

## Matrix

Rock Creek Residential LLC

West of Highway 115 and South of  
Cheyenne Mountain State Park

**TSN(s)** 6500000169, 6530300023,  
6530400003, 6530300017, 6530400009,  
6530300026, 6530300028

Current: Unincorporated El Paso County  
Proposed: PK/WUI-O (Public Parks with Wildland Urban Interface Overlay), R-Flex-Med/WUI-O (F-Flex Medium with Wildland Urban Interface Overlay), and R-Flex-Med/HS-O/WUI-O (R-Flex Medium with Hillside and Wildland Urban Interface Overlay)

109 acres

## Public Parks and Residential

## UDC

## Project Summary

This project includes concurrent applications for annexation, establishment of zoning(s), and a Land Use Plan for the associated 108.86-acres located west of Highway 115 and south of Cheyenne Mountain State Park. The land use plan illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent. The proposed zoning will establish an : PK/WUI-O (Public Parks with Wildland Urban Interface Overlay), R-Flex-Med/WUI-O (F-Flex Medium with Wildland Urban Interface Overlay), and R-Flex-Med/HS-O/WUI-O (R-Flex Medium with Hillside and Wildland Urban Interface Overlay) zone districts with the overall annexation to allow for a City owned portion of Cheyenne Mountain State Park to be annexed as well as 50 acres for multi-family residential development and site improvements (see “Project Statement” attachment).

File Number	Application Type	Decision Type
ANEX-24-0001-0007	Annexation	Legislative
ZONE-23-0026	Zone Establishment	Legislative
ZONE-23-0027	Zone Establishment	Legislative
ZONE-23-0030	Zone Establishment	Legislative
MAPN-23-0009	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	Final Plat Required Prior to Building Permit	N/A
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

