

**TO: Planning Commissioner
Brian Risley, Chair**

**FROM: Gabe Sevigny, Planner II
Daniel Torres, P.E. Engineer II
Craig Dossey, Executive Director**

**RE: Project File #: ID-19-005
Project Name: Falcon Field Metropolitan District
Parcel Nos.: 4307000001, 4307200015**

APPLICANT: Falcon Field, LLC ATTN: P.J. Anderson 31 North Tejon, Suite 516 Colorado Springs, CO 80903	REPRESENTATIVE: White Bear Ankele Tanaka & Waldron, P.C. 2154 E. Commons Avenue, Suite 2000 Centennial, CO 80122
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Commissioner District: 2

Planning Commission Hearing Date:	02/04/2020
Board of County Commissioners Hearing Date:	02/25/2020

EXECUTIVE SUMMARY

A request by Falcon Field, LLC, for approval of a Colorado Revised Statutes Title 32 Special District service plan for the Falcon Field Metropolitan District. The proposed District is located at the southeast corner of the Highway 24 and East Woodmen Road intersection and within Section 7, Township 13 South, Range 64 West of the 6th P.M. The properties within the boundaries of the proposed District are included within the Falcon/Peyton Small Area Master Plan (2006). The applicant is proposing the following: a maximum debt authorization of \$20 million, a debt service mill levy of 30 mills, an operations and maintenance mill levy of 5 mills, and 1 mill for a special purpose levy. The proposed maximum combined mill levy is 36 mills. The statutory purposes of the proposed District includes: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design,

acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement, 7) security services, 8) solid waste disposal, and 9) financing, design, permitting, construction, and installation of public water and sanitation systems.

Title 32 of the Colorado Revised Statutes grants extensive powers and authorities to special districts, such as the power of perpetual existence, the ability to incur debt, the ability to charge fees and adopt ad valorem mill levies, and the ability to perform covenant enforcement and design review. With that said, the applicant has decided to expressly limit the District's authorities under state statute with respect to the ability to exercise eminent domain powers by stating the following in the proposed service plan:

"The District may exercise the power of eminent domain or dominant eminent domain only as necessary to further the clear public purposes of the District.

The power of eminent domain and/or dominant eminent domain shall be limited to the acquisition of property that the District intends to own, control or maintain by the District or other governmental entity and is for the material use or benefit of the general public. The term 'material use or benefit for the general public' shall not include the acquisition of property for the furtherance of an economic development plan, nor shall it include as a purpose an intent to convey such property or to make such property available to a private entity for economic development purposes. The phrase 'furtherance of an economic development plan' does not include condemnation of property to facilitate public infrastructure that is necessary for the development of the Project."

Staff is proposing Recommended Condition of Approval No. 3 below, which requires prior approval by the Board of County Commissioners at an open and public hearing before the District is able to exercise eminent domain powers.

There is a concurrent application for a map amendment (rezone) from the RR-5 (Residential Rural) zoning district to the CR (Commercial Regional) zoning district. However, that application is still under review with El Paso County Planning and Community Development Department. The applicant's justification for seeking approval of the service plan in advance of receiving the underlying land use approvals is to meet the timeline for getting on the ballot for the May 2020 election in order to form the District in 2020. The applicant did not meet the timeline necessary to place the formation of the District on the November 2019 ballot. The applicant now desires to meet the timeline for a May 2020 election to form the District. The applicant also states in the draft service plan and the letter of intent that the formation of the District in advance of the land use approval is necessary to meet the above timelines, however, the applicant understands the County is under no obligation to approve subsequent land use applications based on the approval/denial of this application.

If it is determined that the request complies with the El Paso County Land Development Code, the adopted El Paso County Special District Policies, and the criteria within the Colorado Revised Statutes for a Title 32 Special District Service Plan, and if a motion

for approval is made, then staff recommends including the Recommended Conditions and Notations identified in Section C below.

