

HOPE CHAPEL ANNEXATION NO. 1 AND NO. 2

PROJECT STATEMENT

FEBRUARY 2022

REQUEST

N.E.S. Inc. on behalf of Hope Chapel of Colorado Springs, request approval of the following applications:

1. Annexation of the Hope Chapel Annexation No.1 and No. 2
2. A Zone Change from County Zoning (RR-5) to City R-5 (Multi-Family Residential) Zone District and SS - Streamside Overlay Zone
3. A Concept Plan

LOCATION

The 11.1073 AC site is located in El Paso County, east of Voyager Parkway, on the north side of Old Ranch Road. The "Site" is one property, however, the right of way for the remainder of the existing Old Ranch Road is being included in the annexation, which bring the total acreage of the annexations to 14.4943 AC. The property is just shy of the 1/6 contiguity required for annexation, so is being annexed concurrently in two phases. The first annexation encompasses the northeast portion of the property and contains 4.6136 AC and is 20.62% contiguous. The second annexation encompasses the southwest portion of the property and contains 9.8807 AC and is 19.86% contiguous.

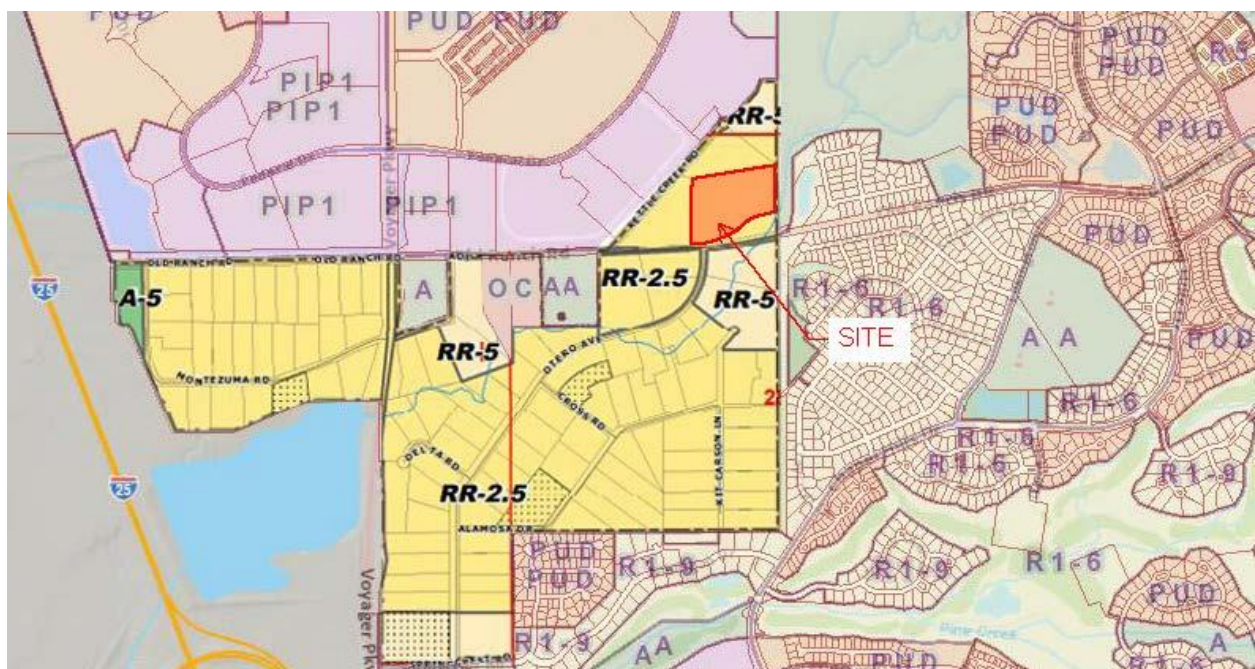


The Site lies in an area of mixed-use, which includes industrial and residential development. Single-family residential development lies to the east, south and west and industrial/office development lies to the north. The Site is east of the Fairlane Technology Park, an existing industrial park, which is within the City boundary, and existing large-lot residential which is outside the City’s boundary. To the east is open space and residential development property consisting of single-family residences and accessory buildings that was developed in the City of Colorado Springs in 1994 (Creekside Estates Subdivision). To the south are residential properties located in El Paso County. Voyager Parkway is located approximately 0.55 mile to the west. Kettle Creek traverses the very southeastern portion of the property.

