



Neagle-Dutcher Family Addition Annexation

City Council

FORMAL MEETING – November 12, 2024



Neagle-Dutcher Family Addition

QUICK FACTS

Address:

4105 Date Street

Zoning and Overlays

Current: Unincorporated El Paso County; RM-30 (Residential Multi-Dwelling)

Proposed: R-5 (Multi-Family High)

Site Area

1.01 acres

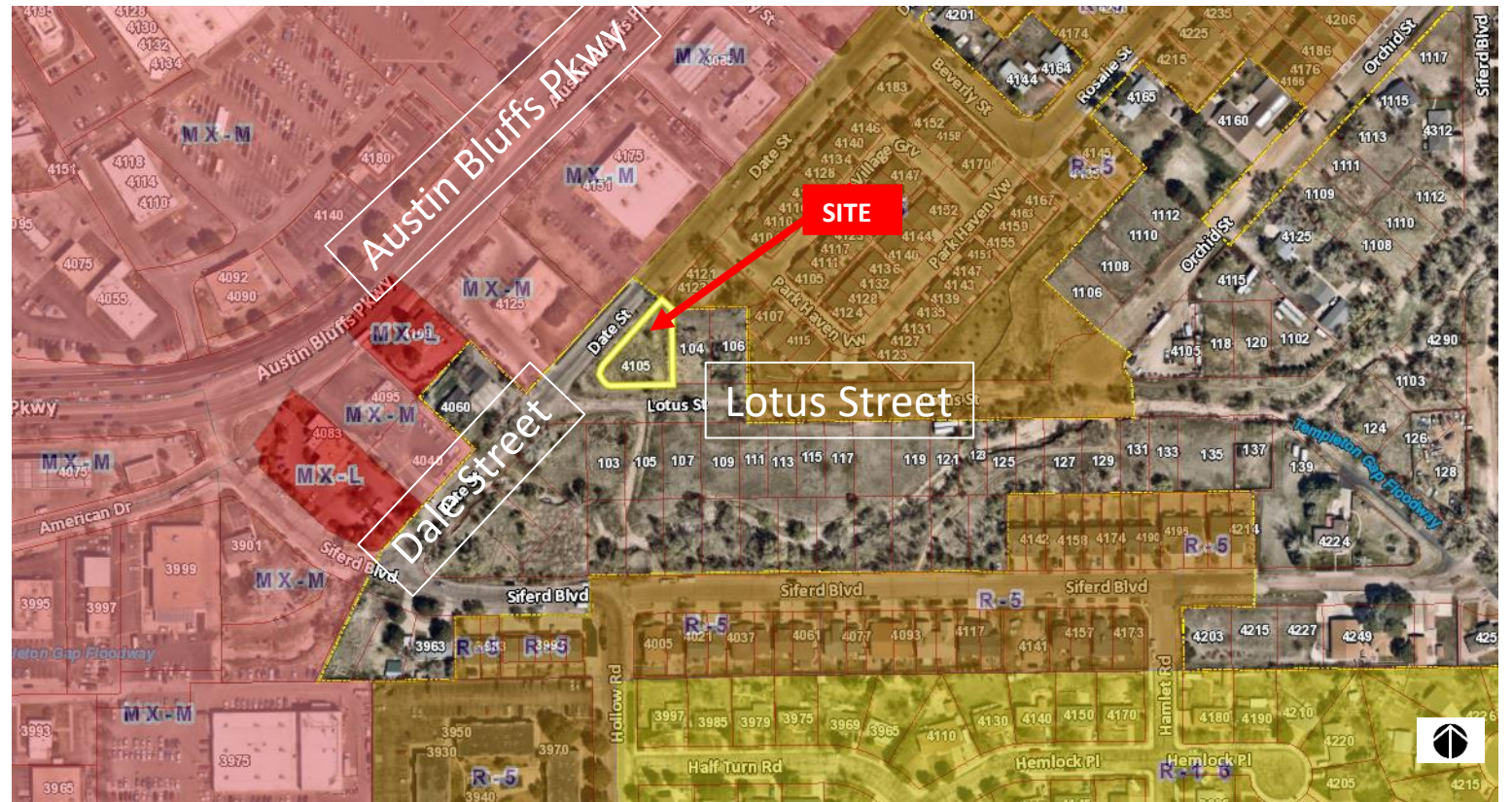
Proposed Land Use

Single-Family Detached Dwelling

APPLICATIONS

Annexation, Zone Establishment, Land Use Statement

VICINITY MAP



Neagle-Dutcher Family Addition

PROJECT SUMMARY

File #(s):

