



## Quick Facts

**Applicant**

City of Colorado Springs  
Public Works Department

**Property Owner**

City of Colorado Springs

**Developer**

Not Applicable

**TSN(s)**

Not Applicable

**Zoning and Overlays**

Not Applicable

**Site Area**

1.92-acres

**Land Use**

City-owned right-of-way

**Applicable Code**

Chapter 7

## Project Summary

The proposed annexations of North Gate Boulevard is for the purpose to bring City-owned property into the municipal limits, in accordance with the Memorandum of Understanding (MOU) between the City of Colorado Springs and El Paso County. The parcels proposed for annexation are for right-of-way and therefore do not require any associated entitlement applications to support the annexation request.

File Number	Application Type	Decision Type
ANEX-23-0005	Annexation	Legislative
ANEX-23-0006	Annexation	Legislative

## Staff Recommendations

Recommend approval of the annexations to City Council.



# NORTH GATE BOULEVARD ADDITION 8 & 9

Planning Commission September 13, 2023

Staff Report by Case Planner: Katelynn Wintz

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Current Consideration	-----
Subdivision	N/A	N/A
Master Plan	N/A	N/A
Prior Enforcement Action	N/A	N/A

### Site History

The City-owned right-of-way was acquired from El Paso County through quitclaim deed. Per an MOU between the City and the County, the City accepted the right-of-way, along with a complete transfer of utility services for the traffic signal and appurtenances.

### Applicable Code

The subject application(s) were submitted prior to the implementation date (06/05/2023) of the ReTool project, and as such, the applicant is permitted to elect which Code they prefer their application(s) be reviewed under. The subject application(s) were chosen to be reviewed under previous Chapter 7 per the applicant's instructions. All subsequent references within this report that are made to "the Code" and related sections are references to previous Chapter 7.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	CS (El Paso County)	Commercial	N/A
West	N/A	N/A	Powers & North Gate Interchange
South	RR-5 (El Paso County)	Museum	Western Museum of Mining & Industry
East	N/A	N/A	N/A



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## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	1
Postcard Mailing Radius	N/A

### Public Engagement

The public notice process consisted of posting the site prior to the public hearing. The Colorado Revised Statute (CRS) includes specific criteria for notification requirements of City-owned, City-initiated annexations for the purpose of right-of-way. Posting the site satisfies the statutory requirements for notification.

## Agency Review

### Planning Surveyor

The Planning Surveyor requested several modifications to ensure the legal description and annexation plat met all applicable survey standards. After two reviews the Planning Surveyor recommended approval.

## Annexation

### Summary of Application

The associated annexations follow the voluntary annexation right under C.R.S. and owners must petition the municipality to request annexation into the City. The City’s authority to annex land is established by Colorado Revised Statutes (CRS. 31-12-101) which sets requirements and procedures which municipalities must follow. The applications are two additions of North Gate Boulevard to annex 600 lineal feet of the road right-of-way per a memorandum of understanding between the City of Colorado Springs and El Paso County. A serial annexation is necessary to satisfy the CRS one-sixth contiguity requirements to be eligible for annexation.