ZONING CONTEXT

Proposed zoning upon annexation is R-5, Multi-family Residential and SS, Streamside Overlay. The Site is surrounded by a mix of City and County zone districts. To the east is the City of Colorado Springs boundary with City zoning. To the north, south and west is El Paso County with County zoning. The Site is currently zoned RR-2.5.

DIRECTION	MUNICIPALITY	ZONE	
NORTH	COUNTY	RR-5	RESIDENTIAL RURAL
EAST	CITY	R1-6000	SINGLE-FAMILY RESIDENTIAL
SOUTH	COUNTY	RR-2.5	RESIDENTIAL RURAL
WEST	COUNTY	RR-2.55	RESIDENTIAL RURAL



PROJECT DESCRIPTION

Hope Chapel of Colorado Springs is requesting Annexation of property comprised of 11.1073 AC, as well as additional right of way for Old Ranch Road, for a total annexation area of 14.4943 AC. The property is owned by Hope Chapel of Colorado Springs, which is the only signatory on the Annexation Petition.

The project proposal includes a 2.48 AC parcel for development of a religious institution and associated parking and open space; as well as 8.63 AC of multi-family residential development, consisting of four- to eight-unit buildings intended for rental purposes.

Municipal utilities are available to serve the property, with water adjacent in Old Ranch Road, and sanitary sewer in Otero Avenue. Access to the property will be from Old Ranch Road.

A Land Suitability Analysis is required for this project due to Kettle Creek traversing the very southeast corner of the property, which upon annexation and zoning, will be within the Streamside Overlay. The proposed concept plan is not limited by the suitability of the land, as no development is proposed in highly constrained areas. The geologic conditions on-site can be satisfactorily mitigated through proper engineering design and construction processes. Refer to Sheet 4 of the Concept Plan for the Land Suitability Analysis.

PROJECT JUSTIFICATION

Conformity with Colorado Revised Statutes

According to the City of Colorado Springs Zoning Code (“Code”), Annexation to the City shall be in accord with article II of the Colorado Constitution and the Municipal Annexation Act of 1965 as it exists now or may later be amended.

Title 31-12-104 of the Colorado Revised Statute indicates that no unincorporated area may be annexed to a municipality unless one of the conditions of section 30 (1) of article II of the state constitution are met:

(a) The question of annexation has been submitted to the vote of the landowners and the registered electors in the area proposed to be annexed, and the majority of such persons voting on the question have voted for the annexation; or

(b) The annexing municipality has received a petition for the annexation of such area signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality; or

(c) The area is entirely surrounded by or is solely owned by the annexing municipality.

Conditions (a) and (c) above are not applicable to the annexation property. Condition (b) is met as the submitted Annexation Petition is signed by 100% of the landowners of the area to be annexed.

Title 31-12-104 of the Colorado Revised Statute also states that the governing body must find and determine:

(a) That not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.

The entire eastern boundary of the property is contiguous with the City of Colorado Springs municipal boundary. However, the property is just shy of the 1/6 contiguity required for annexation, so is being annexed in two phases. The first annexation encompasses the northeast portion of the property and contains 4.6136 AC and is 20.52% contiguous. The second annexation encompasses the southwest portion of the property and contains 8.1225 AC and is 24.35% contiguous.



(b) That a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality.

The annexation is a logical extension of the municipal boundaries as the Site is immediately adjacent to the City's eastern boundary. This part of the city has been rapidly growing over the last few years with significant commercial, industrial, and multi-family residential development north of the site close to InterQuest and Voyager. The annexation and pursuant development of the property will bridge the gap between the surrounding residential development to the east and south and the commercial and industrial development to the west and south.

In accordance with Title 31-12-104, the fact that the area proposed to be annexed has the contiguity with the annexing municipality shall be a basis for a finding of compliance with these requirements unless the governing body finds that at least two of the following conditions are shown to exist:

(I) Less than fifty percent of the adult residents of the area proposed to be annexed make use of part or all of the following types of facilities of the annexing municipality: Recreational, civic, social, religious, industrial, or commercial; and less than twenty-five percent of said area's adult residents are employed in the annexing municipality. If there are no adult residents at the time of the hearing, this standard shall not apply.

N/A

(II) One-half or more of the land in the area proposed to be annexed (including streets) is agricultural, and the landowners of such agricultural land, under oath, express an intention to devote the land to such agricultural use for a period of not less than five years.