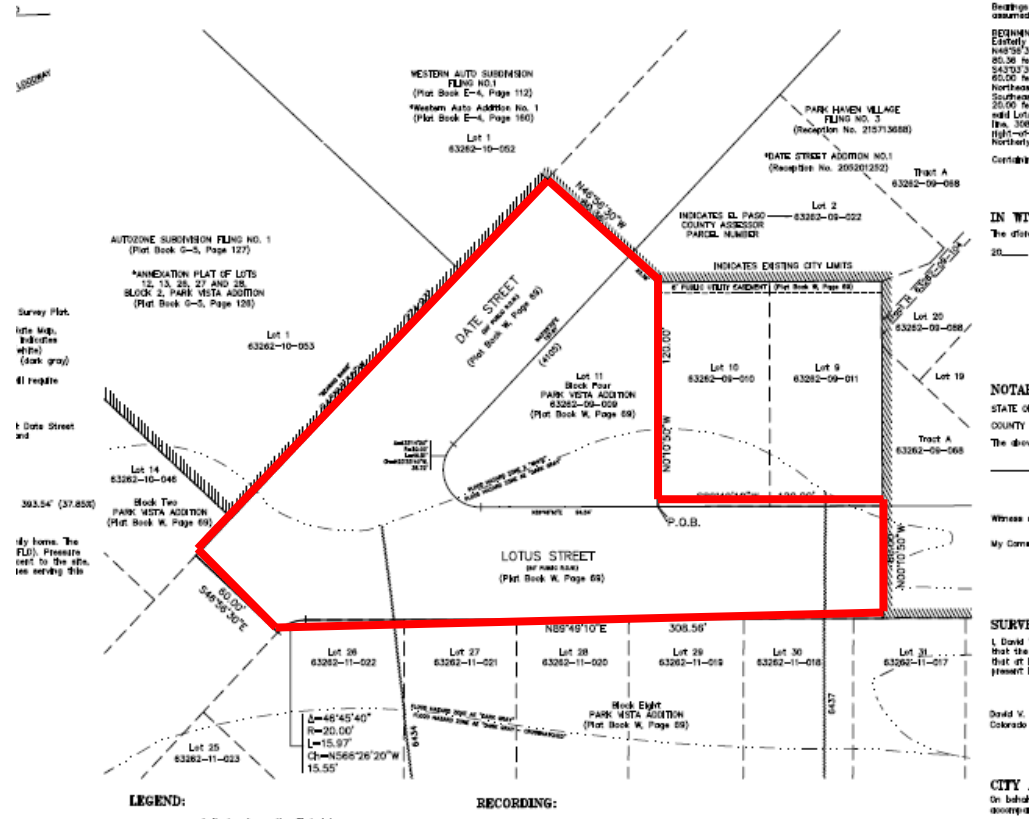
ANEX-24-0008; ZONE-24-0005

Project Proposal:

- Annexation area – Neagle-Dutcher Family Addition No. 1
 - 1.01 acres includes rights-of-way of Date Street and Lotus Street
- Zone establishment for 0.23 acres to R-5 (Multi-Family High) zone district
- Land Use Statement / Land Use Plan Waiver

Application was reviewed under UDC (Unified Development Code)

SITE PLAN



XXX

Neagle-Dutcher Family Addition



Annexation Plat

- The proposed annexation is in the Park Vista enclave; these smaller annexations are an overall cleaning up of the larger Park Vista enclave.
- This is a very active area of annexation and the City will most likely see the elimination of this enclave in coming years.
- The annexation of Lotus Drive right-of-way does not further create an additional enclave of the two parcels to the east of the subject site; it is reducing the existing enclave in this area.
- This lot has been annexed on a voluntary annexation basis by property owner wishing to convert the standard county lots into a single-family detach dwelling under the R-5 MX-N zone district.
- The property is proposed to gain access off Date Street upon development.

