

**Quick Facts**

**Applicant**

Land Development Consultants, Inc. – Dave Hostetler

**Property Owner**

Extol Homes, LLC – Brad Griebenow

**Address / Location**

4401 Siferd Boulevard

**TSN(s)**

6326201015, 6326201014, 6326201013, 6326201024

**Zoning and Overlays**

Current: Unincorporated El Paso County (RM-30)

Proposed: R-5/AP-O (Multi-Family High with Airport Overlay)

**Site Area**

0.66 Acres

**Proposed Land Use**

Residential (Duplex)

**Applicable Code**

Chapter 7

**Project Summary**

This project includes concurrent applications for annexation, establishment of zoning, and a preliminary/final plat for the associated .66-acres located 4401 Siferd Boulevard. The preliminary/final plat illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent. The proposed zoning will establish an R-5/AP-O (Multi-family High with Airport Overlay) zone district with the overall annexation to allow for single-family attached residential uses to be established on the properties.

File Number	Application Type	Decision Type
ANEX-23-0001	Annexation	Legislative
ZONE-23-0001	Zone Establishment	Legislative
SUBD-23-0011	Preliminary/Final Plat	Quasi-Judicial

## 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

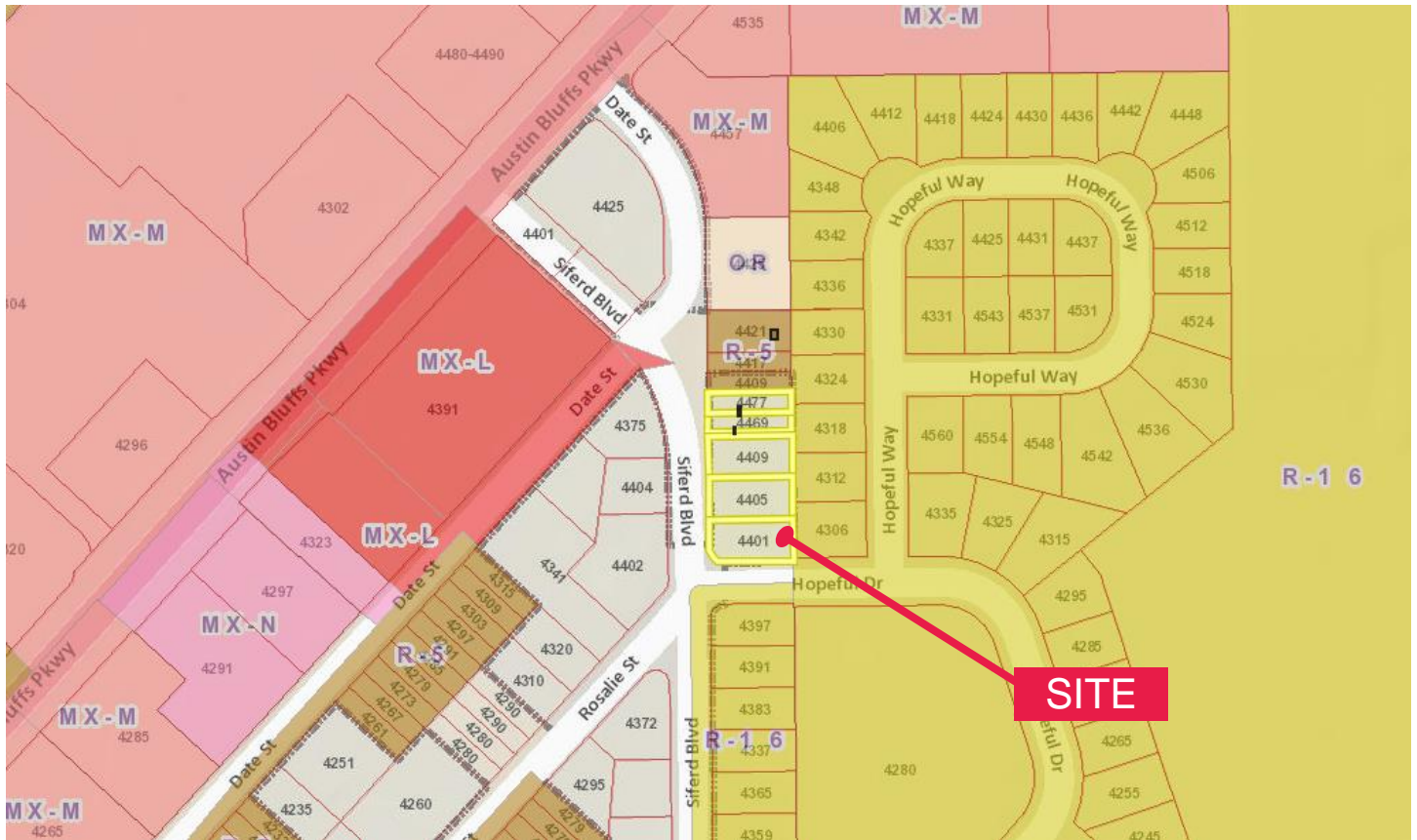
### Applicable Code

The subject application(s) were submitted 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 previous Chapter 7 per the applicant's instructions. All subsequent references within this report that are made to "the Code" and related sections are references to previous Chapter 7.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	R5/AP-O	Vacant	N/A
West	RM-30 (El Paso County)	Single-Family	N/A
South	R-1 6/AP-O	Single-family and Religious Institution	N/A
East	R-1 6/AP-O	Single-Family	N/A



Zoning Map

## 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	150
Number of Comments Received	none

## Timeline of Review

Initial Submittal Date	January 19, 2023
Number of Review Cycles	5
Item(s) Ready for Agenda	March 14, 2024 (Changes requiring a Policy Checkpoint delayed until May)

## Agency Review

### Traffic Impact Study

No issues with annexation

### School District

No comments received.

### Parks

Park fees in lieu of land dedication will be required to meet the PLDO Ordinance at time of building permit.

### SWENT

Drainage Letter, STM-REV22-1513, associated with this request is pending final approval. A Technical Modification associated with the preliminary/final plat application has been added as a part of this application.

### Colorado Springs Utilities

No outstanding comments, CSU recommends approval. The project was presented to the Utilities Board, where the board found that criteria per the Water Ordinance are met.

## Annexation

### Summary of Application

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 0.659 acres.