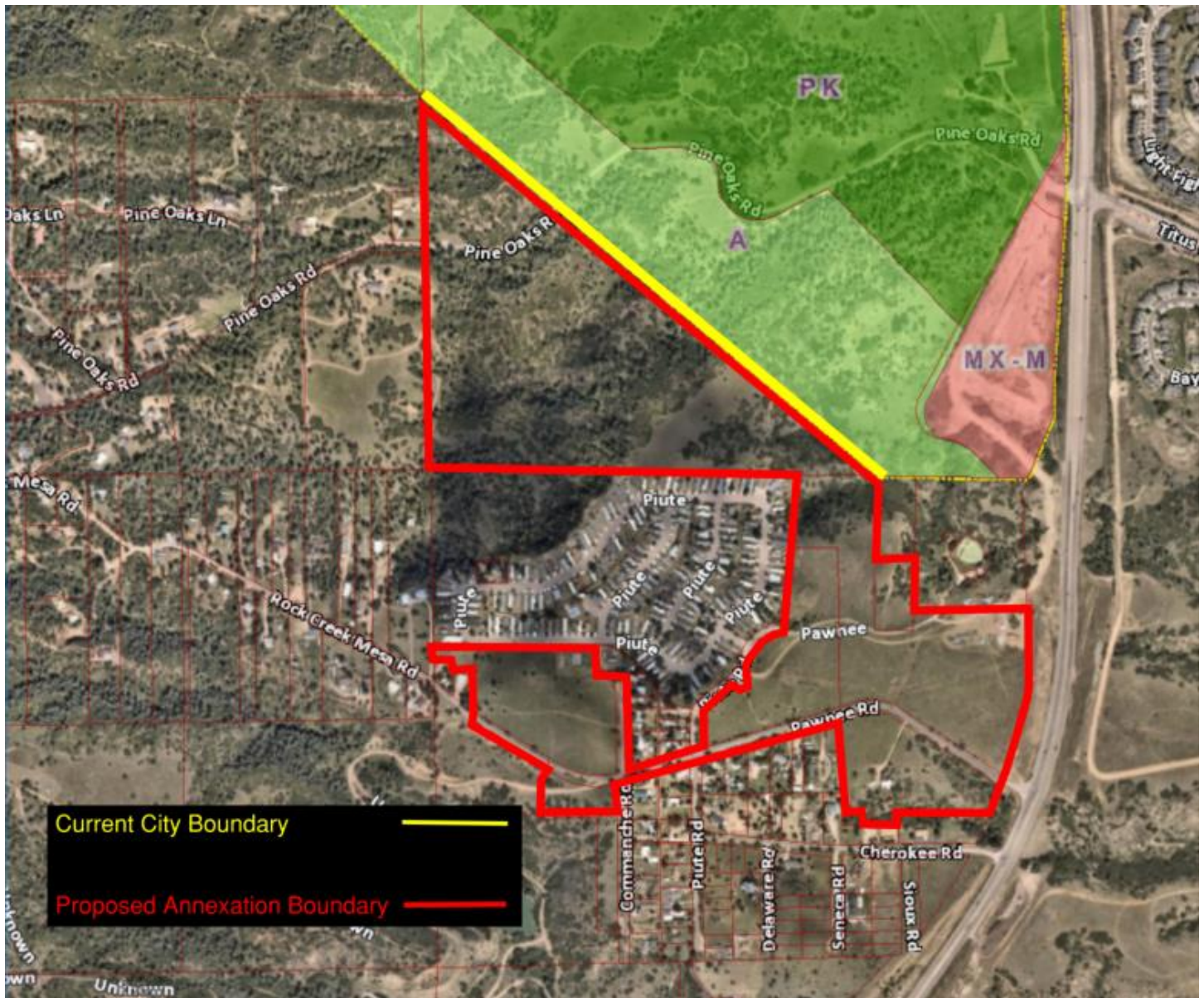
### Applicable Code

The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) were 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	MX-M, A, PK	Multi-Family, Cheyenne Mtn State Park	N/A
West	MPH, F-5, Unincorporated El Paso County	Mobile Home Park and Single-Family detached	N/A
South	F-5, Unincorporated El Paso County	Single-family detached, and Religious Institution	N/A
East		Fort Carson	N/A



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	Initial Submittal, Neighborhood Meeting, and prior to Public Hearings, poster and postcards required
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	76
Number of Comments Received	81 correspondence emails and several phone calls (see "Neighbor Correspondence" attachment)

## Timeline of Review

Petition Acceptance	August 8, 2023
Post-Petition Submittal Date	September 21, 2023
Neighborhood Meeting	January 10, 2024
Annexation Checkpoint	October 7, 2024
Number of Review Cycles	5
Item(s) Ready for Agenda	October 14, 2024

## Agency Review

### Traffic Impact Study

- Traffic Engineering reviewed the Traffic Impact Study (TIS) and determined that the TIS was complete and provided the adequate information and analyses per the requirements of the Traffic Criteria Manual and Traffic Engineering staff. The applicant will be responsible for the TIS recommended traffic mitigation measures and roadway improvements.
- The applicant will be responsible to construct a 190 feet long eastbound left-turn lane "100 feet of storage and 90 feet taper" at Pawnee Road/HWY 115 intersection.
- In 2030 the applicant will be responsible to extend 200 feet to the eastbound left-turn lane to provide 300 feet of storage and 90 feet taper at Pawnee Road/HWY 115 intersection.
- In 2045 the applicant will be responsible to construct a double eastbound left-turn lane to provide two 100 feet of storage and 180 feet taper at Pawnee Road/HWY 115 intersection.
- The applicant will be responsible to coordinate roadway improvements along HWY 115/Pawnee Road and HWY 115/Cherokee Road intersections with CDOT.

### Public Works

There is a section of Pawnee Road that is not a platted right-of-way, this section would be required to be deeded to the City of Colorado Springs, and the entirety of Pawnee Road through the proposed annexation shall be constructed to City of Colorado Springs standards and dedicated as public right-of-way. A Condition of Approval has been added that prior to recordation of the annexation plats, that the necessary section of Pawnee Road be conveyed to the City first.

### School District

School District 8 was sent a referral. The applicant and the school district entered a Memorandum of Agreement (see "Memorandum of Agreement" attachment). The agreement determines timing of possible school district land at a time of 200 units built out and if determined for a school site or fees and lieu of would be required.

### Parks

The currently owned Cheyenne Mountain State Park will continue to be owned and maintained by the City of Colorado Springs and is not being developed nor conveyed to the developer. The remaining residential development triggers the Park Land Dedication Ordinance, City Code 7.4.307. The total neighborhood park land obligation of 2.31 acres is to be met by the Type I metro district owned neighborhood park option of alternative compliance at 100% of the neighborhood park land dedication requirement (7.4.307.F.2.a). The community park obligation of 2.8 acres is to be met through fees in lieu to be utilized for community parks as detailed by code (7.4.307.G.2). The additional 4.37 acres of park land/trail/open

space shown on the Land Use Plan is considered a benefit to the community and is not considered towards PLDO calculations.

## **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**

All comments resolved and future development plans would be required to continue to be reviewed by CSU.

# **Annexation**

## **Summary of Application, ANEX-24-001, ANEX-24-0002, ANEX-24-0003, ANEX-24-0004, ANEX-24-0005, ANEX-24-0006, ANEX-24-0007**

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 109 acres.

The proposed annexation is located west of Highway 115 and south of Cheyenne Mountain State Park. The properties gain access by Pawnee Road from highway 115. The general use of the area is Fort Carson to the east, Cheyenne Mountain State Park to the north, and with residential uses to the west and south.

