.

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 Master Plan and Concept Plan as part of this application details the dimensional requirements and will guide the future development plan and final plat applications.

Future development plan proposals will continually be reviewed by the Airport Advisory Commission and Peterson Space Force Command for compliance with APZ land use recommendations. For the reasons stated above, staff finds that the proposed zone changes meet the review criteria as set forth in City Code Section 7.3.603 and the findings established under Section 7.5.603B.

e) Concept Plan

The proposed zone changes are supported by the submittal of a concept plan (**see “Villages at Waterview North – Concept Plan” attached**) that identifies the locations of the proposed land use, major access points, and major roadways. The intended land uses for the amendment area are mixture of industrial, commercial, multi-family residential, single-family detached and attached residential, public facilities, and public parkland uses. As noted above, these are consistent with land use patterns within the area. 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.

2. Outside Agency Review

a) Traffic

A preliminary traffic impact and access analysis was completed for this proposal. City Traffic Engineering reviewed and agreed with the recommendations of the study. City Traffic Engineer did note that 'All access points, roadway improvements (including traffic control devices) & classification details will be addressed with the development plan and traffic impact study review'. These would be completed as stand-alone development plans are submitted for review. The attached Annexation Agreement does include language that the Owners shall pay to the City a future signal fee of \$200,000 to help cover costs incurred to install traffic control devices and relating traffic improvements for the intersection of Bradley Road and Legacy Hill Drive intersection.

b) Drainage

The Villages at Waterview North Addition No. 1 area is located within the Big Johnson Reservoir and Jimmy Camp Creek Drainage Basins. Stormwater Enterprise has no outstanding comments on the annexation, master plan, zone changes, or the concept plan. They have provided language on the attached Annexation Agreement that the Owner shall provide full spectrum detention for all developed areas; to be owned and maintained by the

Owner. Also, the Owner shall be responsible for conformance with the Big Johnson Reservoir and Jimmy Camp Creek Drainage Basin Planning Study. A Final Drainage Report will be required to be reviewed and approved prior to approval of a development plan or final plat.

c) Schools

The proposed annexation is located within the Widefield School District 3 school district. The district was sent a referral and responded with no issues with the proposal and the District will accept fees in lieu of land dedication for this development.

d) Parks and Trails

The developer has agreed to dedicate 3.5 acres for parkland. Parcel 4 and a portion of Parcel 3 will be able to use that dedication in lieu of PLDO fees. Any residential development not located within those areas as identified on the concept plan, would be required to pay fees in lieu of land dedication.

e) Colorado Springs Airport:

The Airport Advisory Commission reviewed the applications at their meeting on December 14, 2022. The Commission had no objections to the applications and provided standard conditions.

f) Peterson Air Force Base

Comments received from Peterson Air Force Base (PAFB) indicated that the base has no substantial concerns with the proposed entitlement request. A statement from base leadership was received in response to the plan distribution; an excerpt from those comments appears below:

“So long as this development is not encroaching into any APZ zones PSFB does not have any concerns. USAF standards require that no residential development should encroach into APZ zones, and that only heavy industrial should be allowed into APZ 1 zones. PSFB recommends that these standards are followed.”

3. Geological Hazard

A geological hazard investigation was prepared by Entech Engineering on July 15, 2022. It was submitted and review by the City Engineering Development Review Department and approved. Any future applications for development plans will require additional studies to be submitted for review and approval.

4. Conformance with the City Comprehensive Plan

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 connections between industrial, commercial, and residential uses that will foster economic and community growth. The proposed development allows for logical growth within an identified High Area of Change in PlanCOS. The typology is also identified as a New/Developing Corridor under the urban place typologies.

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 new growth opportunity will be a benefit to the City as discussed with economic findings and logical establishment for growth

It is the finding of the Planning and Community Development Department that the Villages at Waterview North Addition No. 1 Annexation along with the associated master plan, zonings, and concept plan substantially conform to the PlanCOS goals and objectives.

5. Annexation Plan

The current Annexation Plan was approved May9, 2006; the Plan is outdated and is currently being updated. While the plan does indicate this area as eligible for annexation but not recommended, the plan further addresses that proximity of county land to existing Colorado Springs Utilities service lines primarily water and wastewater as a key factor in determining annexation classification. As the city has grown in the vicinity, a water loop was need from CSU in order to serve City residences of the area.

In July 2021, City Council approved the Advanced Technology Campus Addition No. 1 annexation for a new CSU campus. Associated with this project is a water loop that would extend south to Bradley Road and east to Marksheffel Road. As a logical extension through the proposed site, staff finds that this area should have a change of classification as water and wastewater would have either extended on the eastern edge or through the proposed site.

The Annexation Plan further clarifies those identified as 'Eligible for Annexation but not Recommended' as a category for areas that are statutorily eligible for voluntary annexation, but for various reasons such as existing service districts and development patterns, are not recommended for annexation (as identified in 2006 when the plan was completed). The proposed site is currently located within the Colorado Centre Metropolitan District and the Colorado Centre Metropolitan Development Owned Property District. The current proposal is to also remove from those districts and form a separate district. While that district has yet to be formed, the applicant has acknowledge in the annexation agreement that any associated costs or re-imbursement to the city for costs related to the extension of utilities will be the burden of the developer.

Staff finds that while in disagreement with the recommendation not to annex, but based on the information above, and that the Annexation Plan is currently being updated, that Villages at Waterview North Addition No 1 is largely in conformance with other recommendations of the Plan.

STAFF RECOMMENDATION:

ANEX-22-0001 – Annexation

Recommend approval to City Council the annexation of 144.821 acres as the Villages at Waterview North Addition No. 1 Annexation, based upon the findings that the annexation complies with all the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203.

MAPN-22-0002 – Master Plan

Recommend approval to City Council the Villages at Waterview North Master Plan, based upon the findings that the master plan complies with all of the review criteria as set forth in City Code Section 7.5.408.

ZONE-22-0013 – Establishment of Zoning

Recommend approval to City Council the establishment of 20.45 acres as LI/APZ1-AO (Light Industrial / Accident Potential Subzone-1 with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

ZONE-22-0014 – Establishment of Zoning

Recommend approval to City Council the establishment of 27.65 acres MX-L/APZ1-AO (Mixed-Use Large Scale / Accident Potential Subzone-1 with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

ZONE-22-0015 – Establishment of Zoning

Recommend approval to City Council the establishment of 3.84 acres as PF-AO (Public Facilities with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

ZONE-22-0016 – Establishment of Zoning

Recommend approval to City Council the establishment of 41.28 acres as R-5-AO (Multi-Family High with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

ZONE-22-0017 – Establishment of Zoning

Recommend approval to City Council the establishment of 23.28 acres as R-FLEX-MED-AO (R-Flex Medium with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B).

COPN-22-0002 – Concept Plan

Recommend approval to City Council the Villages at Waterview Concept Plan, based upon the findings that the Concept Plan meets the review criteria for a concept plan as set forth in City Code Section 7.5.501.E.