N/A

(III) It is not physically practicable to extend to the area proposed to be annexed those urban services which the annexing municipality provides in common to all of its citizens on the same terms and conditions as such services are made available to such citizens. This standard shall not apply to the extent that any portion of an area proposed to be annexed is provided or will within the reasonably near future.

It is physically practicable to extend municipal services to the property, as these are being provided to other adjacent development within the municipality.

The property to be annexed thus satisfies all the requirements of the Colorado State Statute pertaining to Annexations.

Conformity with City of Colorado Springs Zoning Code

Conditions for Annexation (Section 7.6.203)

A. THE AREA PROPOSED TO BE ANNEXED IS A LOGICAL EXTENSION OF THE CITY'S BOUNDARY;

The Site is immediately adjacent to the City's eastern boundary. This part of the city has been rapidly growing over the last few years with significant commercial, industrial, and multi-family residential development north of the site close to InterQuest and Voyager. Annexations approved by the City of Colorado Springs in the area along Old Ranch Road: Peaks Recovery Centers, LLC (Ordinance #21-11), Academy Christian Church (Ordinance #04-204), Hadnagy Addition (Ordinance 98-147), Ford Parcel #1 (Ordinance 82-151), and Kitty Hawk Addition #1 (Ordinance 82-234). Other area Annexations have been approved such as Briargate Additions #1-7 and most recently Briargate Church of Assembly of God Annexation at the corner of Voyager Parkway and Springcrest Road (Ordinance #19-14).



- B. 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;**

Annexation and development of the property will provide additional housing and worship options for those working in the area. Relevant PlanCOS goals and objectives include, locating supporting housing near jobs and other complimentary uses; encourage mixed use development and transition of density; and preservation and enhancement of existing physical elements.

- C. THERE IS A PROJECTED AVAILABLE WATER SURPLUS AT THE TIME OF REQUEST;**

An individual wells is the current water source for the existing single-family residence. The project proposes to connect to CSU water on the north side of Old Ranch Road. CSU has indicated that they have sufficient supply and facilities to serve this property. The existing well will need to be abandoned upon connection to CSU.

- 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;**

An existing individual septic system and private will serve the existing single-family residence on the property. It is intended to connect to CSU water on the north side of Old Ranch Road and wastewater in Otero Avenue. CSU has indicated that they have sufficient supply and facilities to serve this property. The existing well will and individual septic system will need to be abandoned upon connection to CSU infrastructure.

- E. THE ANNEXATION CAN BE AFFECTED AT THE TIME THE UTILITIES ARE EXTENDED OR AT SOME TIME IN THE FUTURE;**

Yes. The land to be annexed is under a single ownership and, therefore, the annexation can be affected at the time utility connections are available.

- 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;**

This will be addressed in the Annexation Agreement.

- 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;**

Utility easements and rights of way will be provided with future development plans for the Site. Upon determination of sanitary sewer service extension, a utility easement(s) will need to be identified and agreement executed.

- 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.**

This property lies within the Wescott Fire Department (WFD) service area. The applicant will work with WFD to apply to remove this property from its service area. This will be completed prior to annexation. The property is currently served by Mountain View Electric Association. Requirements for removal of the property from the service area of this District will be addressed in the Annexation Agreement.

Zone Change Criteria (Section 7.5.603. B)

- 1. THE ACTION WILL NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE OR GENERAL WELFARE.**

The Applicant is requesting to rezone the property to R-5 (Multi-family Residential), with the intent to develop multi-family or single-family attached dwellings, as well as a religious institution.

In accordance with the Zoning Code, the R-5 Zone District:

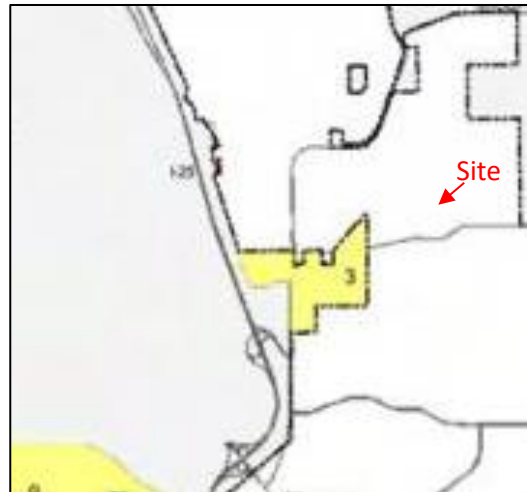
“This zone district accommodates lots primarily for high density attached multi- family residential use.”

