

Colorado Centre Addition No. 3

Annexation Post Petition, Land Use Plan, and Zoning Map Amendment Applications
July 2023



Applicant/Owner/Developer:

COPO 9560 Real Estate LLC
c/o Ermand Ruybal
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Colorado Springs, CO 80929

Planner:

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PROJECT OBJECTIVES:

On behalf of COPO 9560 Real Estate LLC, Kimley-Horn and Associates request the review and approval of:

1. An Annexation Post Petition application for Lots 4 & 5 of the Foreign Trade Zone & Business Park Filing No. 1 and a portion of Foreign Trade Zone Boulevard of approximately 33.264 acres.
2. A Zoning Map Amendment of approximately 33.264 total acres, from: (see individual zone request exhibits)
 - a. I-2 to GI (11.64ac)
 - b. I-2 to LI (13.51)
 - c. CC to MX-L (4.83ac)
 - d. Each zone also consists of a CAD-O to AP-O (Airport Overlay District) conditions.
3. A Land Use Plan application to construct a mixed-use development consisting of a gas station, retail, office, restaurant, and light industrial uses on approximately 31 acres of land.

LOCATION:

The site is located at the northwest corner of the Bradley Road and Foreign Trade Zone Boulevard intersection near the southeast area of the Colorado Springs Regional Airport.

Surrounding developments consist of:

- East – A vacant tract of land with City of Colorado Springs zoning of BP east of Foreign Trade Zone Boulevard
- East – Manufacturing facility and bus yard zoned I-2 CAD-O within El Paso County
- North – A vacant tract of land zoned with City of Colorado Springs zoning of BP
- West – Vacant tract of land currently zoned A-5 CAD-O in El Paso County but anticipated for Annexation and Residential development within the City of Colorado Springs (Waterview North Subdivision)
- South – Vacant tract of land and multiple residential subdivisions currently under development within both El Paso County and City of Colorado Springs

PROJECT DESCRIPTION:

The following outlines the scope and justification for the Annexation Post Petition, Zoning Map Amendment, and Land Use Plan requests as part of the Foreign Trade Zone Mixed-use application. This project intends to continue the development framework of this area by proposing additional light-industrial uses (i.e., warehousing, light industry, etc.) and introducing a mix of other nonresidential uses not currently located within this area to include a gas station with auto and

truck fueling stations, office space, industrial retail, general retail, and a restaurant. The goal of the project is to develop an integrated patchwork of nonresidential uses that offer a variety of industrial and commercial options in close proximity. The overall project is estimated to provide approximately a maximum of 60,000 square feet of nonresidential square footage, depending on the ultimate end-users of the project.

APPLICATION REQUESTS – REVIEW CRITERIA RESPONSES:

Annexation Post Petition –

Review Criteria (UDC 7.5.701.C.1) –

- a. The area proposed to be annexed is a logical extension of the City’s boundary; *City corporate boundaries exist directly abutting the site to the north, the east, and across Bradley Road to the south. Further, Waterview North Subdivision is proposed to the west and is currently undergoing the annexation process to be part of the City as well. Therefore, the Applicant finds annexing this project constitutes a logical expansion of the City’s boundary;*
- b. The development of the area proposed to be annexed will be beneficial to the City. Financial consideration, although important, are not the only criteria and shall not be the sole measure of benefit to the City; *In addition to the financial benefits of increasing the nonresidential base of a jurisdiction, the creation of additional jobs within the anticipated incubator style industrial retail buildings furthers overall goals outlined with the Colorado Springs Comprehensive Plan related to job creation, location of services, and a desire to create more jobs from within its own boundaries. Further, minimal community serving uses are located within this area of developing residential and industrial uses. The Project proposes retail commercial which should provide an overall benefit to those living and working nearby, reducing longer vehicle trips to other areas of the City for needed services and capturing some trips from within the site as well.*
- c. There is a projected available water surplus at the time of request. *Compliant; there is currently a water surplus at the time of this request.*
- d. The existing and project 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; *Existing water and sewer facilities show sufficient capacity to serve the Project in its current and future needs. In addition, necessary utility stubs and facility looping*

will occur within the Project adding to the overall quality of services for existing and future users.

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

Utilities are either existing or will be extended at the time of site development so the annexation can be effected now or at some time in the future.

- f. The City shall require as a condition of annexation the transfer of title to all ground water underlying the land proposed to be annexed. Should such ground water 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 ground water as a condition of annexation. The value of such ground water shall be determined by the Utilities based on market conditions as presently exist;

Understood; Project will comply.

- 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;

Understood; Project will comply.