A. PLANNING COMMISSION SUMMARY

Request Heard:

Recommendation:

Waiver Recommendation:

Vote:

Vote Rationale:

Summary of Hearing:

SPEAKING FOR:

Legal Notice:

B. REQUEST/WAIVERS/AUTHORIZATION

Request: A request for approval of a Colorado Revised Statute Title 32 Special District service plan with a maximum debt authorization of \$20 million, a debt service mill levy of 30 mills, an operations and maintenance mill levy of 5 mills, and 1 mill for a special purpose levy with a maximum combined mill levy of 36 mills. The statutory purposes of the proposed district include: 1) street improvements and safety protection; 2) design, construction, and maintenance of drainage facilities; 3) design, land acquisition, construction, and maintenance of recreation facilities; 4) mosquito control; 5) design, acquisition, construction, installation, and operation and maintenance of television relay and translation facilities; 6) covenant enforcement, 7) security services, 8) solid waste disposal, and 9) financing, design, permitting, construction, and installation of public water and sanitation systems.

Authorization to sign: N/A

C. RECOMMENDED CONDITIONS AND NOTATIONS

It is noted that the majority of the conditions essentially paraphrase existing language in the service plan and formalize them as conditions.

CONDITIONS OF APPROVAL

1. As stated in the proposed service plan, the maximum combined mill levy shall not exceed 36 mills for any property within the District, with no more than 30 mills devoted to debt service, no more than 5 mills devoted to operations and maintenance, and 1 mill for a special purpose levy until and unless the District receive Board of County Commissioner approval to increase the maximum mill levies.
2. As stated in the attached service plan, the maximum authorized debt for the District shall be limited to \$20 million until and unless the District receive Board of County Commissioner approval to increase the maximum authorized debt.

3. The approval of the District includes the use of eminent domain powers by the District for the acquisition of property that the District intends to be owned, controlled, or maintained by the District or other public or non-profit entity and is for the material use or benefit of the general public. The District may not use the power of eminent domain without a recommendation by the Board of County Commissioners at a publicly noticed hearing that the use of eminent domain is necessary in order for the District to continue to provide service(s) within the District's boundaries and that there are no other alternatives that would not result in the need for the use of eminent domain powers.
4. As stated in the attached Service Plan, any future annexation of territory by the District (any territory more than five (5) miles from any District boundary line) shall be considered a material modification of the Service Plan and shall require prior approval by the Board of County Commissioners.
5. The District shall provide a disclosure form to future purchasers of property in a form consistent with the approved Special District Annual Report form. The developer shall provide written notation on each subsequent final plat associated with the development of the annually filed public notice and include reference to the El Paso County Planning and Community Development website where the most up-to-date notice can be found. County staff is authorized to administratively approve updates of the disclosure form to reflect current contact information and calculations.
6. The District is expressly prohibited from creating separate sub-districts except upon prior notice to the Board of County Commissioners, and subject to the Board of County Commissioners right to declare such creation to be a material modification of the service plan, pursuant to C.R.S. § 32-1-1101(1)(f)(I).
7. As stated in the attached service plan, approval of the proposed service plan hereby gives the District the express authority of covenant enforcement, including the imposition of fees for such enforcement.
8. As stated in the attached service plan, the District shall not have the authority to apply for or utilize any Conservation Trust ("Lottery") funds without the express prior consent of the Board of County Commissioners. The District shall have the authority to apply for and receive any other grant funds, including, but not limited to, Great Outdoors Colorado (GOCO) discretionary grants.
9. Approval of this application shall not constitute relinquishment or undermining of the County's authority to require the developer to complete subdivision improvements as required by the Land Development Code

and Engineering Criteria Manual and to require subdivision improvement agreements or development agreements and collateral of the developer to guarantee the construction of improvements.

10. The District shall not be authorized to issue debt until and unless approval of a rezoning, preliminary plan, and final plat have been obtained and unless such approvals are consistent with the assumed land uses and densities identified within the service plan and are consistent with the associated financial plan.
11. Any future proposed development of the subject parcels will require approval of a preliminary plan and final plat(s), and the final plat(s) must be recorded prior to land disturbance, unless approval a pre-development site grading request is granted by the Board of County Commissioners at the preliminary plan stage.

NOTATIONS

1. Approval of this service plan shall in no way be construed to infer a requirement or obligation of the Board of County Commissioners to approve any future land use requests within the boundaries of the Districts.
2. Any expansions, extensions, or construction of new facilities by the District will require prior review by the Planning and Community Development Department to determine if such actions are subject to the requirements of Appendix B of the Land Development Code, Guidelines and Regulations for Areas and Activities of State Interest (a.k.a. "1041 Regulations).