Multi-family, single-family attached dwellings, and religious institutions are permitted uses in the R-5 Zone District. Annexation and development as requested provide transition between the commercial and industrial uses to the west and the residential uses to the east and south.

The request to change the zoning of the properties will not be detrimental to the public interest, health, safety, convenience or general welfare. The development will provide additional housing and worship options for the community and those working in the area. The subject property lies within an area that has been changing and growing. This property and the area in general are traversed by Kettle Creek and its natural environment, which create an important open space amenity for the new residential development in a growing mixed-use area.

2. THE PROPOSAL IS CONSISTENT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN.

The 2006 Annexation Plan establishes the framework for decisions concerning annexation of land into the City of Colorado Springs. The intent of the Annexation Plan is to guide future applicants who seek to annex property into the City. On the 'Potential Annexation Map' in the Annexation Plan, the Site is within Area 3 of the Annexation Plan. Area 3 is identified as an area 'eligible for annexation, but not recommended.' Area 3 is approximately 406 AC and functions as an enclave, however, since this area borders the United States Air Force Academy (USAFA) to the west, it does not meet statutory requirements for enclave definition. The Annexation Plan notes that "Most of the land is developed and thus the land use pattern is established. It is anticipated that this land use pattern will continue and redevelopment is unlikely." However, annexations have been approved by the City within the immediate area along Old Ranch Road and within Area 3, which have established a new development pattern.



In Chapter 8 (Adaptable Implementation) of PlanCOS, under "Key Projects and Implementation Strategies" one of the most important implementation initiatives is #6 Annexation Plan Update. PlanCOS recommends systematic update of the City's annexation strategies and polices to follow the outline of the Annexation Plan. The areas within the City adjacent to the Site are designated as a "Newer Developing Neighborhood" on the PlanCOS Vision Map and is designated as a "high area of change" on the PlanCOS Areas of Change map, which highlights areas expected to have the most potential for land use changes.

According to PlanCOS, with respect to Annexation requests "over the next 20 years, PlanCOS envisions limited but strategic additional outward expansion of city limits, and a focus on developing and redeveloping property currently within city boundaries while becoming more proactive in working to incorporate existing enclaves and near enclaves into the city."

3. WHERE A MASTER PLAN EXISTS, THE PROPOSAL IS CONSISTENT WITH SUCH PLAN OR AN APPROVED AMENDMENT TO SUCH PLAN. MASTER PLANS THAT HAVE BEEN CLASSIFIED AS IMPLEMENTED DO NOT HAVE TO BE AMENDED IN ORDER TO BE CONSIDERED CONSISTENT WITH A ZONE CHANGE REQUEST.

A Master Plan does not exist for this area or site. A Concept Plan is proposed in conjunction with the Zone Change and the zone change request is consistent with it.

4. FOR MU ZONE DISTRICTS THE PROPOSAL IS CONSISTENT WITH ANY LOCATIONAL CRITERIA FOR THE ESTABLISHMENT OF THE ZONE DISTRICT, AS STATED IN ARTICLE 3, "LAND USE ZONING DISTRICTS", OF THIS CHAPTER. (ORD. 94-107; ORD. 97-111; ORD. 01-42; ORD. 03-157; ORD. 12-76)

No MU Zone district exists on this site nor is one proposed.

Concept Plan Review Criteria (Section 7.5.501)

A. WILL THE PROPOSED DEVELOPMENT HAVE A DETRIMENTAL EFFECT UPON THE GENERAL HEALTH, WELFARE AND SAFETY OR CONVENIENCE OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED DEVELOPMENT?

The proposed development will not have a detrimental effect upon the general health, welfare, and safety or convenience of persons residing or working in the neighborhood of the proposed development. The Concept Plan provides a plan for current and future development of the property. As noted previously, the development will provide additional housing and worship options for the community and those working in the area. The subject property lies within an area that has been changing and growing. This property and the area in general are traversed by Kettle Creek and its natural environment, which create an important open space amenity for the new residential development in a growing mixed-use area.

B. WILL THE PROPOSED DENSITY, TYPES OF LAND USES AND RANGE OF SQUARE FOOTAGES PERMIT ADEQUATE LIGHT AND AIR BOTH ON AND OFF THE SITE?