ANNEXATION PLAT NEAGLE-DUTCHER FAMILY ADDITION

AN ANNEXATION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 13 SOUTH,
RANGE 66 WEST OF THE 6TH P.M., TO THE CITY OF COLORADO SPRINGS, EL PASO COUNTY, COLORADO

VICINITY MAP
NO SCALE

NOTES:

1. This Annexation Plat does not represent a monumented Land Survey Plat.
2. FEDERAL EMERGENCY MANAGEMENT AGENCY Flood Insurance Rate Map, Map Number 15023C0139A 2, effective date November 7, 2010, indicates the area in the vicinity of this plat is in Zone X (shaded) (area determined to be special flood hazard) and AE (low area) (base flood elevation indicated), as shown between an engineered structure and actual effect to the property will require evaluation by a Registered Civil/Structural Professional Engineer.
3. The road units used in this drawing are U.S. Survey Feet.
4. Lot 11, Block Four, VOUCHER WITH PARTIAL OF DATE STREET AND LOTUS STREET RIGHTS-OF-WAY AND ADJACENT DATE STREET AND LOTUS STREET INTERSECTION, as in PARK VISTA ADDITION (Plat Book C-4, Page 138).
5. 4 - Indicates Annexation Plat Name.

This is for a 0.228-acre annexation that will be a single-family home. The property should be served with the traditional pressure zone (TPZ). Parcels will be approximately 110 feet. There is a private lot/road adjacent to the site but the public right-of-way is public. There should be no fence along this annexation.

LEGEND:

- - - - Indicates Annexation Plat dots
- (XXXX) - Indicates lot address
- . - . - . Indicates Road hazard boundary
- --- --- Indicates Road hazard base flood elevation

RECORDING:
STATE OF COLORADO
COUNTY OF EL PASO

I hereby certify that this instrument was filed for record in my office on day of , 20 A.D. and is duly recorded.

under Receipt No. of the records of El Paso County, Colorado.

SURNAME: _____
PCL: _____

Shawn Schickel, Recorder

BE IT KNOWN BY THESE PRESENTS:
That Leanne Lee Neagle being the owner of the abovesaid described tract of land to wit: A tract of land being a portion of the Northwest Quarter of Section 26, Township 13 South, Range 66 West of the 6th P.M., Range 66 of El Paso County, Colorado, described in Plat Book C-4, Page 138.

BEING: at the east-northerly corner of said Lot 11, there 1007.00' W along the Eastern line of said Lot 11, 122.00' East to the northerly corner of said Lot 11; thence 1007.00' S along the northerly line of said Lot 11, and an extended thence 66.36 feet to a point on said Date Street's northerly right-of-way line; thence 22.00' S along said northerly right-of-way line, 70.00' East, along 2200.00' E, 22.00' East to a point on the northerly right-of-way line of said Date Street; thence northerly of a non-trapped curve to the right and along said Date Street's northerly right-of-way line, 96.19 feet to a curve center of 493.65', a radius of 33.00' feet, an arc length of 15.07' feet to a point on the northerly right-of-way line of said Lotus Street; thence easterly along said Lotus Street's northerly right-of-way line, 220.00' feet to the northerly right-of-way line of said Lotus Street; thence 220.00' East to the northerly right-of-way line of said Lotus Street; 122.00' feet to the CITY OF COLORADO.

Covering 1.01 acres (44,164 square feet), more or less.

IN WITNESS WHEREOF:
The aforementioned, has executed this instrument the day
20 A.D.

Leanne Lee Neagle

Witness my Hand and Seal
My Commission Expires

SURVEYOR'S CERTIFICATE:
I, David N. Hostetter, a Professional Land Surveyor in the State of Colorado, do hereby state that the map shown herein is a correct depiction of the above described parcel of land and that the same were (1) or (2) the best of the best of the plat of the same as it appears in the present vicinity of the City of Colorado Springs, El Paso County, Colorado.

David N. Hostetter
Colorado Professional Land Surveyor No. 20881

PRELIMINARY COPY
Subject to
City Approval

CITY APPROVAL:
On behalf of the City of Colorado Springs, the undersigned hereby approve for filing the accompanying annexation plat of "NEAGLE-DUTCHER FAMILY ADDITION".