D. BACKGROUND AND STATUS OF LAND USE APPROVALS

The property was initially zoned A-4 (Agricultural) on September 21, 1965, when zoning was first established for this area of the County. Due to changes of the nomenclature, the A-4 zoning district has been renamed as the RR-5 (Residential Rural) zoning district.

The subject parcels were included in the Woodmen Hills Metropolitan District boundaries by an inclusion processed on April 29, 2019, under reception No. 219044856. Woodmen Hills Metropolitan District is committed to provide water and wastewater services but has not committed to extend service across Highway 24. The proposed Falcon Field Metropolitan District will extend services across Highway 24 and throughout the proposed development. Once completed this infrastructure is then anticipated to be dedicated to the Woodmen Hills Metropolitan District for ownership and ongoing maintenance.

A map amendment (rezone) application is being concurrently reviewed, which proposed to rezone the property to the CR(Commercial Regional) zoning district. The map amendment (rezoning) application has not been scheduled

for public hearing at this time. The application is for both parcels totaling 57.67 acres.

The current configuration of the two parcels was created April 3, 2006, which is after the modern subdivision regulations went into effect on July 17, 1972, making these parcels the result of an illegal subdivision of land. If the application for approval of a map amendment and the service plan application for the creation of the special district are approved, then the applicant will still be required to submit and receive approval of a preliminary plan and final plat to legalize the land pursuant to the subdivision requirements and the final plat must be recorded prior to approval of any site development plan.

E. APPLICABLE RESOLUTIONS: See attached

F. STATUS OF MAJOR ISSUES

The proposed service plan is generally consistent with the Board of County Commissioners' June 2007, Special District Policies and with the requirements for use of a Single District Service Plan. Many of the County's policies are explicitly addressed in the service plan. Most of the proposed conditions excerpt and highlight language already contained in the service plan. The applicant has sufficiently addressed all issues identified by staff through the review process, except that the land use approval for a map amendment (rezone) has not yet been granted. A condition has been added that the District does not have authorization to issue debt until approval of a map amendment (rezone) is to occur.

G. APPROVAL CRITERIA

1. STATUTORY COMPLIANCE

The following is a summary of staff's analysis of the compliance of this request with the standards and criteria in Section 32-1-203(1) of the Colorado Revised Statutes.

Required findings

I. Sufficient existing and projected need

The applicant has submitted a concurrent application for approval of a map amendment (rezone) from the RR-5 (Residential Rural) zoning district to the CR (Commercial Regional) zoning district. If the concurrently reviewed application for a map amendment (rezoning) is approved, then a preliminary plan and final plat will also be required to be submitted and approved and the final plat will need to be recorded prior to approval of a site development plan and authorization of any building permits.

There presently is no need for the district. The subject parcels require approval of the above applications prior to any development. If approvals are secured, then such development and the provision of

ongoing maintenance of the associated utilities would establish sufficient need for the proposed District. Condition 10 prevents the proposed District from imposing any debt until such approvals have been obtained.

II. Existing service is inadequate for present and projected needs

The Woodmen Hills Metropolitan District is currently providing water and wastewater services to the developed areas northwest of Highway 24. The subject parcels are located within the boundaries of the Woodmen Hills Metropolitan District. However, there is no physical connection of Woodmen Hills infrastructure across Highway 24 that could be used to serve the proposed development. Therefore, the proposed Falcon Field Metropolitan District will need to extend these services across Highway 24 and into the proposed development.

Woodmen Hills Metropolitan District has committed to providing water and wastewater service but has not committed to constructing the infrastructure needed to bring the facilities into and throughout the proposed development. After construction, the water and wastewater infrastructure is anticipated to be dedicated to the Woodmen Hills Metropolitan District for ownership and ongoing maintenance based upon the inclusion agreement. The incorporated boundary of Colorado Springs is located approximately 3,500 feet to the southwest and is not directly adjacent to the subject parcels; therefore, annexation into the City is not possible at this time. There is no public entity available that is capable of constructing and maintaining the required water and wastewater infrastructure, street and safety improvements, drainage facilities, covenant control, mosquito control, and recreation facilities.

