

Quick Facts

Applicant

Vertex Consulting Services

Property Owner

SSS Education Corp

Address / Location

Southeast of the Stetson Hills Boulevard and North Marksheffel Road intersection.

TSN(s)

5321001008, 5321001009

Zoning and Overlays

Current: Unincorporated El Paso County (RR-5/CAD-O)

Proposed: MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay)

Site Area

14.12

Proposed Land Use

Charter School

Applicable Code

UDC

Project Summary

This project includes concurrent applications for annexation, establishment of zoning, and a Land Use Plan for the associated 14.12-acres southeast of the Stetson Hills Boulevard and North Marksheffel 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 a MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) zone district with the overall annexation to allow for a charter school to be established on the site (see 'Project Statement' attachment).

File Number	Application Type	Decision Type
ANEX-23-0027	Annexation	Legislative
ZONE-24-0006	Zone Establishment	Legislative
LUPL-24-0005	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

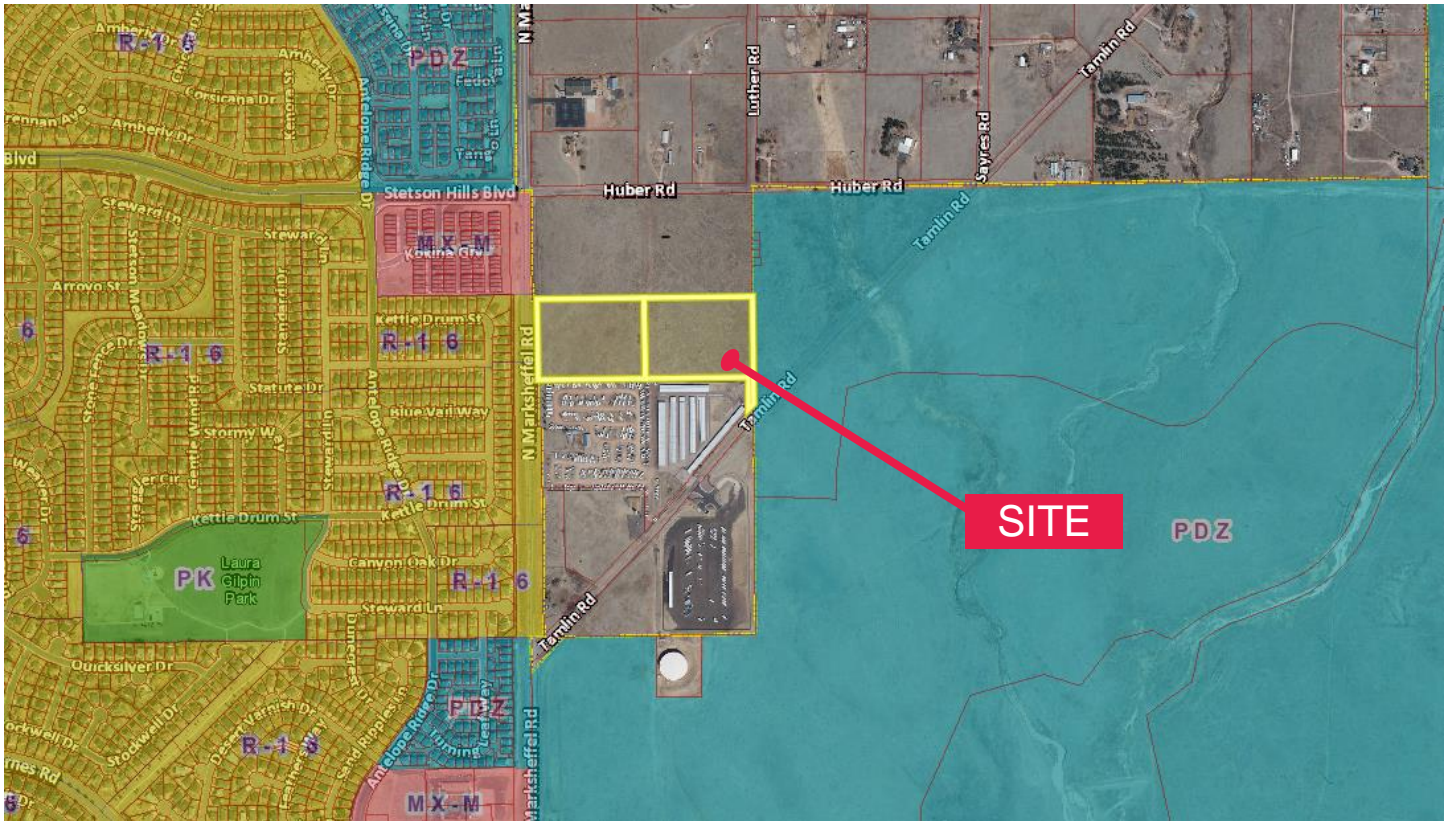
The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) will be reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the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