City Planning Director Date City Engineer Date

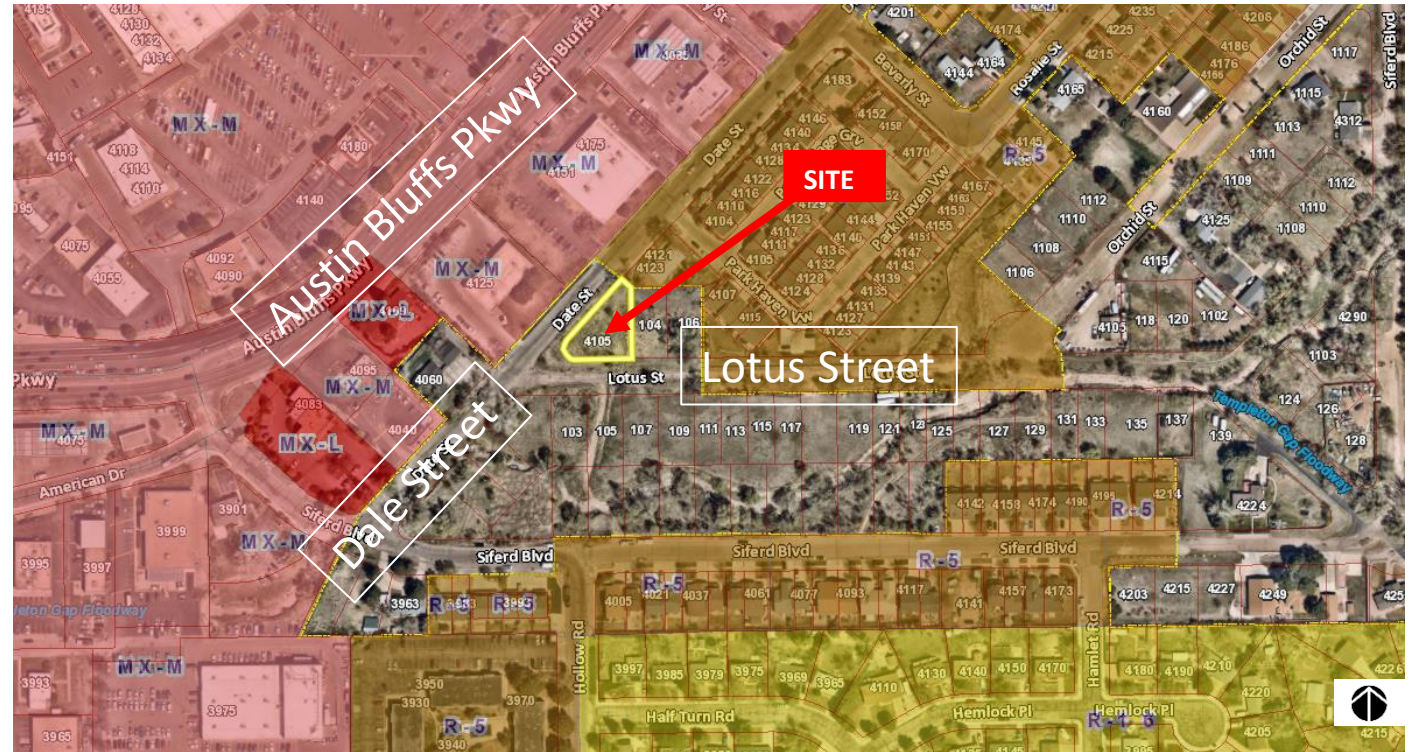
The annexation of the red property shown on this plat is approved pursuant to an ordinance made and adopted by the City of Colorado Springs, El Paso County, Colorado, by action of the City Council of the City of Colorado Springs on its meeting on the day of , 20 A.D.