III. District is capable of providing economical and sufficient service

Pursuant to the analysis and conclusions within the District's financial plan, a summary of which is included as Exhibit D of the service plan, the District proposes to provide services within the service area in an economic and sufficient manner. Such services are speculative at this time, as a map amendment (rezone), preliminary plan, and final plat still require approvals from El Paso County. Without such approvals, the District's proposed services would not be required.

IV. Financial ability to discharge proposed indebtedness

The District's financial plan indicates that the District would have the ability to discharge the proposed indebtedness, if the concurrent map amendment (rezone) application and any future preliminary plan and final plat were to be approved for the subject parcels. The current zoning of R-5 (Residential Rural) zoning district, does not allow for commercial uses by right. The ability to discharge the proposed indebtedness relies solely on commercial uses as proposed within the Financial Plan. It is important to note that the plan relies upon a

development build-out schedule beginning in 2021 and ending in 2026 with approximately 275,500 square feet of commercial use including one large box user and 12 individual pad sites. The applicant provided the following justification for the anticipated absorption rate in their development summary:

“Development in El Paso County has been primarily concentrated in the northern part of Colorado Springs metro area. Growing demand for retail development in the Northeast/East area of El Paso County combined with strong economic factors demonstrates a healthy retail market where the Project is located.

There is a growing demand for retail development in Northeast/East El Paso County. The Hoff and Leigh Retail Market Report for Q3, 2019 states that ‘despite active development on Northeast Colorado Springs, it has hardly been enough to keep up with exceptional demand. Moving into 2019, the retail vacancy rate in Northeast Colorado Springs was under 4%, the lowest of the decade.’

CBRE Colorado Research (“CBRE”) specialized in retail properties statistics and trends reported in its H1 2019 Colorado Springs Retail Marketview, a Positive Absorption Rate for retail properties sized 5,000 square feet or larger, meaning, more commercial space was leased than what was vacated/supplied in the market.

In 2019, CBRE reported that Colorado Springs will continue to see attention from national retailers who are closely following the population growth, which is currently concentrated in East El Paso County, where the Project is located. The Colorado Springs population grew 13.6% between 2010 to 2018 and is substantially higher than the U.S. metro average of just 6.8%. In addition, CBRE reported ‘Colorado Springs retail, being such a healthy and liquid market, will continue to receive investor interest from both out of state and local investors.’

The applicant is assuming that full build-out will capitalize on the growing need of retail shopping and restaurants in this area of the County. If their assumptions are incorrect and the additional need for commercial development in this area of the County does not develop, the ability of the District to service the issued debt could be compromised.

Discretionary findings

The following findings are discretionary on the part of the Board of County Commissioners:

I. Adequate service is not or will not be available through other sources

The proposed parcels are located within the boundaries of Woodmen Hills Metropolitan District. Woodmen Hills Metropolitan District has committed to serve water and wastewater services but has not committed to extend the infrastructure necessary to provide such services. The proposed Falcon Field Metropolitan District will extend services across Highway 24 and throughout the proposed development. After construction, the water and wastewater infrastructure is anticipated to be dedicated to the Woodmen Hills Metropolitan District for ownership and ongoing maintenance.

The other proposed services can be provided without the creation of the new District. The developer could construct the necessary infrastructure (roadways, sidewalks, drainage facilities, parks and open space areas, etc.) and create a homeowners association that would be responsible for the ongoing maintenance of the open space areas and permanent water quality features (detention ponds), as well as providing covenant enforcement. Staff does acknowledge, however, that the desire to secure upfront financing to construct the proposed infrastructure and the need to generate ongoing funds to support maintenance efforts and covenant enforcement are traditional reasons for forming a special district.

II. Facility and service standards compatible

Any public facilities to be constructed and dedicated to El Paso County will need to meet the applicable El Paso County standards.

III. Compliance with the Master Plan

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. This discussed in detail below, however, staff can determine that with approval of a map amendment (rezone), preliminary plan, final plat, and associated site development plans, this application could be found in general conformance. Without said approvals, this application will not be general conformance.

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. This plan is discussed in detail below, however, a request for finding of water sufficiency in regard to quantity, dependability, and quality is not being requested

with the proposed District, but would occur at the later subdivision stage.

The property is located within the Falcon/Peyton Small Area Master Plan (2008), specifically the Highway 24 Corridor planning area. This plan is discussed in detail below. Staff recommends the request generally complies with the master plan and small area plan with inclusion and compliance with the Recommended Conditions of Approval.

