

Colorado Springs, CO

Planning and Development
30 S. Nevada Ave., Suite 701
Colorado Springs, CO 80903



Application Comment Report

Application No. ANEX-23-0021

Report Date: 03/07/2024

Description : A request for annexation of 6 lots and a portion of Apaloosa Way, comprising of 32.001 acres.

Address : 5340 APALOOSA DR COLORADO SPRINGS CO 80923

Record Type : Annexation

Reviewer Contact Information:

Reviewer Name	Reviewer Email	Reviewer Phone No.:
Zaker Alazzeh	Zaker.Alazzeh@coloradosprings.gov	-
Matt Roberts	maroberts@csu.org	-
Patrick Morris	Patrick.Morris@coloradosprings.gov	-
Chris Sullivan	chris.sullivan@coloradosprings.gov	-
Caroline Miller	Caroline.Miller@coloradosprings.gov	719-385-6089
Steve Smith	steven.smith@coloradosprings.gov	
Jonathan Scherer	Jonathan.Scherer@coloradosprings.gov	-
M. J. Thomson	Michael.Thomson@coloradosprings.gov	-

General Comments

Comment ID	Reviewer : Department	Status	Review Comments	Applicant Response Comments
7	Jonathan Scherer : City Engineering - SWENT	Closed	Info Only: Please contact the Lead Reviewer, Jonathan Scherer (jonathan.scherer@coloradosprings.gov), with any questions. Please reference the Planning review number in all communications.	
8	Jonathan Scherer : City Engineering - SWENT	Closed	Info Only: Drainage, Pond, and Bridge Fees are due for the area being annexed prior to plat recordation. The Fees for the year the annex is recorded must be used. The fees must be listed and broken out in the Drainage Report/Letter. If the correct fees are not shown in the PDR/FDR/FDL, an FDR Amendment will be required to correct the fees. The fees can be found here: https://coloradosprings.gov/stormwater-enterprise/page/drainage-basin-fee-program?mld=31301	
9	Jonathan Scherer : City Engineering - SWENT	Closed	Info Only: The Stormwater Enterprise (SWENT) has recently updated Criteria regarding required submittals. For all Development Plans (DPs) which previously required a Final Drainage Report	

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			<p>(FDR) submittal (generally, all DPs with 1 acre or more of earth disturbance proposed), a Preliminary Drainage Report (PDR) submittal is now acceptable instead of an FDR submittal. This change in Criteria allows for such DPs to be approved without requiring detailed, final drainage design calculations at the planning stage of the project.</p> <p>For DPs with less than 1 acre of earth disturbance proposed, a Final Drainage Letter (FDL) submittal is required.</p> <p>A PDR submittal is now acceptable instead of an FDR submittal in support of a Final Plat (FP). The PDR must be approved before the FP can be recorded.</p> <p>An FDR may still be submitted in support of DP or FP approval if final design information is available at the time of the DP or FP submittal. FDR Addendums are no longer accepted. All required final calculations must be included in the FDR prior to FDR approval.</p> <p>FDR approval is still a prerequisite for Construction Drawing (CD) approval (e.g., GEC Plan, Drainage Plan/Profile, PCM Plan, etc.).</p> <p>Master Development Drainage Plans (MDDPs) are no longer required for DPs with 10 or more acres of earth disturbance proposed.</p> <p>Please see SWENT s website for updated checklists: https://coloradosprings.gov/stormwater-enterprise/page/stormwater-review</p>	
10	Jonathan Scherer : City Engineering - SWENT	Closed	SWENT has no comments.	
11	Caroline Miller : Planning	Closed	<p>No comment specifically regarding Annexation request.</p> <p>Informational: Any residential use will trigger the Park Land Dedication Ordinance, School Land Dedication Ordinance, and Citywide Development Impact Fees (Police & Fire) for both residential and commercial use. These ordinances will be evaluated at time of Land Use Plan and Development Plan review.'</p>	
12	Matt Roberts : Col Springs Utilities	Closed	<p>Informational Items: Annexation</p> <p>Unless otherwise authorized by Springs Utilities, any existing wells within the Property must be plugged and abandoned at Owner s expense. The Owner shall provide Springs Utilities with documentation confirming that the existing wells have been plugged and abandoned in compliance with all applicable regulations, including regulations from the Colorado Division of Water Resources.</p> <p>Springs Utilities potable water, non-potable water, wastewater, electric, streetlight, and natural gas services (Utility Services) are available to eligible customers (Customer) upon connection to Springs Utilities facilities or utility systems on a first-come, first-served basis, provided that (among other things) the City and Springs Utilities determine that the Customer meets all applicable requirements of the City s Code of Ordinances and Springs Utilities Tariffs, Utilities Rules and Regulations (URRs), and Line Extension and Service Standards (Standards) for each application for Utility Service. In addition, the availability of Utility Services is contingent upon the terms detailed in an executed Annexation Agreement between the City and the Customer; and the dedication or conveyance of real and personal property, public rights-of-way, private rights-of-way, or easements that Springs Utilities determines are required for the extension of any proposed Utility Service from Springs Utilities utility system facilities that currently exist or that may exist at the time of the proposed extension or connection. In certain instances, Springs Utilities services and system capacities are</p>	