### Compliance with Relevant Code Sections and Review Criteria

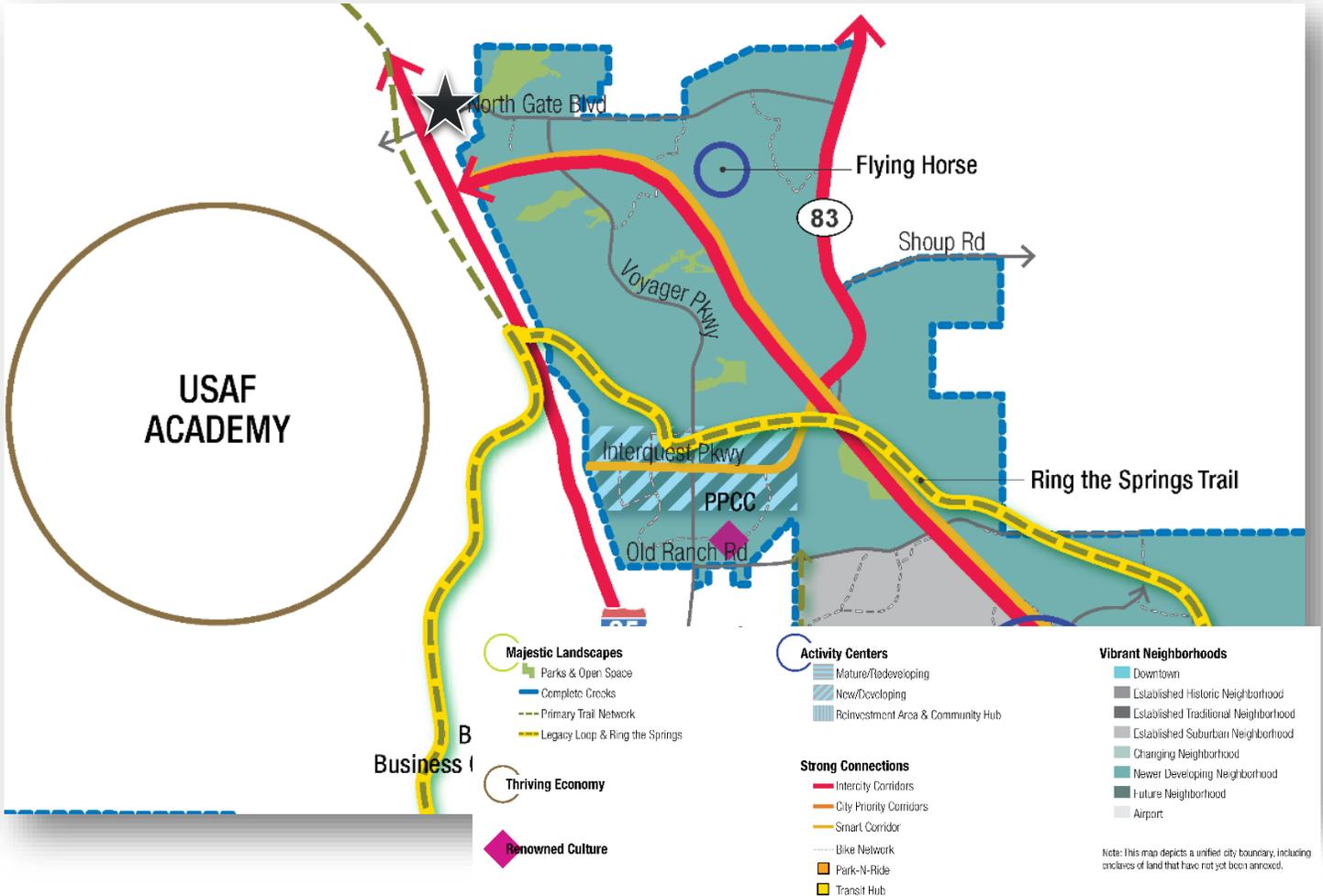
A master plan is typically required with annexation; however, per City Code Section 7.5.403(B), this requirement may be waived. As City-owned, public right-of-way, with an area of less than 30 acres staff finds that the conditions for a waiver are met and no master plan is proposed. Criteria to approve an annexation are governed by the CRS. City Code Section 7.6.203 outline *Conditions for Annexation*, which provide eight considerations to aid the decision-making body in determining if the criteria for annexation are met. Several of the criteria contemplate important infrastructure impacts such as water availability, utility extensions and financial benefits to the City. In this case, staff finds the applicable criteria beyond the statutory requirements is that the proposed annexation is a logical extension of the City’s boundary.

### Compliance with Relevant Guiding Plans and Overlays

The City Annexation Plan was last updated in 2006 and is an advisory document. Staff recommends this annexation as consistent with the intent of the 2006 Plan as the proposed annexations work to close the gap to infrastructure and services being provided by the City.

## Compliance with PlanCOS

### PlanCOS Vision



The overall intent of annexation is to benefit the City and occur in a manner that ensures a logical extension of the City's boundary. Chapter 8 of PlanCOS provides broad policy direction for annexation; annexations will occur in accordance with State law; support of economic development objectives of the City and will be a fiscal benefit; development will be consistent with long range plans; and avoid creating enclaves while proactively work at incorporating existing enclaves into the City. Staff has evaluated the proposed annexation and determined its eligibility in accordance with State law to be acceptable. The annexation is a logical establishment; removing the remnant right-of-way cleans up City – County boundaries.



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### Recommendation

#### **ANEX-23-0005**

Recommend approval to City Council the annexation of 1.37 acre as the North Gate Boulevard Addition No. 8 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.6.203.

#### **ANEX-23-0006**

Recommend approval to City Council the annexation of 0.55 acre as the North Gate Boulevard Addition No. 9 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.6.203.