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	RR-5/CAD-O, Unincorporated El Paso County	Vacant	N/A
West	R-1 6/AP-O	Single-Family Detached	N/A
South	CC/CAD-O, Unincorporated El Paso County	Self-Storage/Vehicle Storage	N/A
East	PDZ for future residential	Vacant	N/A

Zoning Map: Areas not within a zoning designation below are located within 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	253
Number of Comments Received	none

Timeline of Review

Initial Petition Submittal	August 25, 2023
City Council Petition Acceptance	February 13, 2024

Initial Land Use Submittal

February 20, 2024

City Council Annexation Checkpoint Work Session

September 9, 2024

Item(s) Ready for Agenda

August 21, 2024

Agency Review

Traffic Impact Study

A Traffic Impact Study was prepared by SM Rocha, LLC, dated May 2024 as a part of a concurrent application for a development plan. The development plan is being administratively reviewed. No approvals of the development plan can be made unless City Traffic Engineering has accepted the Traffic Impact Study.

School District

D-49 School District was sent a referral. They provided a statement that they have reviewed the applications and have no comments or concerns with the proposal.

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.

Annexation

Summary of Application, ANEX-23-0027

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 14.12 acres.

The proposed annexation is located in an enclave south of Dublin Boulevard and between North Marksheffel Road and Banning Lewis Parkway as identified as letter 'S' on the Enclave Map (see "Enclave Map" attachment). The properties gain access from a right-out only to North Marksheffel Drive, direct access to Tamlin Road, and the applicant will be seeking a future public access easement to Huber Road. The area to the south is largely self-storage and outdoor storage of Recreational Vehicles, the area adjacent to the north and east are vacant. Further north is larger residential lots. The area to the west includes a mix of single-family and multi-family units.

The owner has identified future intentions for a charter school development that can serve up to 750 students, for elementary, middle, and high school students. 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 falls below the threshold for a Fiscal impact Study (see 'Fiscal Impact Study' attachment).

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.

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;*

The existing and projected water facilities and wastewater facilities are expected to be sufficient at the time of this proposal.

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/property owner.

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.

Zone Establishment

Summary of Application, ZONE-24-0006

The proposed zoning request will establish the MX-M/AP-O (Mixed-Use Medium Scale with Airport Overlay) zone district to accommodate the proposed charter school. It is required by City Code that any annexed property be accompanied by a zoning designation. The general land pattern for the immediate area is a mixture of indoor/outdoor storage, vacant land, and residential 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 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 MX-M for a future charter school will serve the neighboring residential uses.

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 a charter school development. Staff has found that the proposed development shows appropriate compatibility when evaluated with the established surrounding land use pattern. The PTAA Charter School 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, the concurrent development plan is being reviewed with the zoning district standards applicable to the development. The current configuration of the associated PTAA Charter School 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.*

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 PTAA Charter School 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.

Land Use Plan

Summary of Application, LUPL-24-0005

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 PTAA Charter School Land Use Plan proposes land use designation of the MX-M/ AP-O (Mixed-Use Medium Scale with Airport Overlay) zone district as a charter school, as well as other site-specific requirements (see 'PTAA Charter School 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 use is consistent with the MX-M zone district purpose statement.

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 concurrent development plan 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 a MX-M zone districts is compatible with the surrounding area which includes a mixture of uses and the future charter school will serve surrounding residential uses.

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 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 in association with the concurrent development plan.