The proposed use of the property is compatible with this growing area of the City and County. Density on-site, at full development, will be considerably less than allowed in the R-5 Zone District. The religious institution property will retain extensive open space and user amenities, and Kettle Creek, which traverses the southern tip of the property, along with its steep embankment, provides a substantial amount of open space within the development and between adjacent land uses to the east.

C. ARE THE PERMITTED USES, BULK REQUIREMENTS AND REQUIRED LANDSCAPING APPROPRIATE TO THE TYPE OF DEVELOPMENT, THE NEIGHBORHOOD AND THE COMMUNITY?

The permitted uses, bulk requirements, and required landscaping will adhere to the R-5 standards for the proposed new development, including buffering and open space dedication.

D. ARE THE PROPOSED INGRESS/EGRESS POINTS, TRAFFIC CIRCULATION, PARKING AREAS, LOADING AND SERVICE AREAS AND PEDESTRIAN AREAS DESIGNED TO PROMOTE SAFETY, CONVENIENCE AND EASE OF TRAFFIC FLOW AND PEDESTRIAN MOVEMENT BOTH ON AND OFF THE SITE?

The property has an existing private driveway at Old Ranch Road which will be eliminated. A new private access road will be constructed in alignment with Otero Avenue to the south. An internal sidewalk network, as well as a connection to Old Ranch Road, will be provided. Parking needs based on uses and development phases, have been preliminarily identified on the Concept Plan.

E. WILL THE PROPOSED DEVELOPMENT OVERBURDEN THE CAPACITIES OF EXISTING STREETS, UTILITIES, PARKS, SCHOOLS AND OTHER PUBLIC FACILITIES?

The proposed development will not overburden the capacity of existing streets. A 5'-6' right of way dedication will be provided along Old Ranch Road as part of the Annexation to allow for future widening and upgrades to the road. The Traffic Impact Study submitted with the application indicates that the addition of site-generated traffic is expected to create no negative impact to traffic operations for the existing surrounding roadway system in the long- or short-term. Proposed Site Access has long-term operations at LOS D or better during peak traffic periods and upon build-out. Refer to the included Traffic Impact Report for detailed traffic information.

There are no likely overburdens on utilities as Colorado Springs Utilities has indicated the ability to serve the property. There will likely be no overburdens on parks, schools and other public facilities, as there is no indication of the need for any such facilities on or in the area of the proposed annexation, and the development provides open space to serve the development. The Park System Master Plan shows a Candidate Open Space Area and Urban Trail in the Creek corridor to the east of the property and creek.

F. DOES THE PROPOSED DEVELOPMENT PROMOTE THE STABILIZATION AND PRESERVATION OF THE EXISTING PROPERTIES IN ADJACENT AREAS AND SURROUNDING RESIDENTIAL NEIGHBORHOODS?

Proposed development will be located north and west of the creek, with the religious institution on the easterly portion of the site and the residential development on the west portion of the site. The religious institution and creek will provide a transition from the lower density residential development to the east and south and the proposed higher density development on the site. A landscape buffer will be provided on the west side of the new residential development adjacent to the single-family dwelling immediately to the west. The on-site residential development provides a transition from the single-family residential development to the west and the non-residential religious institution on the site. Kettle Creek traverses the southern tip of the property and serves as a buffer between the low-density residential uses to the east and this site. The proposed development is compatible with the surrounding growing area.

G. DOES THE CONCEPT PLAN SHOW HOW ANY POTENTIALLY DETRIMENTAL USE TO USE RELATIONSHIPS (E.G., COMMERCIAL USE ADJACENT TO SINGLE-FAMILY HOMES) WILL BE MITIGATED? DOES THE DEVELOPMENT PROVIDE A GRADUAL TRANSITION BETWEEN USES OF DIFFERING INTENSITIES?

Buffering standards between differing uses will be provided and adhered to with the development plans for the religious institution and the residential development. The adjacent residential homes to the east are further buffered by extensive open space including Kettle Creek. Further, these homes are oriented in a manner that provides some visual mitigation from the Site. The single-family residential lot to the west house will be buffered with landscaping.

H. IS THE PROPOSED CONCEPT PLAN IN CONFORMANCE WITH ALL REQUIREMENTS OF THIS ZONING CODE, THE SUBDIVISION CODE AND WITH ALL APPLICABLE ELEMENTS OF THE COMPREHENSIVE PLAN?

The proposed Concept Plan is in conformance with all requirements of the zoning, subdivision, and applicable portions of PlanCOS.