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			<p>at the time of the proposed extension or connection. In certain instances, Springs Utilities services and system capacities are limited. Accordingly, no specific allocations or amounts of Springs Utilities facilities or supplies are reserved to serve the subject property and no commitments are made as to the availability of utility service at future times. Further, Springs Utilities reserves the right to refuse new connections to its natural gas service system if Springs Utilities is legally constrained from doing so. Connections to Springs Utilities systems are contingent upon the Customer meeting all the requirements of the Utilities Tariffs and City of Colorado Springs ordinances that are in effect for each requested Utility Service at the time the application for service is made by the Customer and formally accepted by the Utilities. Connection requirements may include provisions for necessary line extensions and/or other system improvements, and payment of all applicable system development charges, recovery agreement fees and other fees applicable to the requested service. Springs Utilities reserves the right to charge any development resulting from annexation a fee in an amount equivalent to the extraordinary cost of serving the development if such development does not occur adjacent to existing developed areas of the City of Colorado Springs.</p> <p>To receive water service from Springs Utilities, the Property must be included in the Southeastern Colorado Water Conservatory District (SECWCD). After completing the questionnaire from the Bureau of Reclamation (Bureau), the SECWCD will determine whether the property to be annexed is within the SECWCD. If the property is not within the SECWCD, then consent from the Bureau is required for the Property to be included into the SECWCD (see item 1 under Project Specific Informational Items above). The Bureau may require the Owner to provide the following confirmations for the subject annexation project:</p> <p>Endangered Species Act - a letter or email from the Fish and Wildlife Department stating there are no Endangered Species within the Annexation Boundary. Clean Water Act - a letter or email from the United States Army Corp of Engineers stating that there are no wetlands within the Annexation Boundary. National Historic Preservation Act - a report that addresses the existence of any Native American Indian relics or buildings of historic significance (the report is to be completed by an Archaeologist that is approved Bureau of Reclamation). Once the Archaeologist is chosen, he/she must contact the Bureau for final instructions.</p> <p>Southeastern Colorado Water Conservancy District contact information: Attn: Margie Medina 31717 United Avenue Pueblo, CO 81001 (719) 766-4256 Margie@SECWCD.com (719) 948-2400</p>	
15	Patrick Morris : City Engineering Dev Review	Closed	EDRD has no comments on the Annexation Plat.	
16	Matt Roberts : Col Springs Utilities	Open	<p>Action Items:</p> <p>1. Owner shall provide to Colorado Springs Utilities (Springs Utilities) an inventory of well permits and water rights associated with the Property with documentation from the Colorado Division of Water Resources (or other source) identifying all the Owner s water rights associated with the property to be annexed (Property). If the Owner does not have any water rights, then the Owner shall provide a letter stating such.</p>	