The proposed annexation is located in the Park Vista enclave located east of North Academy Boulevard and south of Austin Bluffs Parkway. This enclave has seen several annexations over the past ten years reducing the enclave and establishing surrounding residential development. Within this area the existing county lots have historically annexed and established a slightly higher residential density than adjacent single-family residential to the east. The lots have been annexed on a voluntary annexation basis by property owners wishing to convert the standard county lots into single-family attached dwellings. The properties gain access from Austin Bluffs Parkway as it transitions to residential road circulation. This is a very active area of annexation and the City will most likely see the elimination of this enclave in coming years.

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 preliminary/final plat also captures development layout and design and clearly identifies the intended land use configuration.

### Application Review Criteria

#### Chapter 7 Section 7.6.203 (old code)

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

The proposed annexation is located within an Enclave that is surround by City of Colorado Springs boundary. The City encourages the removal of 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 application falls below the threshold for a Fiscal Impact Assessment, however, the proposed use is for residential uses that benefit the City for multiple housing options.

3. *There is a projected available water surplus at the time of request;*

City Utilities Board has determined that at the time of this proposal there is a projected available water surplus.

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;*

Colorado Springs Utilities has reviewed this application. They have recommended approval of this application.

5. *The annexation can be effected at the time the utilities are extended or at some time in the future;*

The developer for this proposal is required to extend utilities at the time of construction.

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 property owner has agreed to the Annexation Agreement verifying that any groundwater rights will be transferred to the City of Colorado Springs.

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 property owner has agreed to the Annexation Agreement that any utilities necessary for this proposal will be built to city standards and any future ownership/maintenance will be by the City of Colorado Springs after acceptance of final work.

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 property owner has executed an Annexation Agreement outlining certain requirements for on and off-site improvements.

Staff finds that the above conditions for annexation are met for the Extol Park Vista Addition No. 2 Annexation.

## Zone Establishment

### Summary of Application

The proposed zoning request will establish the R-5 AP-O (Multi-Family High with Airport Overlay) zone district to accommodate the proposed attached single-family 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 commercial zoning and land uses along Austin Bluffs Parkway which gives way to higher density residential (Park Vista area) and then stepping further east there is a lesser dense residential neighborhood (Village Seven).

