

Project Statement

PEACOCK RANCH

PROJECT STATEMENT

AUGUST 2021

REQUEST

N.E.S. Inc., on

1. Annexation
2. A Zone Change
3. A Land Use Change

LOCATION AND



An annexation impact report is required for annexations over 10 acres. Please see Land Development Code Chapter 10 - Annexation, for more details. I have created an Annexation project file, ANX266

10.1.4. Annexation Impact Report

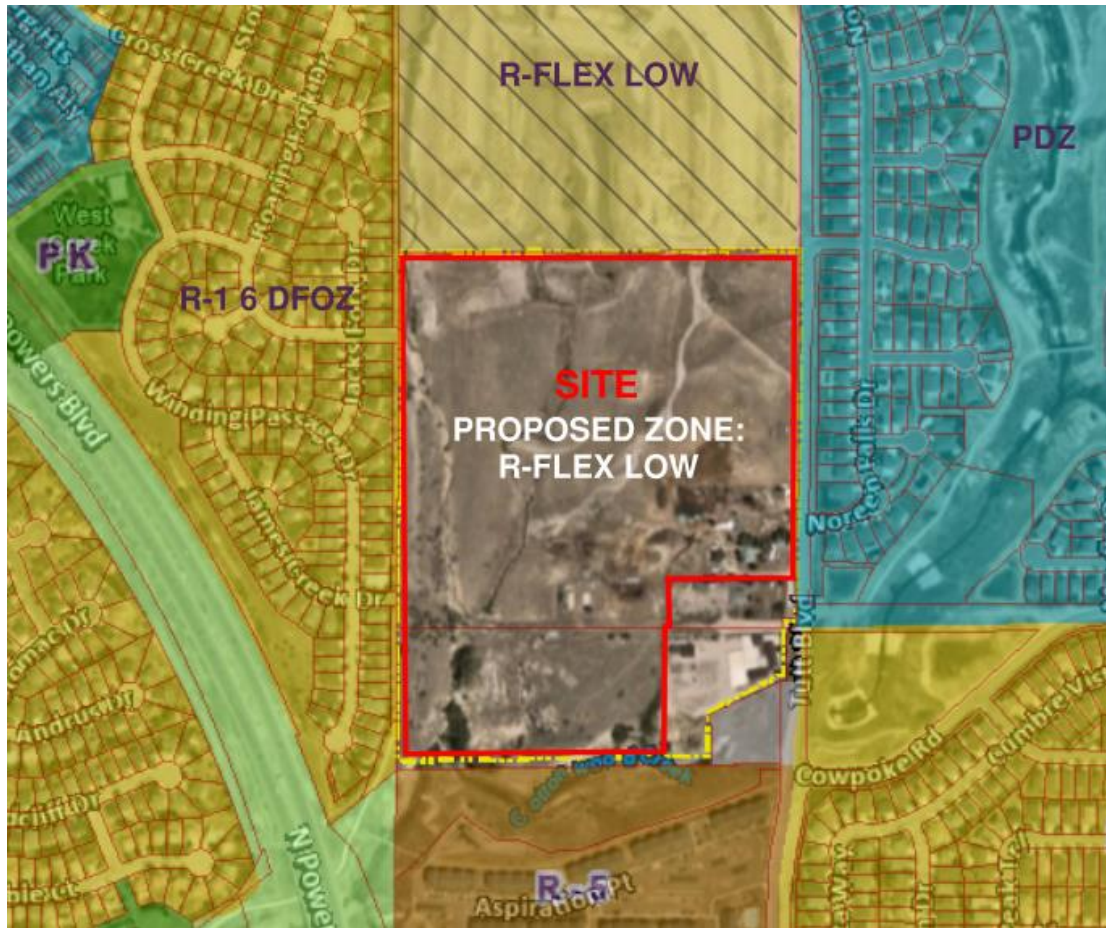
(A) Submittal. 18 copies of the annexation impact report together with 5 copies of the municipality's plan for the area as required in C.R.S. § 31-12-105(1)(e)(I), shall be filed with the PCD as the designated representative of the BoCC at least 20 days prior to the annexation hearing. The 5 copies of the municipality's plan for the area may be waived if the plan is part of a larger plan developed by the municipality and such plan has been previously submitted to and reviewed by the County.