The owner has identified future intentions for residential 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**

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

The proposed annexation is a serial annexation. The first Addition is to annex into the City Boundary property that is currently owned and maintained by the City of Colorado Springs. This property will continue to be owned and maintained by the City of Colorado Springs. The continued Additions are a logical extension of the City boundary within this area.

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 and is attached. 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. CSU has reviewed and supports this proposal.

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 to the north of the proposed annexation to extend water south for a multi-family residential project to the northwest of this annexation. 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.

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 above criteria are met for the Cheyenne Mountain State Park Addition No. 1 and Rock Creek Mesa Addition No. 1-6 Annexation.

## Zone Establishment

### Summary of Application, ZONE-23-0026, ZONE-23-0027, ZONE-23-0030

The proposed zoning request will establish the R-Flex-Med/HS-O/WUI-O (R-Flex Medium with Hillside and Wildland Urban Interface Overlay), PK/WUI-O (Public Parks with Wildland Urban Interface Overlay), and the R-Flex-Med/WUI-O (R-Flex Medium with Wildland Urban Interface Overlay) zone districts to accommodate the proposed Public Park, and Residential uses. 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 Fort Carson to the east, Cheyenne Mountain State Park to the north with a small pocket of multi-family to the northeast, a highly

dense mobile home park to the northwest, single-family detached around the proposed annexation, and a Religious Institution to the south.

## 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, and the future planned uses are consistent with the PK and R-Flex-Med 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, the Wildland Urban Interface Overlay, and the Hillside Overlay where applicable. Zoning of the property as Public Parks for the City owned portion of Cheyenne Mountain State Park, and residential for the proposed development is compatible to the existing residential within the vicinity.

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 residential development. Staff has found that 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.

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 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 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.4 (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 Wildland Urban Interface Overlay and Hillside Overlay where applicable. The subject property (and adjacent properties) is located within the WUI-O (Wildland Urban Interface Overlay). The purpose of the overlay district is to significantly reduce damage to public health, safety and property through improved coordination between the UDC and adopted fire protection regulations. Per 7.2.604, All properties within the WUI-O shall comply with the Wildland Fuels Management Requirements established in Appendix K of the City of Colorado Springs Fire Prevention Code and Standards (see Section 8.4.105 of the City Code). Refer to the adopted City of Colorado Springs Fire Prevention Code and Standards for wildfire mitigation requirements for landscaping and building construction.

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, MAPN-23-0009

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 Land Use Plan proposes land use designations of the R-Flex-Med/HS-O/WUI-O (R-Flex Medium with Hillside and Wildland Urban Interface Overlay), PK/WUI-O (Public Parks with Wildland Urban Interface Overlay), and the R-Flex-Med/WUI-O (R-Flex Medium with Wildland Urban Interface Overlay) zone districts, as well as the street configuration through the proposed site and any access point from existing rights-of-way.

### 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, and the future planned uses are consistent with the PK and R-Flex-Med 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 Public Parks to the north and Residential to the south is compatible with the surrounding area which includes Cheyenne Mountain State Park to the north, multi-family development to the northeast, a highly dense Mobile Home Park to the northwest, and residential surrounding the site.

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 develop 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 done at time of development.