The subject property, with the proposed establishment of an R-5 zone district, would function as an extension of the already developed higher density residential uses in the area and further supports by nearby community and commercial land uses. Per City Code Section 7.3.104 *Residential Design Standards*, attached single-family residential units are allowed as a use by right on individual lots. The associated Preliminary Plat as part of this application details the dimensional requirements for the residential use and will guide the future development and administrative building permit applications.

From a surrounding area context, the residential site is within less than one mile of several supporting commercial and civic uses to include: grocery store, convenience and fuel station, bank, post office, religious institutions and several restaurants. Carver City Park is located within less than a half mile of this site. The site is proximate to four bus stops and bus route 23 along Austin Bluffs Parkway. As discussed above, overall, the residential site is supported with essential businesses and amenities along the surrounding major roadways.

## Application Review Criteria

### Chapter 7, Section 7.5.603.B, Findings (old code)

An application for an amendment to the zoning map shall be subject the following criteria for approval:

1. *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 R-5 zone district and the AP-O. Zoning of the property as a residential zone district is compatible with the surrounding area which includes a mostly residential uses in the immediate area, and it complies with the overall vision of PlanCOS.

2. *The proposal is consistent with the goals and policies of the Comprehensive Plan.*

The proposed application is consistent with the Colorado Springs Comprehensive Plan, and the future planned use is consistent with the R-5 AP-O (Multi-Family High with Airport Overlay) zone district purpose statement. Single-family attached is an allowed use within the R-5 AP-O zone district.

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 is typically required with annexation; however, per City Code Section 7.5.403(B)(1), this requirement may be waived if the land area under review is a small parcel and is part of an enclave with a well-established surrounding development pattern and intended for a single primary land use. 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; no master plan is required with this application. The supporting preliminary/final plat also captures development layout and design and clearly identifies the intended land use configuration.

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. 03-157; Ord. 12-76)*

N/A

Staff finds that the findings of Chapter 7 Section 7.5.603.B, which are applicable to a zoning establishment have been met with this application.

(Please note that while the application was reviewed with standards for Chapter 7, at the time of approval for a zoning establishment, the development standards for current zoning code (UDC) are required to be met. The below standards are UDC Section 7.4.201)

### Compliance with Development Standards

Development Standard	Required	Proposed
Setbacks	Front – 20'; Side – 5'; Rear – 15'	Front – 25'; Side – 5.2'; Rear – 37'
Parking	1.7 per dwelling unit	2 spaces per unit

### Compliance with Relevant Guiding Plans and Overlays

The proposal lies within the AP-O (Airport Overlay) and is required to establish an Avigation Easement at time of final plat. The associated Extol Park Vista Subdivision No. 2 final plat, note 3, will establish the required easement at time of recording of this final plat.