(B) Annexation Impact Report Requirements. The annexation impact report, if required to be submitted, shall include the following information, at a minimum:

- A map or maps of the municipality and the adjacent territory showing present and proposed boundaries of the municipality in the vicinity of the proposed annexation, the present streets, water mains, sewer interceptors and outfalls, and other utility lines and ditches in the vicinity of the proposed annexation and the existing and proposed land use patterns in the areas to be annexed.
- A copy of any draft or final pre-annexation agreement, if available.
- A statement setting forth the plans of the municipality for extending to or otherwise providing for municipal services.
- A statement setting forth a method under which the municipality plans to finance the extension of municipal services.
- A statement identifying existing districts within the area to be annexed.
- A statement regarding the effect of the annexation upon local public school district systems, including the estimated number of students generated and the capital construction required to educate such students.

The 50.162-acre site is currently an El Paso County enclave southeast of N Powers Blvd and Research Pkwy. The site is within in heavily residential area, largely comprised of detached single-family residential development with pockets of medium density multi-family residential. The neighborhoods to the east and west are developed with detached single-family housing. The property to the south, across Cottonwood Creek, is developed with multi-family residential. The property to the north was annexed in 2025 and will be developed with detached single-family housing and includes an extension of Tuttle Blvd which has remained a dead end since 2005. There are two remaining El Paso County enclave parcels on the southeast corner of the project site with single-family homes. The annexation is compliant with the 1/6 contiguity required for annexation, as the contiguous perimeter of the site is 82.69%.

ZONING CONTEXT



The property is currently within El Paso County and is zoned RR-5/CAD-O, (Residential Rural, 5-Acres and Commercial Airport Overlay). Proposed zoning upon annexation is R-Flex Low/SS-O/AP-O, (Residential Flex-Low Density, Streamside Overlay, Airport Overlay). The site is surrounded by a mix of City and County zone districts, listed as follows:

DIRECTION	JURISDICTION	ZONE DISTRICT	ZONE DISTRICT NAME
NORTH	CITY	R-FLEX LOW, AP-O, SS-O	RESIDENTIAL FLEX LOW, AIRPORT AND STREAMSIDE OVERLAY
WEST	CITY	R1-6/DFOZ/AP-O	SINGLE-FAMILY/DESIGN FLEXIBILITY OVERLAY AIRPORT OVERLAY
SOUTH	CITY	R-5/AP-O, SS-O	MULTI-FAMILY, AIRPORT AND STREAMSIDE OVERLAY
EAST	CITY	PDZ/AP-O	PLANNED DEVELOPMENT ZONE AIRPORT OVERLAY
SOUTHEAST	COUNTY	RR-5 CAD-O	RURAL RESIDENTIAL 5-ACRE WITH COMMERCIAL AIRPORT OVERLAY

PROJECT DESCRIPTION

This project is a request for the annexation of a 50.162-acre property with subsequent Land Use Plan and Zone Establishment. The proposed project includes a rezone upon annexation to R-Flex Low, SS-O, AP-O (Residential Flex, Low-Density, Streamside Overlay, Airport Overlay) and a Land Use Plan proposing single-family residential development. The R-Flex Low zone district allows for residential uses up to 6 du/ac with a maximum height of 35'.

As part of this development, a segment of Tutt Blvd will be widened to a total of 5 lanes on the east side of the property. This newly widened segment will complete the Tutt Blvd connection between Cowpoke Rd to the South and Research Pkwy to the north. This completed connection will enhance connectivity in this area of the city. The project will utilize the extension of Williams Run Drive to the north for a full access movement onto Tutt Blvd. An additional full movement access onto Tutt is proposed to align with the existing Noreen Falls Drive to the east. The development will tie into the existing right-of-way for James Creek and Roaring Fork to the west.

