



# AIR LANE ADDITION NO. 1-3 & SPACE VILLAGE ADDITION NO. 2-3 ANNEXATION

Planning Commission May 8, 2024

Staff Report by Case Planner: Gabe Sevigny



## 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

9.928-acres

### Land Use

City-owned right-of-way

### Applicable Code

UDC

## Project Summary

The proposed annexations are for portions of existing Air Lane and Space Village Avenue for the purpose to bring City-owned property into the municipal limits. The parcels proposed for annexation are for right-of-way and therefore do not require any associated entitlement applications to support the annexation request (see 'Air Lane Addition No. 1 – Annexation Petition; Air Lane Addition No. 2 – Annexation Petition; Air Lane Addition No. 3 – Annexation Petition; Space Village Addition No. 2 – Annexation Petition; Space Village Addition No. 3 – Annexation Petition' attachments).

File Number	Application Type	Decision Type
ANEX-23-0023	Annexation	Legislative
ANEX-23-0025	Annexation	Legislative
ANEX-23-0026	Annexation	Legislative
ANEX-23-0022	Annexation	Legislative
ANEX-23-0024	Annexation	Legislative

## 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.

### Applicable Code

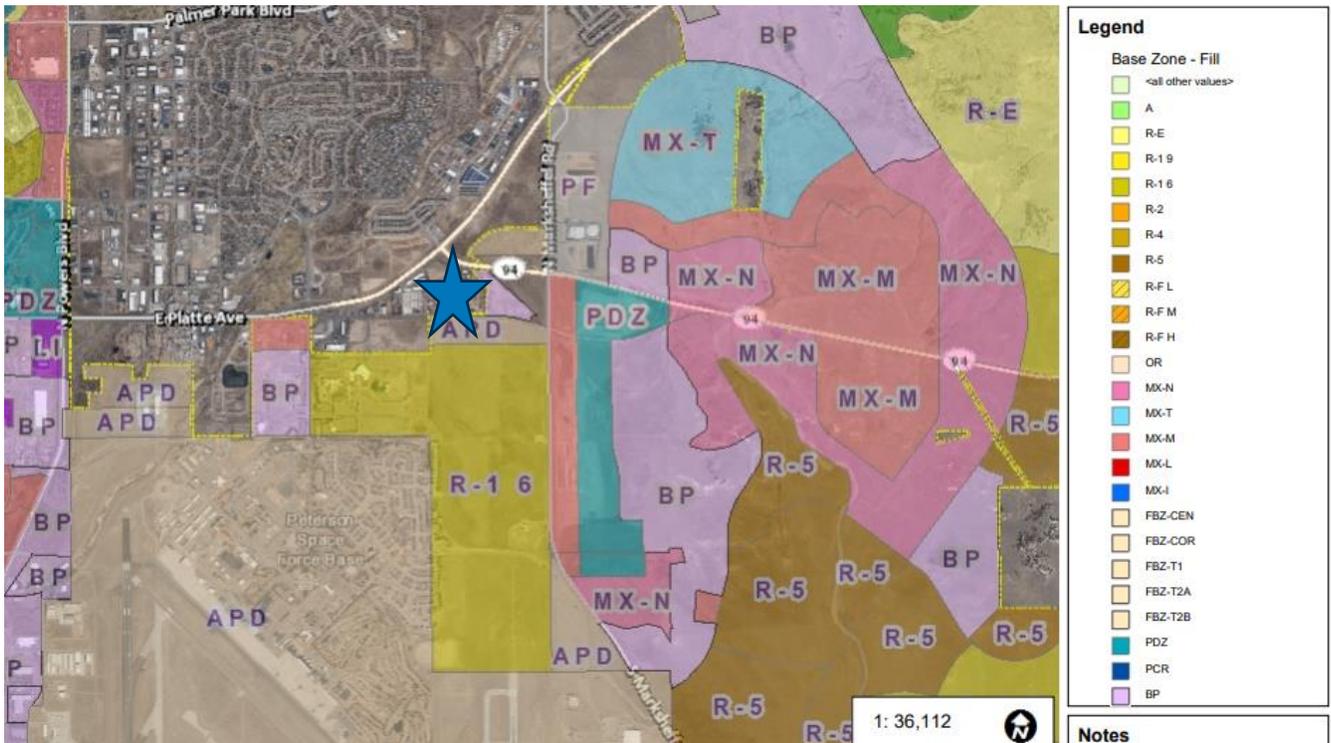
The subject application(s) were submitted after the implementation date (06/05/2023) of the ReTool project. The subject application(s) were reviewed under the Unified Development Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Unified Development Code.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	Unincorporated El Paso County; APD	Vacant	N/A
West	Unincorporated El Paso County	Industrial	N/A
South	APD; R1-6	Partially vacant and Peterson AFB	N/A
East	Unincorporated El Paso County; BP	Industrial and Vacant	N/A

## Zoning Map



## Stakeholder Involvement

### Public Notice

Public Notice Occurrences (Poster / Postcards)	2
Postcard Mailing Radius	Not Applicable
Number of Comments Received	None

### Timeline of Review

Initial Submittal Date	December 22, 2023
Number of Review Cycles	Three
Item(s) Ready for Agenda	April 11, 2024

### Agency Review

#### Traffic Impact Study

No comments or concerns expressed.