## Preliminary/Final Plat

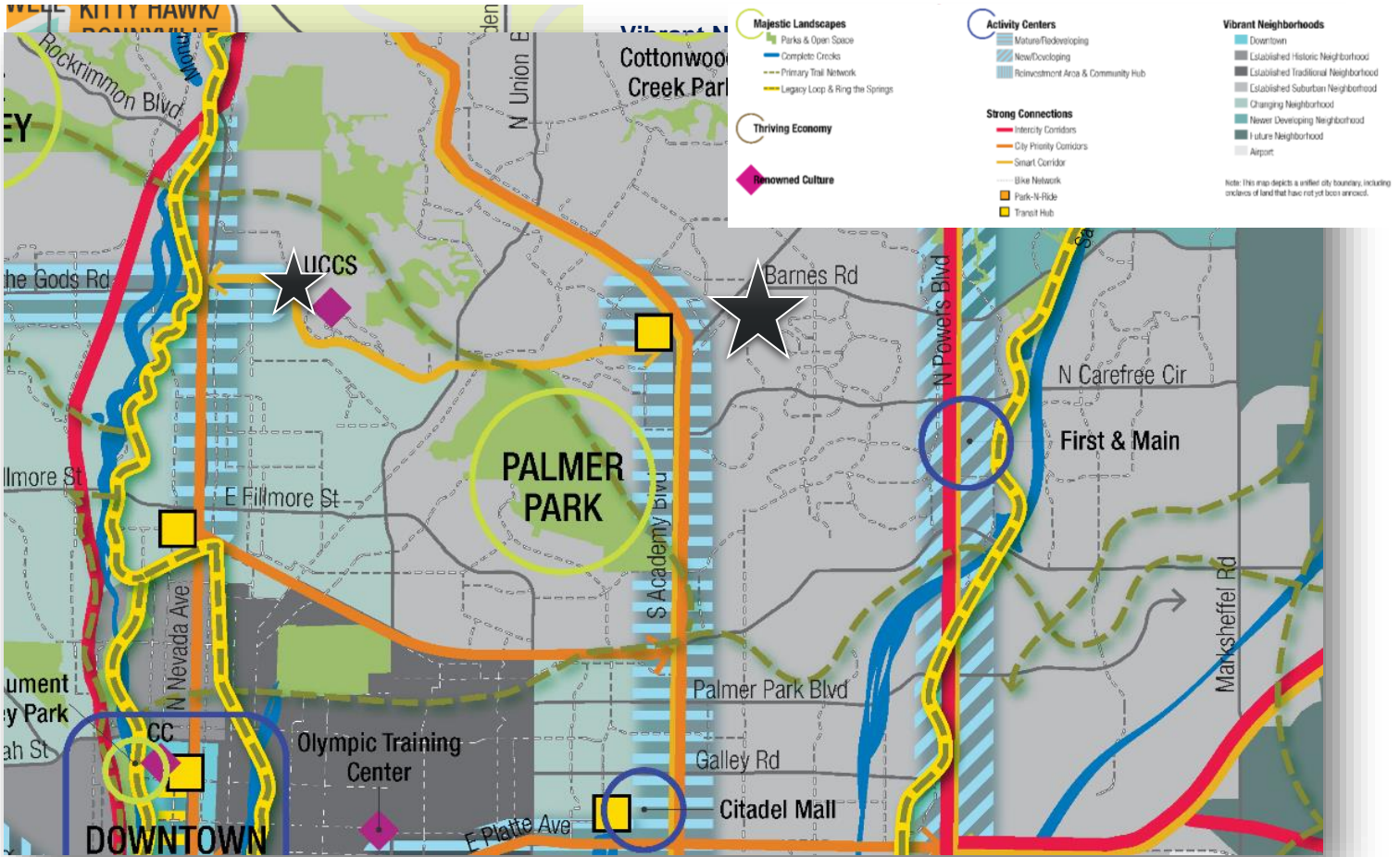
### Summary of Application

**As required by City Code Section 7.5.501(B), a concept plan is required to accompany an application for the establishment of a zone district. Subsection 7.5.501(C) *Exceptions*, further details alternate options that can be used to substitute the concept plan requirement for zoning establishment and, specifically, identifies that a preliminary plat may be used in lieu as long as all of the information required for a concept plan is included. In this case Staff has required a Preliminary/Final Plat as the supporting document to the Annexation and Zone Change applications as it meets this requirement for the very small project area and allows for the review of needed criteria for both the concept plan and subdivision plat level of detail. The preliminary/final plat gives details of dimensional controls for the site and indicates the configuration for the future residential development. Per City Code Section 7.5.502(C), a development plan will not be required and after approval of the preliminary/final plat and future building permits will be reviewed and approved administratively.**

The Preliminary Plat is required to meet the requirements established in Chapter 7 Section 7.7.204, and the Final Plat to the requirements established in Chapter 7 Section 7.7.303. Staff has determined that these requirements are met. However, the proposed preliminary/final plat application is also required to submit and receive approval for a drainage letter prior to recording of the Final Plat. The approval is pending and staff has added a Technical Modification has been requested for the associated Preliminary/Final Plat prior to final approval and recording of the associated final plat. SWENT has no issues with the proposal with the addition of the Technical Modification.

# Compliance with PlanCOS

## PlanCOS Vision



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 establishment; removing the remnant right-of-way cleans up City – County boundaries.



## Statement of Compliance

### **ANEX-23-0001**

After evaluation of the Extol Park Vista Addition No. 2 Annexation the application meets the review criteria.

### **ZONE-23-0001**

After evaluation of the proposed Zone Establishment of R-5/AP-O (Multi-Family High with Airport Overlay) the application meets the review criteria.

### **SUBD-23-0011**

After evaluation of the Extol Park Vista Subdivision No. 2 Preliminary/Final Plat the application meets the review criteria with a Technical Modification to receive final approval of the drainage letter.