The Land Use Plan illustrates multiple drainages that run through the site. The westernmost tributary will be protected by the Streamside Overlay as a type 3 stream which will limit disturbance of the tributary and preserve its natural characteristics. This tributary will be incorporated into the open-space on the site and provide a natural buffer between the existing homes to the west and the proposed development. An unnamed tributary also runs through the center of the site and will not be subject to the streamside overlay. While not included in the streamside overlay, the drainage will be incorporated into the open-space for the project. Cottonwood Creek runs along the southern property line and is also subject to the streamside overlay as a type 1 stream. Steep grades and streamside characteristics and requirements prevent development on this portion of the site and a buffer between future homes and Cottonwood Creek channel is incorporated into the open-space of the project. Drainage improvements will be constructed by the developer in the western tributary and Cottonwood Creek. Improvements in the western tributary will be owned and maintained by a Metro District and improvements in Cottonwood will be owned and maintained by the city once accepted.

A Traffic Impact Analysis has been completed for the project and is included with this submittal demonstrating no adverse impacts to existing and proposed roadways from this development. A Drainage Study will be completed with the Development Plan. Upon annexation, municipal utilities are available to serve the new development

PROJECT JUSTIFICATION

CONFORMITY WITH COLORADO REVISED STATUTES

According to the City of Colorado Springs Unified Development 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 annexation is compliant with the 1/6 contiguity required for annexation, as the contiguous perimeter of the site is 82.69%.

(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 part of an enclave that is surrounded by the City's boundary on multiple sides. This part of the city has been rapidly growing with residential development over the last few years. The annexation and pursuant development of the property will be compatible with other residential development in the area.

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 they 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 UNIFIED DEVELOPMENT CODE

CONDITIONS FOR ANNEXATION (SECTION 7.5.701.A.3)

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

The property is part of an enclave and is 82.69% contiguous. All surrounding parcels within the City boundary are fully developed.

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;

Annexation and development of the property will provide additional housing options for the community and complete a segment of the planned Tutt Blvd extension. Relevant PlanCOS goals and objectives include:

GOAL VN-2 Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs

Strategy VN-2.A-3: Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.

Policy VN-3.A: Preserve and enhance the physical elements that define a neighborhood's character.

Strategy VN-3.A-3: Incorporate existing natural features into project design by providing amenities such as trail connectivity, outdoor dining areas, promenades, and plazas

Strategy TE-1.C-3: Ensure an adequate supply of attainable housing for the workforce across all industries, and that it is conveniently located near hubs of employment and/or public transportation.

Policy TE-4.A: Prioritize development within the existing City boundaries and built environment (not in the periphery).

Strategy SC-4.A-1: Support a combination of density, infill, redevelopment, and design to reduce the rate of addition of pipeline and conductor miles that need to be maintained by Colorado Springs Utilities (CSU) or other entities.

- 3) Unless an exception granted under section 12.1.111 of this Code will be in effect at the time of annexation, whether at the time of request there is projected available surplus capacity and resources across all Utilities' service lines for the foreseeable future to serve all present users and the projected new users from the area proposed to be annexed, taking into account section 12.4.305 of this Code, and that performance criteria, as defined for each service line in standards adopted by Utilities, will not be impaired.;**

CSU has confirmed that they have capacity to serve the property.

- 4) Whether the existing and projected utility facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present and projected users whether within or outside the corporate limits of the City.**

CSU has confirmed that they have capacity to serve the property.

- 5) Whether utility services and facilities can be extended to serve the property proposed to be annexed at the time of annexation or sometime in the future**

There are existing utilities serving the adjacent developments. Extension of municipal utilities to serve this development can be easily achieved as the site is bound by City developments on multiple sides.

- 6) The estimated immediate and long-range costs to the City under development plans proposed by the annexor, which cost estimates shall include, but need not be limited to:**

- a) The cost of extending City services. Examples of required improvements are bridges, arterial streets, major drainage improvements, parks and park improvements, regional and urban trails systems, and the maintenance and operation of required improvements.**

The developer will pay fees in lieu of land dedication for park improvements. A Metro District will be formed to maintain proposed open space. This development will dedicate

right-of-way to expand Tutt Blvd to a 5-lane Minor Arterial directly adjacent to the site. Improvements to the creek channel on the west side of the development will also be constructed by the developer and privately maintained. Improvements to Cottonwood Creek will be constructed by the developer and owned and maintained by the city once accepted.