#### Planning Surveyor

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

### **Colorado Springs Utilities**

CSU requested that the applicant provide an inventory of well permits and water rights, existing utility services and list of the utility providers for each available service associated with the property. The applicant confirmed that there are no wells, water rights, or existing utility services provided in the proposed annexation area.

The project was presented to the Utilities Board on April 17, 2024, where the board found that criteria per the Water Ordinance are met.

## **Annexation**

### **Summary of Application**

The associated annexation follows the voluntary annexation rights under C.R.S. (Colorado Revised Statute) 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 application consists of requesting to annex 1,000 lineal feet of the road right-of-way of Air Lane, and 1,730 linear feet of the road right-of-way of Space Village Avenue (see 'Air Lane Addition No. 1 – Annexation Plat; Air Lane Addition No. 2 – Annexation Plat; Air Lane Addition No. 3 – Annexation Plat; Space Village Addition No. 2 – Annexation Plat; Space Village Addition No. 3 – Annexation Plat' attachments). The segments of road proposed to be annexed are owned and maintained by the City of Colorado Springs after acquisition from El Paso County.

### **Application Review Criteria**

#### **UDC Section 7.5.701**

- a. The area proposed to be annexed is a logical extension of the City's boundary;*
  - b. 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;*
  - c. There is a projected available water surplus at the time of request;*
  - d. The existing and projected water facilities and/or wastewater facilities of the City are expected to be sufficient for the present and projected needs for the foreseeable future to serve all present users whether within or outside the corporate limits of the City;*
  - e. The annexation can be effected at the time the utilities are extended or at some time in the future;*
  - f. The City shall require as a condition of annexation the transfer of title to all groundwater underlying the land proposed to be annexed. Should such groundwater be separated from the land or otherwise be unavailable for transfer to the City, the City, at its discretion, may either refuse annexation or require payment commensurate with the value of such groundwater as a condition of annexation. The value of such groundwater shall be determined by the Utilities based on market conditions as presently exist;*
  - g. All rights of way or easements required by the Utilities necessary to serve the proposed annexation, to serve beyond the annexation, and for system integrity, shall be granted to the Utilities. Utilities, at the time of utility system development, shall determine such rights of way and easements;*
  - h. If the proposed annexation to the City overlaps an existing service area of another utility, the applicant shall petition the PUC (Public Utilities Commission) or other governing authority to revise the service area such that the new service area will be contiguous to the new corporate boundary of the City.*
- 2. After the foregoing have been studied in such depth as the City Council shall require, the City Council in its discretion may annex or not annex the proposed area. In the event the City Council chooses to annex, it may require a contemporary annexation agreement specifying the installation and the time of installation of certain public and utility*

*improvements, both on site and off site, that are required or not required under this Zoning Code. City Council may specify such other requirements, as it deems necessary. In the event the City Council chooses not to annex, utilities shall not be extended unless Council is assured that an agreement for annexation can be enforced, and that the remaining provisions of this section for annexation subsequent to extension of utilities have been met.*

The criteria for consideration of annexation as noted above most explicitly note that the proposed is a logical extension of the City boundary. In this case, the City owns and will begin to maintain this area of Air Lane and Space Village Avenue which was deeded to the City by El Paso County. The proposed annexation meets the required contiguity requirements as set forth by Colorado Revised Statute. The annexations are comprised as a serial annexation which is a permitted action within State Statute.