IV. Compliance with water quality management plan

Section 3.6, Wastewater Treatment Facilities, of the Pikes Peak Area Council of Government's Water Quality Management Plan 2010 Update, which was in effect at the time of application submittal, states that, "If it is economically feasible wastewater service will be provided in regional and sub regional publicly owned wastewater treatment facilities, and small privately owned facilities will be avoided." The applicant is proposing wastewater treatment service for the anticipated development to be provided by the Woodmen Hills Metropolitan District. The applicant will design, finance and construct the water and wastewater infrastructure, which will be dedicated to Woodmen Hills Metropolitan District after construction.

V. In the best interests of the area to be served

See other service provision discussions in this staff report.

2. COMPLIANCE WITH 2007 SPECIAL DISTRICT POLICIES

(The County's Special District Policies, dated June 25, 2007, are included as an attachment. The following is a summary of the analysis of those policies as they apply to this request.)

I. Conformity with statutory standards

(See Statutory Compliance discussion above)

II. Conformity with County Master Plan and Polices

(See the Discretionary Findings discussion above and below)

III. Content in conformance with statutes

To the knowledge of staff, the process followed to this point has been consistent with the requirements of Colorado statutory law.

IV. Applicants responsible for meeting timelines

The applicant submitted the service plan application in a timely manner to allow staff adequate time to properly review the application.

V. Limiting proliferation of districts

Approval of this service plan will allow for the creation of one (1) new Title 32 Special District. The creation of the proposed District will not result in service provision redundancy in the area. The only other service provider in the area is the Woodmen Hills Metropolitan District, which has committed to provide water and wastewater services to the Falcon Field development. The applicant is not proposing for the District to provide water and wastewater services, but instead is requesting authority to finance, construct, and install the physical infrastructure needed to extend the water and wastewater services of the Woodmen Hills Metropolitan District under Highway 24 into the Falcon Field development. The infrastructure is then anticipated to be dedicated to Woodmen Hills Metropolitan District for ongoing ownership and maintenance. The applicant is proposed to have covenant enforcement authority, which would be geographically limited to only those properties located within this District's boundaries.

VI. Coordination with other elected officials and departments

The applicant has fully coordinated with all applicable departments and has provided sufficient lead time to allow for a technical review of the proposed service plan.

VII. Address potential for annexation

The boundaries of the proposed District are not within proximity to any municipality. However, it is included within the boundaries of the Woodmen Hills Metropolitan District. The Falcon Field Metropolitan District is being proposed because the existing rate and mill levy payers within the WHMD should not be burdened with the cost of paying off the debt needed to develop the two subject parcels, as noted in the inclusion agreement.

VIII. Development Analysis

A development analysis has been provided consistent with the adopted Board of County Commissioners policies. A summary of the development analysis is included in Section IV of the service plan. Please see the discussion of the District's financial plan in the Required Findings section of this report, specifically subsection IV Financial Ability to Discharge Proposed Indebtedness, above as it relates to the assumptions for development.

IX. Mill Levy Caps

The applicant is requesting approval of a maximum combined mill levy cap of 36 mills, including 30 mills for debt service, 5 mills for operations and maintenance, and 1 mill for a special purpose levy. The maximum combined mill levy, adopted with the Board of County Commissioners policies, is 60 (sixty) mills. The proposed District's combined mill levy cap of 36 mills is consistent with those policies.

X. Master Districts

The applicant is proposing one single district and not a master district. Therefore, this policy is not applicable.

XI. Multiple Districts

The applicant is proposing one single district and not multiple districts. Therefore, this policy is not applicable.

XII. Skeletal Service Plans

This is a complete service plan. Therefore, this policy is not applicable.

XIII. Authorization of Debt and Issuance of Bonds

The proposed maximum amount of indebtedness for the District is \$20 million. The period of maturity for any issued debt, not including developer funding agreements, is limited to no more than thirty (30) years without prior approval from the Board of County Commissioners.

3. Policy Plan Compliance

El Paso County Policy Plan

The El Paso County Policy Plan (1998) has a dual purpose; it serves as a guiding document concerning broader land use planning issues and provides a framework to tie together the more detailed sub-area elements of the County Master Plan. Relevant policies are as follows:

Goal 14.1

Recognize and promote the essential role of special financing districts in the provision and maintenance of public facilities and services in unincorporated areas.