- b) The nature and cost of City-financed capital improvements made necessary by the proposed annexation when developed. The City may also include the expense that would be incurred by other governmental entities, such as school districts.**

The developer will be required to construct all required public improvements such as roads and sidewalks. The developer will also pay park fees, police and fire fees, drainage fees, and construct drainage improvements.

- c) The time schedule as proposed by the annexor over which such costs would be extended.**

Not applicable to this annexation or development

- 7) The revenues expected to be generated by proposed development within the area proposed to be annexed. This may include ad valorem taxes from the land and improvements situated and to be situated on the land, sales, and use taxes from commercial development, increased revenue sharing or other grant funds resulting from increased population, and increased income taxes.**

A Fiscal Impact Analysis will be provided with the initial review of this application.

- 8) Whether the Utilities' revenues expected to be generated by the development of the proposed annexation will offset the estimated immediate and long-range costs to Utilities for the acquisition of utility resources, extension of utilities services, development of utilities infrastructure, and operations and maintenance as required by Utilities Rules and Regulations.**

There are utilities in the area sufficient to serve the property and the cost of services will not out-weight the revenues generated by the development.

- 9) Other benefits to the City for which there is no readily acceptable method of computation except subjective judgment, such as increased employment opportunity, improved wastewater management, improved drainage control, improved public transportation, and increased diversification of the City's economic base.**

The project will include the expansion of Tutt Blvd on the east boundary of the site. This section of Tutt Blvd is identified in the *Powers Blvd – Shoup to Woodmen Critical Corridor* network of ConnectCOS. The developer will also be responsible for channel improvements to an existing, unimproved drainage channel on the west side of the site and a section of the Cottonwood Creek Channel on the south boundary of the site. The project will also contribute to additional housing in the city.

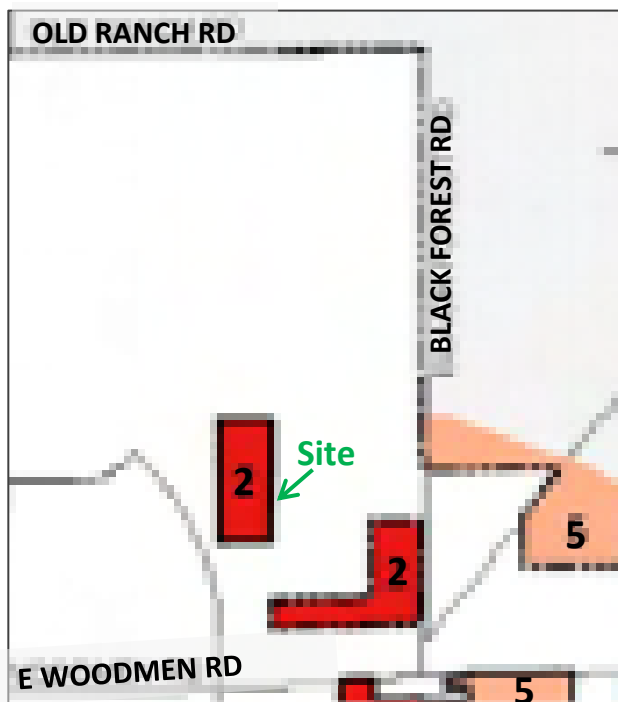
ZONE CHANGE CRITERIA (7.5.704 D.)