- h. If the proposed annexation to the City overlaps an existing service area of another utility, the application shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new services area will be contiguous to the new corporate boundary of the City;

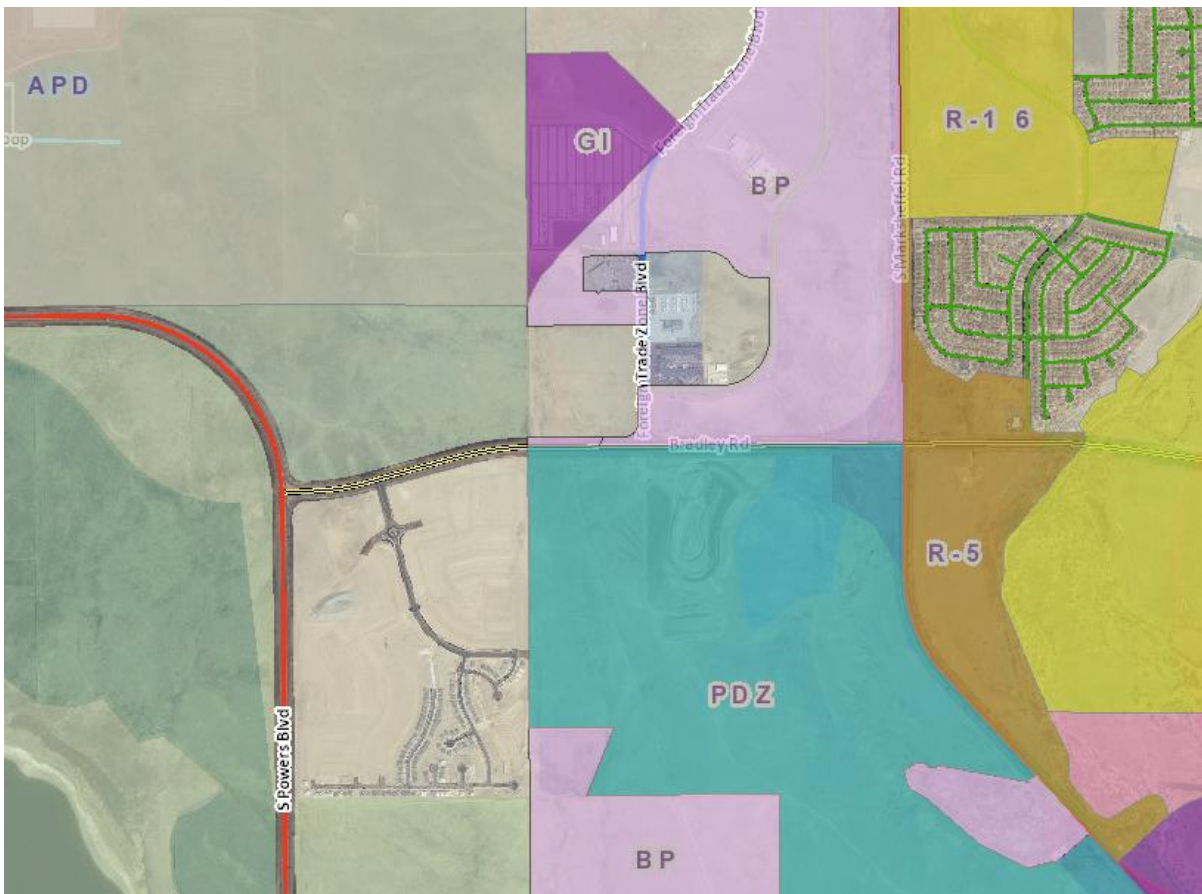
Project currently resides in an overlapping services area; however, it is known that Colorado Springs Utilities (CSU), will be primary provide as, Colorado Centre Metropolitan District (CCMD) is selling rights of the area to CSU.