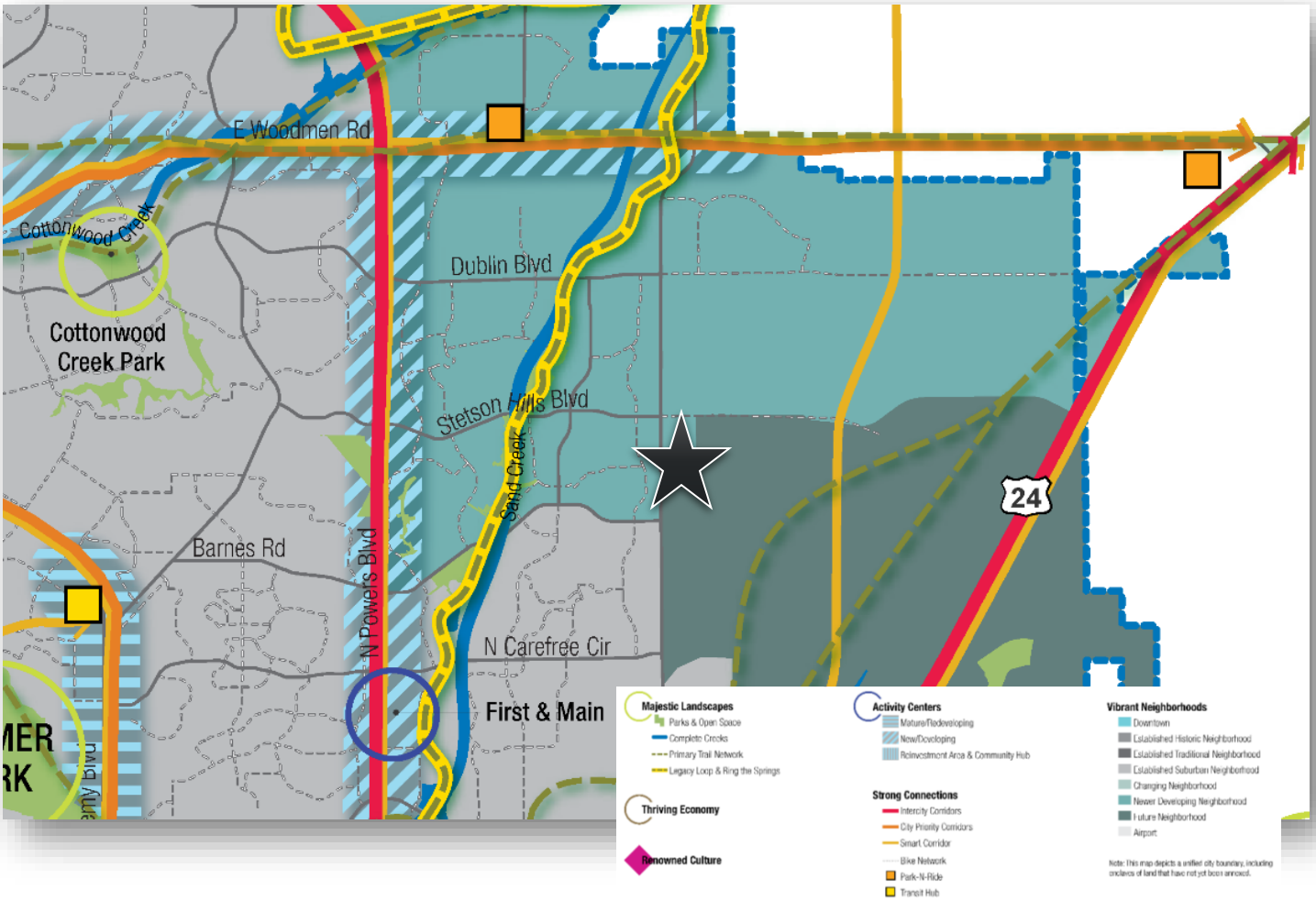
6. *Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;*

The proposed use will assist with increasing capacity of the local school district.

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

The over-all area to the west of the proposal is largely residential, the proposed charter school will also serve as there may be continued growth in the area.

Staff finds that the above criteria are met for the PTAA Charter School Land Use Plan.



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 extension of city boundaries as it further reduces an existing enclave and provide a necessary use of education.

Statement of Compliance

ANEX-23-0027

After evaluation of the PTAA Addition No. 1 Annexation the application meets the applicable Colorado Revised Statutes and is eligible for consideration.

ZONE-24-0006

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.

LUPL-24-0005

After evaluation of the PTAA Charter School Land Use Plan the application meets the review criteria.