City Clerk Date

PROJECT NO.: 22018
SHEET: 1 of 1
CITY FILE NUMBER: ANEX-24-008

Zone Establishment – R-5

- Zone Establishment of R-5 (Multi-Family High) zone district of 0.23 acres
- Future construction of a single-family residence
- R-5 zone district is consistent with the zoning of this area which consists of a combination of attached and detached single-family dwellings



XXX

TIMELINE OF REVIEW



City Council Petition Acceptance	November 20, 2023
Initial Land Use Submittal	February 20, 2024
City Council Annexation Checkpoint Worksession	June 24, 2024
Utilities Board	N/A
Item(s) Ready for CPC Agenda	June 17, 2024
City Planning Commission Meeting	July 10, 2024
City Council Resolution Setting Hearing Date	October 8, 2024
City Council 1st Reading	November 12, 2024
City Council 2nd Reading	November 26, 2024

STAKEHOLDER INVOLVEMENT



PUBLIC NOTICE

Public Notice Occurrences (Posters / Postcards)	3 Occurrence: Internal Review / Prior to Planning Commission Hearing/ Prior to City Council – 2 nd Reading
Postcard Mailing Radius	1,000 feet
Number of Postcards Mailed	204 Postcards
Number of Comments Received	Four

PUBLIC ENGAGEMENT

- No neighborhood meeting
- Public comments in opposition to the zone change were received. Public concerns were related to flooding, traffic and safety, and obstruction of views.
- The Applicant provided a written response to the received public comments during the initial review of the project.
- It is also important to note that the overall Park Vista enclave area is currently part of a City Public Works project to take corrective action on stormwater issue that persist in this area.

XXX

AGENCY REVIEW



Traffic Engineering

A Traffic Impact Study was not required to be prepared. Traffic Engineering noted that the developer is responsible to install new public improvements to match existing improvements along Date Street and Lotus Street to include pavement mat, curb and gutter, and sidewalk. This has been addressed in the Annexation Agreement.

SWENT

SWENT has reviewed and recommended approval of this annexation proposal. Future development will require final drainage reports to be reviewed and approved by SWENT at the time of building permit for single-family residential development.

School District

School District 11 was sent a referral. No comments were provided. School impact fees will be required at building permit.

Parks

PLDO fees will be assessed and required for this residential development at the time of building permit.

Colorado Springs Utilities

Meets enclave exception (provided City Planning considers it an enclave). Meets de minimis impact to City's water supply exception. No outstanding comments.