Zoning Map Amendment –

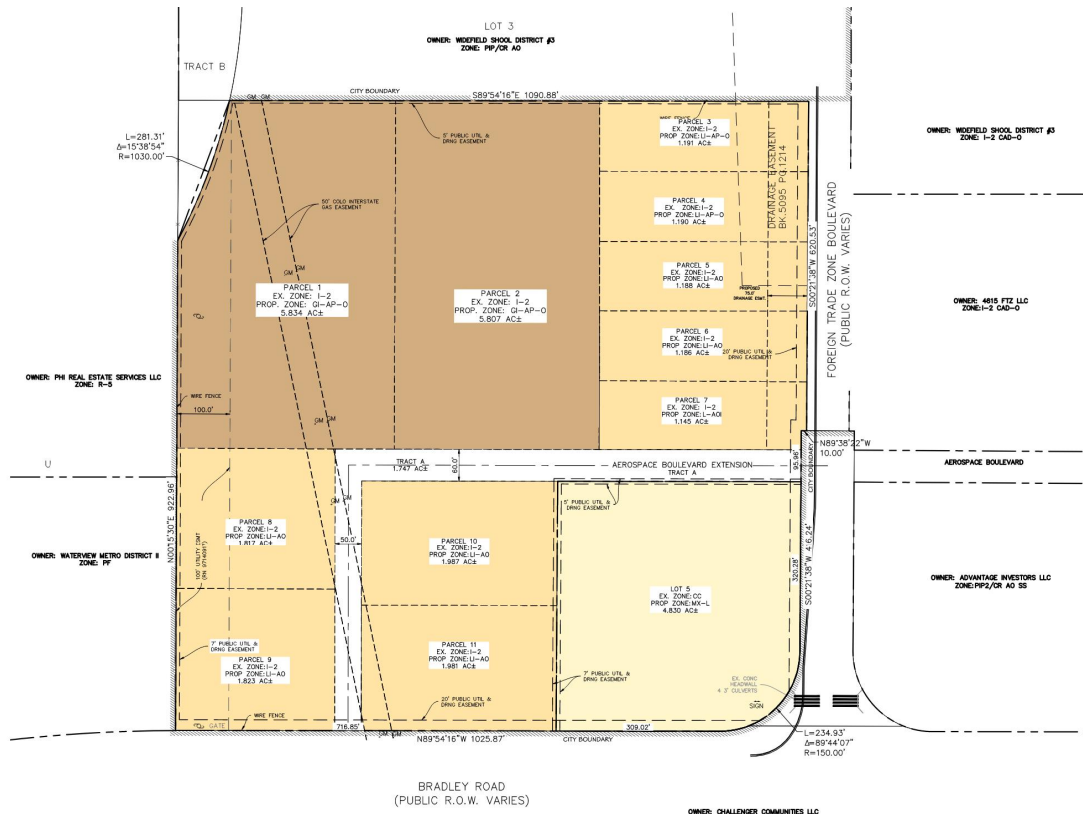
The following request is for a Zoning Map Amendment to zone the approximate 33-acre Project with City of Colorado Springs zoning consistent with the proposed land uses. The request includes the following zoning changes: County I-2 zoning to the General Industrial (GI) & Light Industrial (LI) zoning districts and County CC zoning to the Mixed-Use Large (MX-L) zoning district.

The surrounding zoning includes a mix of El Paso County and City of Colorado Springs zoning. Adjacent City zoning includes Business Park (BP), Airport (APD), General Industrial (GI), and Planned Development Zone District (PDZ); nearby County zoning includes I-2 Industrial zoning and PUD zoning for a residential development.

Existing Zoning



PROPOSED ZONING



Review Criteria (UDC 7.5.705.D)

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);
The proposal is consistent with the PlanCOS goals and policies by increasing the available commercial and industrial options in the Employment Center land use designation delineated on the subject site. The proposal will provide additional opportunities for warehousing, light manufacturing, and supporting office and retail uses furthering the Industry Icons typology within PlanCOS. Lastly, the proposed rezoning will be a logical expansion of City boundaries to provide additional job and service options missing in this area today.

2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare;
The proposed zone change will follow current development standards and the TIS shows adequate transportation capacity at project build-out so the zone change will not be detrimental to the public interest, health, welfare, or safety.
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 proposed rezoning to GI, LI, and MX-L are consistent with the Employment Center designation of the surrounding area. In addition, the proposal of a mix of nonresidential uses is appropriate and consistent with the proposed zone districts per the use table in UDC Table 7.3.2-A and their purpose statements.
4. If the application proposes a rezone to 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;
Approximately 33 acres is proposed as part of this rezoning which provides adequate space for the proposed land uses and will be consistent with the other developed and developing industrial uses in the vicinity. Where residential uses are planned to the west of the subject site, a 100-foot buffer is proposed along the west boundary to transition between differing uses, consistent with development and industry standards.
5. If the application proposes to rezone a relatively small area of land, the application demonstrates that the changes 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;
N/A; the Project is located on vacant land, so no residences or tenants are being displaced.
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);
A Land Use Plan application is part of this application packet. See those specific review criteria responses in the section below.
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;
No Master Plan exists on the subject property today and this application packet better defines the long-term land use goals while being consistent with the PlanCOS as a whole and the Employment Center designation specific to this site.

8. *N/A – No proposed rezoning to an ADS-O district*
9. *N/A – No proposed rezoning to a PDZ district*
10. Complies with the additional standards of the base zone district where the property is located or in an overlay district that applies to the property;
The proposal complies/will comply with the base zone district standards for the proposed GI, LI, and MX-L zone districts. Further, the Project will comply with the development standards in the base zone districts and the Airport District overlay applicable to this property and those in the vicinity.