The BOCC has adopted policies and procedures to provide a framework for the evaluation of applications for new, amended and updated special district service plans as authorized by Title 32 of the Colorado Revised Statutes. The applicant has submitted a draft service plan in support of the formation of a special district in accordance with these provisions.

Policy 14.1.3

Discourage the use of special districts as a vehicle to fund substantial amounts of required infrastructure in predominantly undeveloped areas and require the conservative phasing of infrastructure construction during the initial phases of development.

The service plan proposes a maximum indebtedness of \$20 million. The proposed public improvement costs are estimated at \$13.1 million. Land to be included in the proposed District is proposed to

have a big box store and 12 individual pad sites for commercial use. The phasing of the subject parcels includes extensions of water and wastewater services to the south and east of Highway 24. This surrounding area is developed, however, much of the development within the area is limited to well and onsite wastewater treatment facilities.

Policy 14.1.4

Encourage special districts to comprehensively plan for the resources and facilities they will need to accommodate potential future growth.

The intended purpose of the District is to finance and construct water and wastewater lines and facilities, roadway and street improvements, and drainage and stormwater facilities, provide television relay and translation, mosquito control, and covenant enforcement, all of which support future development within the proposed service area.

The subject parcels require approvals of a map amendment (rezone), preliminary plan, final plat, and site development plan(s), prior to development of any structures. If approved, this potential future commercial growth will require water and wastewater services, water quality, access, and ongoing maintenance of facilities.

Policy 14.1.5

Encourage the careful preparation and review of special district service plans in order to ensure that development and financial assumptions are reasonable, all plausible alternatives have been considered, services and boundaries are well-defined, and contingencies have been anticipated.

Staff has reviewed the service plan with supporting development analysis financial assumption summaries and find that they are generally reasonable in the event of the applicant obtaining the necessary approvals for a map amendment (rezone), preliminary plan, and final plat. The assumptions are based on existing and anticipated additional commercial development. It should be noted that while future market conditions may introduce new and/or differing commercial establishments, future unforeseen market conditions could create conditions that may significantly or adversely affect the proposed District's ability to discharge debt.

4. El Paso County Water Master Plan

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant goals and policies are as follows:

Goal 1.1 – *Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.*

Goal 1.2 – *Integrate water and land use planning*

Goal 6.0.11- *Continue to limit urban level development to those areas served by centralized services.*

A request for finding of water sufficiency in regard to quantity, dependability, and quality is not being requested with the proposed District, but would occur at the later subdivision stage. The applicant is proposing the subject development will be served by Woodmen Hills Metropolitan District. The application for a preliminary plan may include this request, but if not included with a preliminary plan, then it must accompany a final plat request. Woodmen Hills Metropolitan District has committed to serve the subject development with water and wastewater services. The proposed district is intended to expand the services of Woodmen Hills Metropolitan District to the south and east of Highway 24, meeting the goals of the Water Master Plan.

5. Small Area Plan Analysis

The property is located within the Falcon/Peyton Small Area Master Plan (2008), specifically the Highway 24 Corridor planning area.

Relevant goals and policies are as follows:

Table 4-5 Potential Nodes and Corridors of Activity

Areas where future development and infrastructure is expected to be concentrated in the future. The nodes signify the location of future town centers, which could be rural or urban in nature, and should include primary employers, commercial services, and public services.

Section 4.4.5.1

Allow for potential commercial development south of Highway 4 near its intersection with Woodmen Road, provided the adequate transportation improvements are made, utility extensions can be made, and adjoining existing land uses are adequately buffered.

Section 4.5.2.5

Allow for additional secondary commercial centers at designated intersections with major arterial roadways and U.S. 24, including Stapleton/Curtis, and Peyton Highway, assuming adequate facilities and services can be provided, and the functional of U.S. 24 can be maintained.

The Plan identifies the area to the southeast of the intersection of Woodmen and Highway 24 as a potential node and corridor of activity which signify the location of future town centers. The location of the proposed special district and the concurrently reviewed rezoning request to the CR (Commercial Regional) zoning is located immediately adjacent to this intersection.

The Plan further identifies the subject property specifically as a commercial node where the extension of utilities can occur. The proposed District intends to provide the necessary services south and east of Highway 24. Staff recommends that the request for a Special District can be found in general conformance with the Plan.

