



## 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

7.6406-acres

### Land Use

City-owned right-of-way

### Applicable Code

Chapter 7

## Project Summary

The proposed annexations of Capital Drive and portion of Genoa Drive are 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.

File Number	Application Type	Decision Type
ANEX-23-0002	Annexation	Legislative
ANEX-23-0003	Annexation	Legislative

## Staff Recommendations

Recommend approval of the annexations to City Council.



## 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 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	LI (Light Industrial)	Industrial	N/A
West	I-3 (El Paso County)	Industrial	N/A
South	PUD (El Paso County)	Residential	N/A
East	I-3 (El Paso County)	Industrial	N/A



**Stakeholder Involvement**

**Public Notice**

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

**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 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 (C.R.S. 31-12-101) which sets requirements and procedures which municipalities must follow. The applications are two additions, consisting of an area of Capital Drive of 4,380 lineal feet and an area of Genoa Drive of 660 lineal feet of road right-of-row (ROW). A serial annexation is not necessary to satisfy the CRS one-sixth contiguity requirements to be eligible for annexation, as each addition does meet this requirement. However, there are two separate additions due to the disconnect from each ROW. The portion of ROW between the north end of Addition 2 and the south end of Addition 3 was recently annexed with the Sands Addition No 1 Annexation under Ordinance no 18-58.

**Compliance with Relevant Code Sections and Review Criteria**

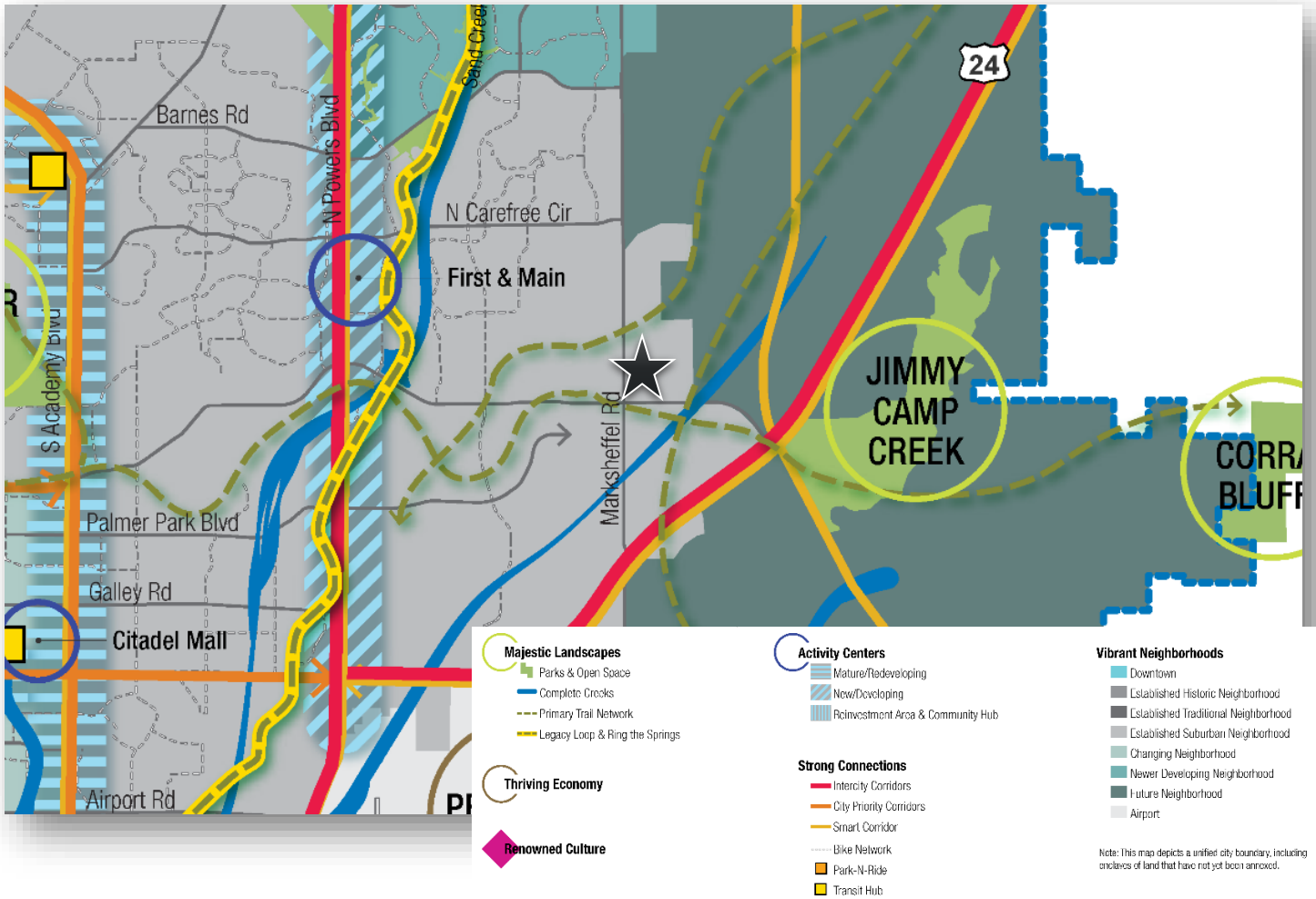
A master plan is typically required with annexation; however, per City Code Section 7.5.403(B), this requirement may be waived. As City-owned, public right-of-way, with an area of less than 30 acres staff finds that the conditions for a waiver are met and no master plan is proposed. Criteria to approve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



## CAPITAL DRIVE ADDITIONS 2 & 3

Planning Commission October 11, 2023

Staff Report by Case Planner: Gabe Sevigny

### Recommendation

#### **ANEX-23-0002**

Recommend approval to City Council the annexation of 6.63 acre as the Capital Drive Addition No. 2 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-23-0003**

Recommend approval to City Council the annexation of 1.01 acre as the Capital Drive Addition No. 3 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Section 7.6.203.