Land Use Plan

Review Criteria –

1. Consistency with the Colorado Springs Comprehensive Plan and other plans and policies adopted by City Council;
The proposal is consistent with PlanCOS and the subject property's future land use designation of Employment Center by proposing compatible and supportive industrial and commercial uses to those existing nonresidential uses in the area. By incorporating a mix of uses, both primary and supportive to each other, and by increasing the available commercial and industrial area available for the City and businesses, the proposal is consistent with the goals and plans adopted by City Council.
2. Consistency with development standards in the zone district in which the property is located, or would be located after a requested zone district change;
With the requested zone district changes, the proposal is consistent with the proposed GI, LI, and MX-L zone districts. Further, the proposal will comply with required development standards for each zone district and use.
3. Compatibility with the land uses and development intensities surrounding the property;
The proposal is compatible with the existing nonresidential uses existing in the area as this Project proposes light industrial, general commercial, retail, and supportive office uses. Developing and anticipated residential uses in the area will be buffered by required buffers or naturally by existing roadway facilities like that of Bradley Road. In addition, the TIS accounted for trips generated by this Project, the approved projects in the area, as well as the estimated growth projected by CDOT for nearby roadways and intersections and found that the transportation facilities can accommodate the intensity of uses proposed with the Project. Therefore, the proposal is compatible with the surrounding land uses and development intensities.

4. Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;
The proposal includes a variety of nonresidential uses that will add to the economic base of the City. More importantly, the proposed uses are appropriate in this area of the City designated as an Employment Center and adjacent to existing nonresidential uses to the north and east. The proposal includes all single-story structures which will be appropriate to the type of development proposed and the nearby neighborhoods. In addition, the TIS has noted any required mitigation and recommendations to maintain and/or improve traffic circulation for the Project. Additional accesses are proposed and are shown to be warranted based on the TIS analysis for the proposed nonresidential uses, including a right-in/right-out access to Bradley road with phase 2 development (estimated completion year of 2030) and a continuation of the Aerospace Boulevard access to the west side of Foreign Trade Zone Boulevard. According to the TIS, all nearby roadways can accommodate the Project's estimated trips in conjunction with the approved developments in this area due to anticipated and required roadway improvements by those developments. Additional signage is recommended within the TIS for traffic control at all proposed new access points; the Land Use Plan accommodates for these recommendations. Based on the proposal and this analysis, the impacts of the permitted and requested uses are appropriate to the type of development and community and neighborhood character.
5. Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;
A Traffic Impact Study was completed on the proposed Land Use Plan and the proposed points of ingress/egress. The TIS shows adequate traffic circulation both on and off the site via the proposed access points to Foreign Trade Zone Boulevard and Bradley Road. Specifically, the inclusion of a restricted (right-in/right-out) access to Bradley (an expressway) with phase 2 development significantly improves traffic flow through the site and helps alleviate pressure on the intersection of Bradley Road and Foreign Trade Zone Boulevard. Internal circulation is proposed via a shared commercial drive aisle and cross-access that will serve as adequate access to all future parcels.
6. Capacity of existing streets, utilities, parks, schools, and other public facilities to serve the proposed development;
By proposing a nonresidential project, parks and schools are minimally impacted as this development will not directly generate additional residences. Existing utilities are located adjacent to the site with noted capacity available for the proposed development. Based on the completed TIS, existing roadways have the capacity for the proposed development as well as those already approved and underway. All public facilities appear to have available capacity to accommodate the proposed nonresidential development.
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 proposal includes all single-story structures consistent with the Airport Overlay District present in this area of the City. The proposed height, placement of buildings, and proposed landscaping provide for adequate transition to residential uses planned to the west. Bradley Road expressway separates the subject site from other residential developments to the south and offers a natural buffer between uses. No other residential uses are nearby the site but proposed building placements place an emphasis on internal connectivity and integration of uses.

LEGAL DESCRIPTION: COLORADO CENTRE ADDITION NO. 3

BE IT KNOWN BY THESE PRESENTS:

That COPO 9560 Real Estate LLC and Colorado Centre Metropolitan District, being the owner and petitioner of the following described tract of land to wit:

Lot 4, and Lot 5, together with a portion of Foreign Trade Zone Boulevard, all of Colorado Centre Foreign Trade Zone and Business Park Filing No.1, a subdivision recorded under Reception No. 1463836 of the records of El Paso County, Colorado:

PARCEL CONTAINS 1,381,993 SQUARE FEET OR 31.7262 ACRES MORE OR LESS