- 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).**

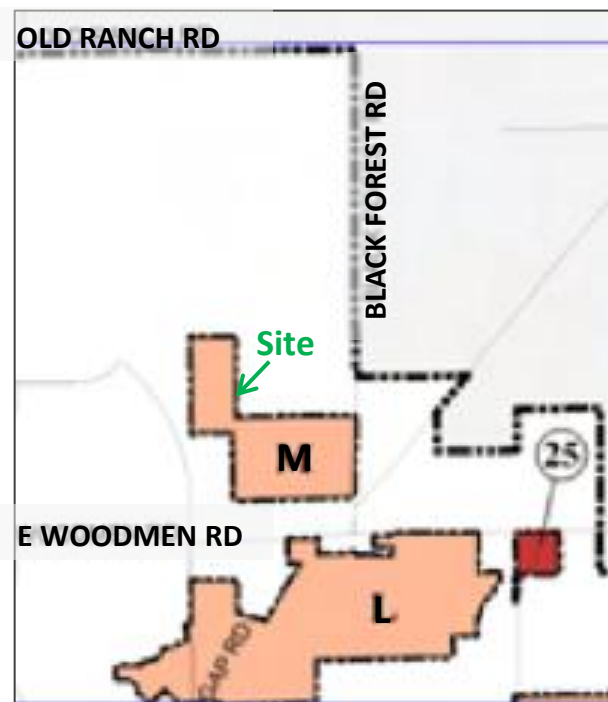
In Chapter 8 (Adaptable Implementation) of PlanCOS, under “Key Projects and Implementation Strategies” one of the most important implementation initiatives is #6 Annexation Plan Update. PlanCOS recommends systematic update of the City’s annexation strategies and polices to follow the outline of the Annexation Plan. The property and areas within the City adjacent to the site are designated as a “Newer Developing Neighborhood” on the PlanCOS Vision Map.

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.”

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.



POTENTIAL ANNEXATION MAP



ENCLAVES MAP

On the ‘Potential Annexation Map’ in the Annexation Plan, the Site is within Area 2 of the Annexation Plan and is identified as an area Strongly Recommended for Annexation. Area 2 is located north and south of Woodmen Road between Powers Boulevard and Black Forest Road. With the Woodmen Heights Annexations in 2004 two new enclaves L and M were created out of Area 2.

The subject annexation is part of Enclave M. Numerous annexations have been completed within Area 2 since 2002.

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.”

2. The rezoning will not be detrimental to the public interest, health, safety, convenience, or general welfare.

The Applicant is requesting to rezone the property to R-Flex Low, with the intent to develop single-family residences.

In accordance with the Zoning Code, the R-Flex Low Zone District: *“This zone district accommodates a mix of, for example, detached and attached housing types up to a maximum residential density of up to six (6) dwelling units per acre. The layout of permitted housing types and densities shall be as shown in a Land Use Plan”*

The surrounding residential development is comprised of detached single-family residential with varying lot standards. The potential density achieved in the R-Flex Low zone district is consistent with the densities in the surrounding neighborhoods.

The request to establish the R-Flex Low zone district will not be detrimental to the public interest, health, safety, convenience or general welfare. The development will provide additional housing options in an existing residential area supporting the community as a whole.

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 subject property is an area largely made up of residential development including single-family development with varying development standards and pockets of medium-density multi-family development. The proposed use and zone district is consistent with the development pattern of the surrounding area. Surrounding zoning within the City includes R-Flex Low to the north, R1-6/DFOZ to the west, PUD to the east, and R-5 to the south. Additionally, the site is near the intersection of Powers Blvd (Expressway) and Research Pkwy (Principal Arterial). These roadways can accommodate the modest increase in traffic from this future development. This project also includes the expansion of Tutt Blvd which will complete a portion of Tutt that has been a dead end since 2005, enhancing connectivity in the area. The site includes two natural drainageways and wetlands running north to south on the site and Cottonwood Creek running east to west on the south end of the property.

These sensitive areas are accommodated in the site design and will be preserved either through the streamside overlay designation or by being incorporated into neighborhood green space.

- 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.**

The Land Use Plan proposes density at or below the maximum density of 6 DU/AC allowed in the R-Flex Low zone district. Land use densities in the surrounding area within the City ranges from 3.66 du/ac to 11.37 du/ac. The proposed development will maintain similar size, scale, height, and multimodal impacts as existing development in the area.

- 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.**

The property is currently uninhabited, so there will be no displacement of tenants or occupants. The benefits of more housing in a high demand market will fulfill current housing goals of PlanCOS, which include “housing for all”, the provision of a variety of housing types, densities, and price points.