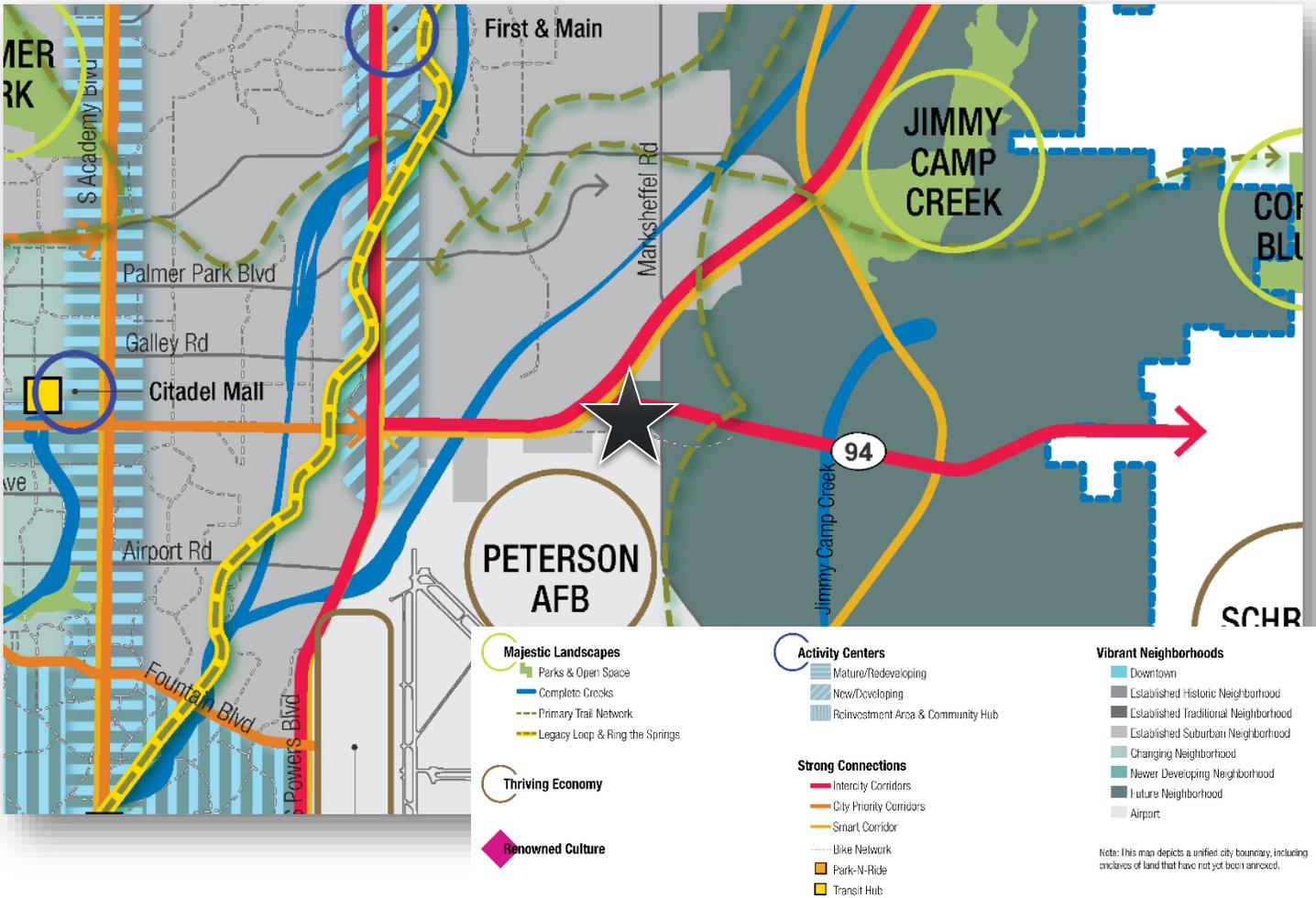
City right-of-way annexations are unique in that many of the listed criteria are not always applicable when considering an annexation request. In this case, the right-of-way has no water or other utility implications, meets the criteria of the Water Ordinance as determined by the Utility Board and will have limited impact on future utility infrastructure.

Staff finds that the above applicable conditions are met for Air Lane Addition No.1-3, and Space Village Addition No. 2-3 Annexations.

#### **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 annexation works to close the gap to infrastructure and services being provided by the City and bring property owned by the City of Colorado Springs into our municipal city limits.

## 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.

## Statement of Compliance

### **ANEX-23-0023**

After evaluation of the Air Lane Addition No. 1 Annexation the application meets the applicable Colorado Revised Statutes and is eligible for consideration of annexation.

### **ANEX-23-0025**

After evaluation of the Air Lane Addition No. 2 Annexation the application meets the applicable Colorado Revised Statutes and is eligible for consideration of annexation.

### **ANEX-23-0026**

After evaluation of the Air Lane Addition No. 3 Annexation the application meets the applicable Colorado Revised Statutes and is eligible for consideration of annexation.

### **ANEX-23-0022**

After evaluation of the Space Village Addition No. 2 Annexation the application meets the applicable Colorado Revised Statutes and is eligible for consideration of annexation.

### **ANEX-23-0024**

After evaluation of the Space Village Addition No. 3 Annexation the application meets the applicable Colorado Revised Statutes and is eligible for consideration of annexation.