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			<p>2. Owner shall provide an inventory of any and all existing utility services (water, wastewater, natural gas or electric) (i.e. streetlights, traffic, traffic signals, VMS signs, irrigation services, etc.) and who the utility service provider is for each. If there are no such existing utility service(s), please provide a letter stating such. Any existing utility service(s) provided by other utility service providers will likely need to be converted to Springs Utilities service(s) subject to annexation.</p> <p>3. Owner must confirm that the Informational Items listed below have been reviewed.</p> <p>Informational Items:</p> <p>1. If the Property is located within an existing water and/or sanitation district (Existing District), then Springs Utilities will not provide water or wastewater services (Services) to the Property unless the Property is annexed into the City and excluded from the Existing District(s) or the Existing District(s) consents to Springs Utilities providing such Services to the satisfaction of Springs Utilities. If the property is within an Existing District(s), then once the property is annexed into the City and excluded from the Existing District(s), or the Existing District(s) consents to Springs Utilities providing such services, then the Property owner (among other requirements) is required to:</p> <ul style="list-style-type: none"> a. Design, install, and obtain easements for the water and wastewater facilities necessary for Springs Utilities to serve the Property; b. Disconnect from the Existing District s water and wastewater systems and then connect directly to Springs Utilities water and wastewater systems; and c. Provide payment of all applicable fees and charges, including Water and Wastewater Development Charges. <p>2. If the Property has existing water services that will be converted to Springs Utilities service or if there are expected to be future Springs Utilities water services serving the Property and the Property is not currently within the boundaries of the Southeastern Colorado Water Conservancy District (SECWCD), it may be necessary for the Owner to complete a questionnaire from the Bureau of Reclamation (Bureau) and SECWCD and join SECWCD. Please work directly with City Planning on this item.</p> <p>3. On February 14, 2023, Colorado Springs City Council approved a water service extension ordinance #23-02, City Code section 12.4.305, which directly impacts the extension of water service outside city limits, including for proposed annexations. Under the ordinance, the water service boundary can only be extended to include the proposed annexation(s) if the annexation(s) meet an exception(s), specified in the ordinance. Descriptions and application of the exception(s) to the proposed annexation are as follows.</p> <ul style="list-style-type: none"> a. The area is an enclave (as defined by State law); or i. The area appears to be an enclave as defined by State law, and provided City Planning determines it is an enclave, Springs Utilities will follow suit in the application of this section of City Code. 	

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			<p>b. The area is owned or leased by the City; or i. According to the Project Statement dated June 12, 2023, the property (right-of-way) is owned by the City of Colorado Springs pursuant to a quitclaim deed received from El Paso County; therefore, the property appears to meet this exception.</p> <p>c. The extension of water service to the area will have a de minimis impact on the overall City's available water supply; or i. Based on a standard, simplified calculation, which doesn't account for roadway or other impervious surfaces that would not require irrigation or other water service, the property's projected water demand provided future water service is requested is 2.26 acre-feet/year (AFY), where 2.058 acres x 1.1 AFY = 2.26 AFY. De minimis policy: Projected Water Demand < 39 AFY 2.26 AFY < 39 AFY</p> <p>d. A unique and extraordinary event or circumstance necessitates an extension of water services to serve critical interests of the City; or i. No evidence to support unique and extraordinary event or circumstance necessitating extension of water services to critical interests of the City exists.</p> <p>e. The City's available water supply is sufficient to meet at least 128% of existing usage (calculated using a five (5) year rolling average of weather normalized unrestricted water usage data) and the projected demand for water services within the proposed extension of service(s), and not less than 25% of the perimeter of the area is contiguous with the City (as defined by State law). i. Based on the property appearing to meet the enclave, City-owned and de minimis exceptions as noted above, this provision is not applicable, and no further analysis is necessary.</p> <p>4. Unless otherwise authorized by Springs Utilities, any existing wells within the Property must be plugged and abandoned at Owner's expense. The Owner shall provide Springs Utilities with documentation confirming that the existing wells have been plugged and abandoned in compliance with all applicable regulations, including regulations from the Colorado Division of Water Resources.</p> <p>5. Springs Utilities' potable water, non-potable water, wastewater, electric, streetlight, and natural gas services (Utility Services) are available to eligible customers (Customer) upon connection to Springs Utilities' facilities or utility systems on a first-come, first-served basis, provided that (among other things) the City and Springs Utilities determine that the Customer meets all applicable requirements of the City's Code of Ordinances and Springs Utilities' Tariffs, Utilities Rules and Regulations (URRs), and Line Extension and Service Standards (Standards) for each application for Utility Service. In addition, the availability of Utility Services is contingent upon the terms detailed in an executed in any Executive Agreement(s) between City Public Works and Springs Utilities that may be required; and the dedication or conveyance of real and personal property, public rights-of-way, private rights-of-way, or easements that Springs Utilities determines are required for the extension of any proposed Utility Service from Springs Utilities' utility system facilities that currently exist or that may exist at the time of the proposed extension or connection. In certain instances, Springs Utilities' services and system capacities are limited. Accordingly, no specific allocations or amounts of Springs Utilities' facilities or supplies are reserved to serve the subject property and no commitments are made as to the availability of utility service at future times. Further, Springs Utilities reserves the right to refuse new connections to its natural gas service system if Springs Utilities is legally constrained from doing so.</p>	