- 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 is submitted with this request, and such plan complies with the criteria in Subsection 7.5.514C.3 as demonstrated under the responses to such criteria 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.**

There is no Concept Plan for the area being annexed or zoned. A Land Use Plan is submitted with this application.

- 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.**

This criterion does not apply.

- 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.

This criterion does not apply.

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)). (Ord. 23-03).

The rezone complies with the standards of the R-Flex Low Zone District in Section 7.2.208. Single-family residential is permitted in the R-Flex Low Zone District. Single-family residential is also permitted in the SS-O and AP-O overlay districts.

LAND USE PLAN REVIEW CRITERIA (SECTION 7.5.514 C.3.)

A. Consistency with the Colorado Springs Comprehensive Plan and other plans and policies adopted by City Council;

The Land Use Plan proposes single-family residential development which is consistent with the goals of PlanCOS as noted in the annexation criteria above.

B. Consistency with development standards the zone district in which the property is located, or would be located after a requested zone district change;

The Land Use Plan proposes single-family residential development at a density and maximum height that is consistent with the standards of the R-Flex Low zone district.

C. Compatibility with the land uses and development intensities surrounding the property;

The Land Use Plan proposes density at or below the maximum density of 6 DU/AC allowed in the R-Flex Low zone district. Land use densities in the surrounding area within the City ranges from 3.66 du/ac to 11.37 du/ac. The proposed development will have similar size, scale, height, and multi-modal impacts as existing single-family development in the area. There will be a significant buffer between the proposed development and the homes to the west due to the existing natural drainage corridor. Tutt will also be expanded and provide a transition between the proposed development and the homes to the east.

D. Impacts of the permitted or requested uses, appropriate to the type of development, the neighborhood, and the community;

The proposed single-family residential use is consistent with the development pattern in the city and the surrounding area which is comprised of the residential development of varying densities.

E. Adequacy of proposed ingress/egress points and traffic circulation, both on and off the site;

The development will have two access points directly onto Tutt Blvd to the east which will align with existing roadways and two roadway connections to the west via James Creek Drive right-of-way and Roaring Fork Drive right-of-way. Individual lots within the development will gain access from an internal network of public residential streets.

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

The project will expand a portion of Tutt Blvd directly adjacent to the site to a 5-lane Minor Arterial which will provide better connectivity for residents and visitors to the area. This extension of Tutt will connect to Research Pkwy which intersects with Powers Blvd within a ¼ mile.

A Traffic Impact Analysis has been completed for the Annexation and Land Use Plan area. The TIS studied multiple intersections including Black Forest/Cowpoke, Woodmen/Tutt, Research/Cross Creek, Cowpoke/Tutt, Jacks Fork/Roaring Fork, Winding Passage/James Creek, Tutt/Noreen Falls, and Tutt/Williams Run. It also studies peak weekday traffic volumes and intersection turning movements, level of service, queuing at the site access, etc. The TIS estimates that a total of 1,947 daily trips will be generated by the development, 147 of which will be in the morning peak hour, and 185 of which will be in the evening peak hour. The study concludes: Analysis of future traffic conditions indicates that the addition of site-generated traffic is expected to create minimal negative impact to traffic operations for the existing and the surrounding roadway. With all conservative assumptions defined in this analysis, the study intersections are projected to operate at future levels of service comparable to Year 2045 background traffic conditions. Proposed site accesses have long-term operations at LOS B or better during peak traffic periods and upon build-out.

CSU has indicated that utilities are in the area and adequate to serve the property upon annexation.

The developer anticipates paying cash in lieu of land dedication for schools and parks. Both entities will have an opportunity to comment on the application. Open space will also be incorporated into the site layout.

School facilities to support the new development are located at various locations in the areas around the development, including Legacy Peak Elementary within a mile of the property, Skyview Middle School within 2.5 miles of the property, and Vista Ridge Highschool within 1.6 miles.

G. Promotion of transitions in height, intensity, or character between proposed non-residential or mixed-use development and nearby low-density residential zone districts.

The proposed development will be comparable in height and intensity to the existing neighborhood surrounding the site.