The applicable polices in Section 14 of the El Paso County Policy Plan (1998), as they relate to the creation of Title 32 Special Districts, are addressed separately and have generally been met. Staff recommends the request generally complies with the master plan and small area plan with inclusion and compliance with the Recommended Conditions of Approval.

6. COMPLIANCE WITH COUNTY PROCEDURES AND GUIDELINES

Staff recommends the submittal is in compliance with all adopted procedures and guidelines.

7. OTHER FACTORS

Not applicable with this request.

H. SERVICES

1. WATER

Water service will be provided by the Woodmen Hills Metropolitan District, by a proposed Intergovernmental Agreement between the two Districts to memorialize the terms of the Inclusion Agreement. The proposed District is requesting authority to finance, design, and construct water service lines into and within the Falcon Field development. The infrastructure will be dedicated to the Woodmen Hills Metropolitan District for ongoing maintenance and ownership.

2. WASTEWATER

Wastewater service will be provided by the Woodmen Hills Metropolitan District. The proposed District is requesting authority to finance, design, and construct wastewater service lines into and within the Falcon Field development. The infrastructure will be dedicated to the Woodmen Hills Metropolitan District for ongoing maintenance and ownership.

3. TRANSPORTATION

Approval of the proposed service plan would authorize the District to finance, design, and construct arterial, collector and local level street improvements and any bridges, fences, trails, lighting, landscaping, and traffic and safety controls and devices. The applicant's intent and the County's requirement is to construct any street improvements to applicable County standards. The applicant is proposing to dedicate such facilities to the County for ongoing ownership and maintenance. All improvements constructed by the District located outside of the dedicated right-of-way shall be maintained by the District. The County Road Impact Fee applies to this development, any future request for a preliminary plan and final plat will require plat notes indicating the said fee applies.

4. DRAINAGE

Approval of the proposed service plan would authorize the District to finance, design, construct, and maintain drainage facilities, including detention ponds, culverts, pipes, channels, and swales. All on-site and off-site drainage facilities are to be owned and maintained by the Falcon Field District, but all plans and designs must first be submitted to Woodmen Hills Metropolitan District for technical review and comment. Drainage and bridge fees will apply and will be assessed at the final plat stage, any fees will be required to be paid at time of recording.

5. PARKS AND RECREATION

As stated in the proposed service plan, the District shall not have the authority to apply for or utilize Conservation Trust ("Lottery") funds without the express prior approval of the Board of County Commissioners, but shall have the authority to apply for and receive any other grant funds, such as Great Outdoors Colorado (GOCO) discretionary grants.

6. FIRE PROTECTION

The Falcon Fire Protection District will serve the development. The fire district was sent a referral and have no objections or concerns with the request.

7. COMMUNITY FACILITIES

No other community facilities are proposed with this service plan.

8. OTHER FACILITIES OR SERVICES

Colorado Springs Utilities (CSU) will provide natural gas service and Mountain View Electric Association (MVEA) will provide electrical service to the anticipated development within the service area of the proposed District.

I. RELATIONSHIPS TO OTHER DISTRICTS OR MUNICIPALITIES

The District anticipates entering into an Intergovernmental Agreement with Woodmen Hills Metropolitan District to memorialize the terms of the Inclusion Agreement, including the imposition of the Special Purpose Mill Levy to be imposed by the proposed District.

J. SCHOOL DISTRICT IMPACTS OR CONCERNS

Falcon School District No. 49 was sent a request for comment for the proposed service plan. No comments have been received to date.

K. PUBLIC COMMENT AND NOTICE

There are no posting or mailing requirements for hearings before the Planning Commission on Colorado Revised Statutes Title 32 Special District service plans. However, there are notice requirements for hearings before the Board of County Commissioners. The applicant was required to notify all taxing jurisdictions within three (3) miles of the District's boundaries as required by state statute prior to the Board of County Commissioners hearing. In addition, published notice was provided by County staff in the Shopper Press.

L. OUTSTANDING CONCERNS

There are no outstanding issues.

M. ATTACHMENTS

Vicinity Map
Letter of Intent
Proposed Service Plan and Attachments
Colorado Springs Market Study
Inclusion Agreement
2007 El Paso County Special District Polices