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			<p>proposed extension or connection. In certain instances, Springs Utilities services and system capacities are limited. Accordingly, no specific allocations or amounts of Springs Utilities facilities or supplies are reserved to serve the subject property and no commitments are made as to the availability of utility service at future times. Further, Springs Utilities reserves the right to refuse new connections to its natural gas service system if Springs Utilities is legally constrained from doing so.</p> <p>no specific allocations or amounts of Springs Utilities facilities or supplies are reserved to serve the subject property and no commitments are made as to the availability of utility service at future times. Further, Springs Utilities reserves the right to refuse new connections to its natural gas service system if Springs Utilities is legally constrained from doing so.</p> <p>are made as to the availability of utility service at future times. Further, Springs Utilities reserves the right to refuse new connections to its natural gas service system if Springs Utilities is legally constrained from doing so.</p> <p>6. Connections to Springs Utilities systems are contingent upon the Customer meeting all the requirements of the Utilities Tariffs and City of Colorado Springs ordinances that are in effect for each requested Utility Service at the time the application for service is made by the Customer and formally accepted by the Utilities. Connection requirements may include provisions for necessary line extensions and/or other system improvements, and payment of all applicable system development charges, recovery agreement fees and other fees applicable to the requested service.</p>	
17	M. J. Thomson : CSPD	Open	No comments or concerns. CPO M.J. Thomson Stetson Hills Crime Prevention Unit CSPD	
18	Chris Sullivan : Planning	Open	Provide a Project statement identify the following: - a clear description of the proposed development. - a justification based on the review criteria addressing why the proposed project shall be approved - and an issue list stating how each of the issues, has been addressed in the approved plans.	
19	Chris Sullivan : Planning	Open	A fiscal impact analysis is being worked and and will be provided soon.	

Corrections in the following table need to be applied before a permit can be issued

Document: V1_2445-00 Annex Doc

Comment ID	Page Reference	Annotation Type	Reviewer : Department	Status	Review Comments	Applicant Response Comments
14	1	Note	Steve Smith : Fire	Closed	No fire code access issues with the annexation plat. Plans are acceptable.	
13	2	Note	Zaker Alazzeh : City Eng - Traffic Engineering	Open	All comments were added to the development plan review.	

Document: Overall Annexation Legal

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4	1	Callout	Cory Sharp : Planning	Closed	Please add a title "Summit View Addition No. 1"	

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5	1	Callout	Cory Sharp : Planning	Closed	Please add sheet 1 of 2	
6	2	Callout	Cory Sharp : Planning	Closed	Please add sheet 2 of 2	

Document: 2445-00 - Annexation Plan

Comment ID	Page Reference	Annotation Type	Reviewer : Department	Status	Review Comments	Applicant Response Comments
1	1	Callout	Cory Sharp : Planning	Closed	Please check/revise the title of Rob Fuller, per the SOA he is manager	
2	1	Callout	Cory Sharp : Planning	Closed	spelling	