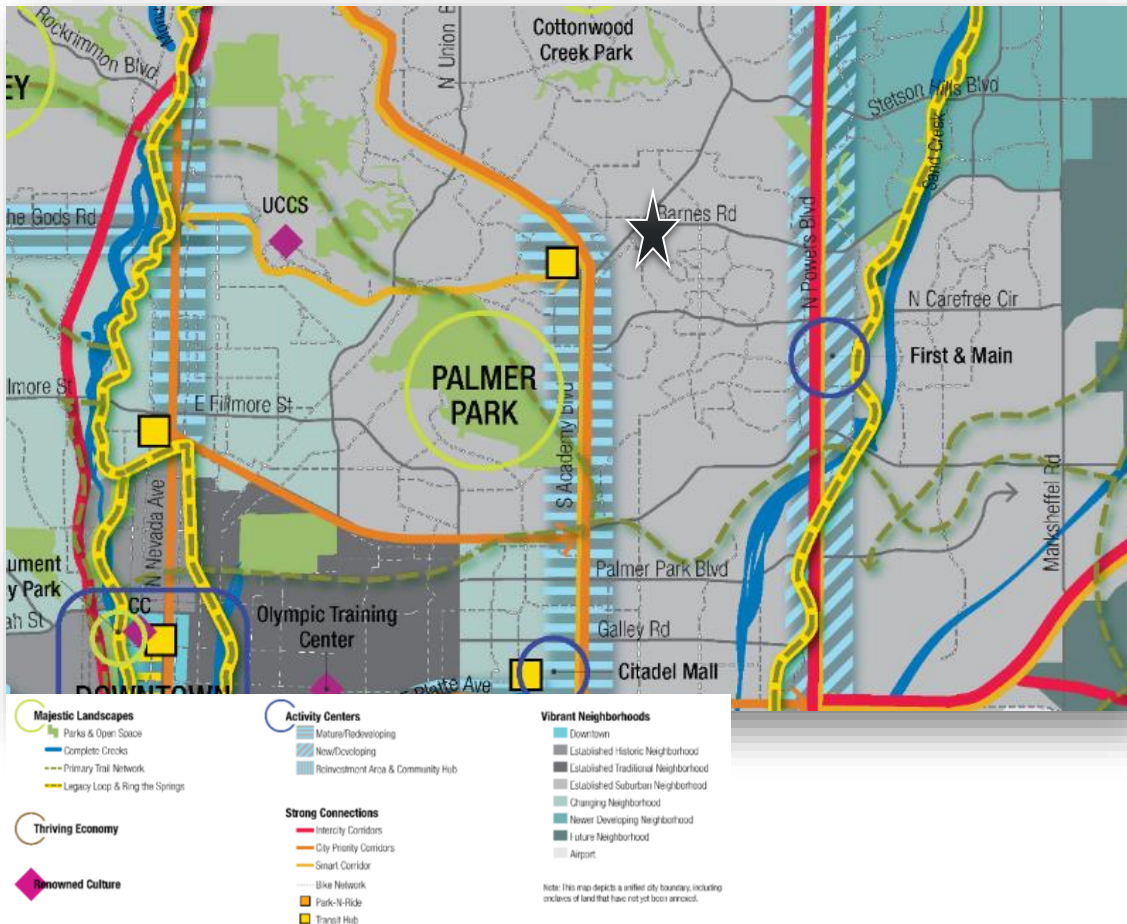
8A & 8B

PlanCOS COMPLIANCE



PlanCOS MAP IMAGE

PlanCOS Compliance



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 to remove this enclave further.

APPLICATION REVIEW CRITERIA



7.5.701 Annexation

Conditions for Annexation

1. *The area proposed to be annexed is a logical extension of the City's boundary;*
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;*
3. *There is a projected available water surplus at the time of 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;*
5. *The annexation can be effected at the time the utilities are extended or at some time in the future;*
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;*
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;*
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.*
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.*

Statement of Compliance

ANEX-24-0008

After evaluation of the Neagle-Dutcher Family Annexation the application meets the review criteria.

APPLICATION REVIEW CRITERIA



7.5.514 Waiver/Land Use Statement

Criteria for Approval

- (1) The land area under review is less than ten (10) acres and is planned to be developed in a single phase;*
- (2) The land is contained in and subject to a previously approved Master or Concept Plan;*
- (3) The land is included in a Development Plan application;*
- (4) The land area is part of an established surrounding development pattern;*
- (5) The proposed zoning pattern for the land aligns with adjacent existing zoning or development; and/or*
- (6) Major infrastructure or urban services for the land including but not limited to access points and roadway systems, have already been established and are not proposed to be changed.*

Statement of Compliance

ZONE-24-0005

After evaluation of the request to waive the requirements for a Land Use Plan, the request meets the review criteria.

APPLICATION REVIEW CRITERIA



7.5.704 Zone Establishment

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(s).*
2. *The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.*
3. *The location of the lands in the zoning map area being amended are appropriate for the purposes of the proposed zone district(s).*
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.*
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.*
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).*
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 approved Concept Plans that have been classified as implemented do not have to be amended in order to be considered consistent with an amended zoning map.*

APPLICATION REVIEW CRITERIA



7.5.704 Zone Establishment

Criteria for Approval

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.*
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.*
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))*

Statement of Compliance

ZONE-24-0005

After evaluation of the request for a zoning map amendment (rezone), the application meets the review criteria.

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PLANNING COMMISSION OPTIONAL MOTIONS



Optional Motions

ANEX-24-0008 – Neagle-Dutcher Family Addition

Motion to approve:

Recommend approval to City Council the annexation of 1.01 acres as the Neagle-Dutcher Family Addition based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in UDC Section 7.4.701.

Motion to Deny:

Recommend denial to City Council the annexation of 1.01 acres as the Neagle-Dutcher Family Addition based upon the findings that the annexation does not comply with the Conditions for Annexation, as set forth in UDC Section 7.4.701.

XXX

PLANNING COMMISSION OPTIONAL MOTIONS



Optional Motions

ZONE-24-0005 – R-5 (Multi-Family High) Zone Establishment

Motion to approve:

Recommend approval to City Council the zone establishment of 0.23 acres as R-5 (Multi-Family High) based upon the findings that the request complies with the criteria for zoning establishment as set forth in UDC Section 7.5.704(D).

Motion to Deny:

Recommend denial to City Council the zone establishment of 0.23 acres as R-5 (Multi-Family High) based upon the findings that the request does not comply with the criteria for zoning establishment as set forth in UDC Section 7.5.704(D).



Questions?