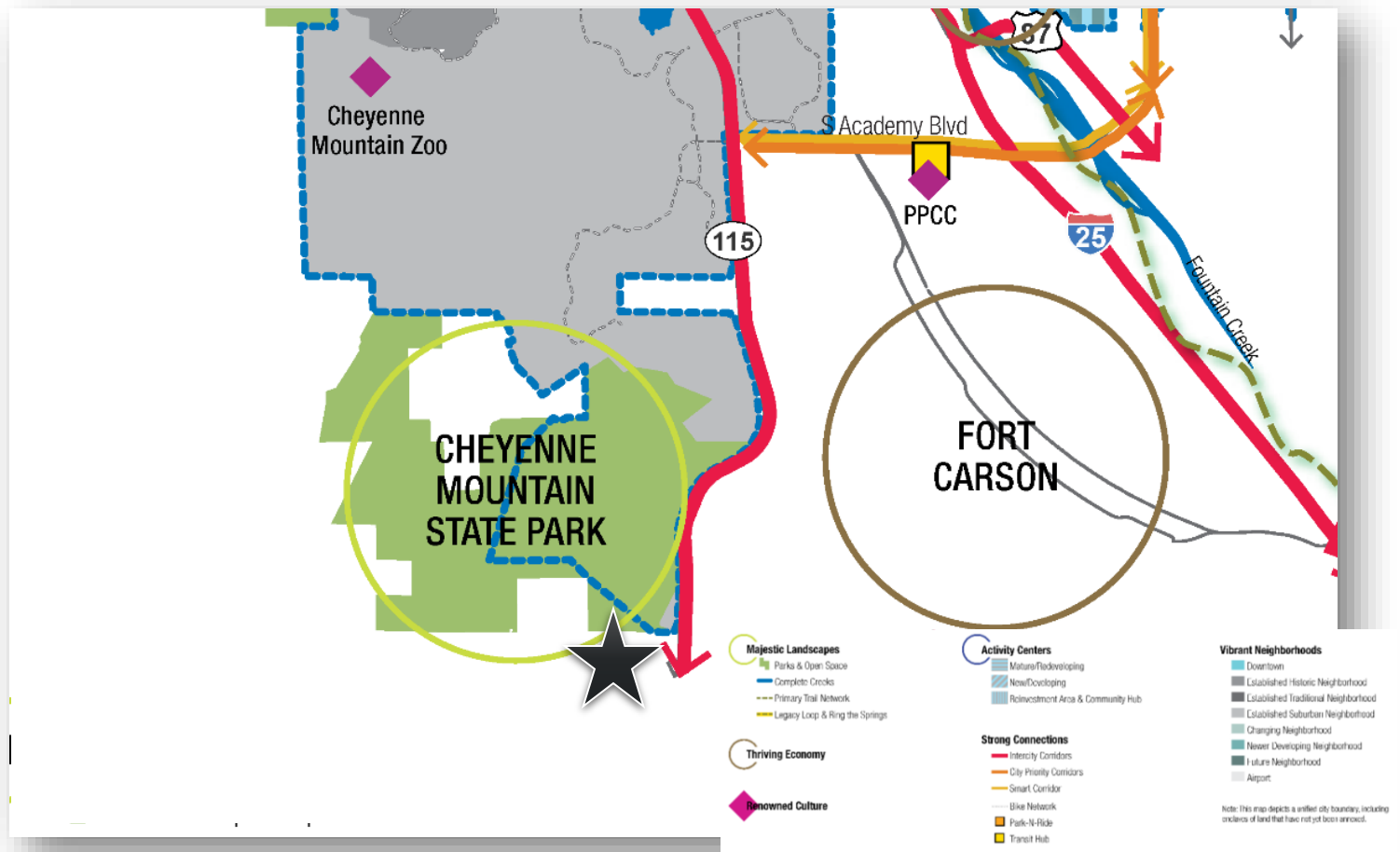
6. *Capacity of the existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;*

The developer will be required to extend utilities and improve the streets in the area of the Land Use Plan. School District 8 has entered into an agreement with the developer of timing of school land to be dedicated or fees in lieu of, and as a part of the PLDO Ordinance, the applicant is required to dedicate additional park-land.

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 higher density with the proposal is located closer to Highway 115 while offering a transition moving to the west.

Staff finds that the above criteria are met for the 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; and development will be consistent with long range plans. Staff has evaluated the proposed annexation and determined its eligibility in accordance with State law to be acceptable.

## Statement of Compliance

### **ANEX-24-0001**

After evaluation of the Cheyenne Mountain State Park Addition No. 1 Annexation the application meets the review criteria.

### **ANEX-24-0002**

After evaluation of the Rock Creek Mesa Addition No. 1 Annexation the application meets the review criteria.

### **ANEX-24-0003**

After evaluation of the Rock Creek Mesa Addition No. 2 Annexation the application meets the review criteria.

### **ANEX-24-0004**

After evaluation of the Rock Creek Mesa Addition No. 3 Annexation the application meets the review criteria.

### **ANEX-24-0005**

After evaluation of the Rock Creek Mesa Addition No. 4 Annexation the application meets the review criteria.

### **ANEX-24-0006**

After evaluation of the Rock Creek Mesa Addition No. 5 Annexation the application meets the review criteria.

### **ANEX-24-0007**

After evaluation of the Rock Creek Mesa Addition No. 6 Annexation the application meets the review criteria.

### **ZONE-24-0026**

After evaluation of the proposed Zone Establishment of a R-Flex-Med/HS-O/WUI-O (R-Flex Medium with Hillside and Wildland Urban Interface Overlay) zone district the application meets the review criteria.

### **ZONE-23-0027**

After evaluation of the proposed Zone Establishment of a PK/WUI-O (Public Parks with Wildland Urban Interface Overlay) zone district the application meets the review criteria.

### **ZONE-23-0030**

After evaluation of the proposed Zone Establishment of a R-Flex-Med/WUI-O (R-Flex Medium with Wildland Urban Interface Overlay) zone district the application meets the review criteria.

### **MAPN-23-0009**

After evaluation of the Rock Creek Mesa Addition No. 1-6 and Cheyenne Mountain State Park Addition No. 1 Land Use Plan the application meets the review criteria.