



## Legislation Details (With Text)

**File #:** CPC A 22-00129R      **Version:** 1      **Name:** West Colorado Avenue Addition No. 3 Annexation

**Type:** Resolution      **Status:** Mayor's Office

**File created:** 10/13/2022      **In control:** City Council

**On agenda:** 10/25/2022      **Final action:** 10/25/2022

**Title:** A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as West Colorado Avenue Addition No. 3 Annexation (Legislative)

Related Files: CPC A 22-00127R, CPC A 22-00127, CPC A 22-00128R, CPC A 22-00128, CPC A 22-00129, CPC ZC 22-00130, CPC ZC 22-00131

**Presenter:**  
Katie Carleo, Planning Manager, Planning & Community Development  
Peter Wysocki, Planning Director, Planning & Community Development

**Sponsors:**

**Indexes:** Annexation

**Code sections:**

**Attachments:** 1. RES\_WestColoradoAveAddNo.pdf, 2. Exhibit A - W.Colorado Ave Addition No. 3\_Legal, 3. Planner Affidavit\_W. Colo, 4. Surveyor Affidavit\_W.Colo-Notarized, 5. Signed Resolution No. 173-22

Date	Ver.	Action By	Action	Result
10/25/2022	1	City Council	adopted	Pass

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**Summary:**

Owner: City of Colorado Springs  
Location: West Colorado Avenue

This project includes concurrent applications for annexation of remaining portions of West Colorado roadway and zone establishment for three adjoining City owned parcels. The proposed have been identified in an effort by the City of Colorado Springs to annex remaining portions of existing West Colorado Avenue as part of coordination with El Paso County for higher level infrastructure and maintenance of City owned property.

### **Background:**

In an effort to better manage infrastructure to support the area of West Colorado, the City has worked with El Paso County to plan for needed ownership and maintenance for roadways and supporting infrastructure. In this approach, the City has acquired the remaining portions of the West Colorado Avenue roadway and two parcels along this roadway which are described further below. This annexation will bring the entirety of West Colorado Avenue into the City of Colorado Springs municipal city limits. The City Planning and Community Development Department, along with the City Parks, Recreation and Cultural Services Department (City Parks), City Public Works and City Real Estate Services, has analyzed City owned parcels outside of the City boundary along West Colorado Avenue. Further, we have determined those areas eligible for annexation based on the Colorado Revised Statutes (C.R.S.) governing annexation.

The proposed annexations and associated zone change (**see attached 'W. Colorado Ave Annexation Exhibit**) is for the sole purpose to bring property that is now owned by the City of Colorado Springs into our municipal limits. Three annexation plats have been prepared to facilitate the annexation of a total of 7.21 acres of the West Colorado Avenue roadway and the two adjoining City owned parcels.

The associated annexations follow the voluntary annexation right under C.R.S. and owners must petition the municipality to request annexation into the City. Although the subject properties are owned by the City of Colorado Springs, they shall follow C.R.S. as it relates to municipally owned property being annexed. The Annexation Petition for the associated properties was heard and accepted by City Council on July 26, 2022. The City's authority to annex land is established by Colorado Revised Statutes (C.R.S. 31-12-101) which sets requirements and procedures that municipalities must follow. A property is eligible for annexation if the contiguity requirement is met, not less than one-sixth the perimeter of the proposed area for annexation is contiguous with the existing boundary of the annexing municipality. City Planning has worked with our consultant to prepare the associated annexation plats and ensure all eligibility requirements are met.

In accordance with CRS 31.12.101 and Colorado Springs City Code 7.6.2, each annexation plat depicts the legal description of each of the parcels as cited in the deed vesting ownership to the City of Colorado Springs. Research was completed for each of the areas providing recorded information in the way of original surveys, dependent resurveys, or private surveys to provide definition and geometry to each of the aliquot part descriptions under consideration. This recorded information was used to represent the boundaries of the parcels and calculations associated with contiguity or area.

A master plan is typically required with annexation; however, per City Code Section 7.5.403(B)(1), this requirement may be waived if the land area under review is part of a well-established surrounding development pattern and intended for a single primary land use. Since the intended properties will each remain as currently established staff believes this condition is satisfied and no master plan is proposed.

This property has completed its required inclusion application into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. The Inclusion is in process with the Bureau of Reclamation.

It is required by City Code that any annexed property be accompanied by a zoning designation. In

this case much of the property being annexed is already dedicated right-of way which is not required to be zoned. There are three remaining private property parcels which the City now owns from acquisitions through El Paso County. These three parcels make up two main areas that are already in use for supporting infrastructure and City supported uses.

The first parcel, located at 3703 West Colorado Avenue consisting of 0.561 acres, is proposed to establish PK (Park) zoning designation. The Park designation will not change anything related to the allowed use for the property as this parcel is part of the existing Midland Trail and has existing trails within the property.

The second zone establishment is proposed for the two remaining parcels consisting of 2.009 acres total located southeast of West Colorado Avenue and South Ridge Road. The two parcels are adjacent to one another and proposed to establish PF (Public Facility) zoning designation. These parcels are used for existing water quality and detention for the West Colorado roadway and are already maintained by the City Stormwater Enterprise. The southern parcel includes portions of Fountain Creek which are now owned by the City and will be having future channel stabilization to support the infrastructure needs for Stormwater.

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. In addition, the current Comprehensive Plan, PlanCOS, identifies policies related to the annexation of property into the City of Colorado Springs as well as the establishment of zoning. 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 and cleans up City - County boundaries. It is the finding of the Planning and Community Development Department that the annexations along with associated zoning substantially conform to the PlanCOS goals and objectives.

#### **Previous Council Action:**

On July 26, 2022, City Council accepted the original petition for annexation. On September 13, 2022 City Council approved a resolution finding the West Colorado Avenue Addition No. 1 - 3 Annexation petitions to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of October 25, 2022 to consider the annexation, and directing the City Clerk to provide notice of the hearing in accordance with C.R.S. section 31-12-108.

#### **Financial Implications:**

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The fiscal review criteria of the City Code states city costs related to infrastructure and service levels shall be determined for a ten-year time horizon for the appropriate municipal funds; new budget policy sets forth criteria to be met for proposed annexations and how a FIA will be completed. The current annexation does not meet the criteria; therefore, a full fiscal impact analysis is not required.

**City Council Appointed Board/Commission/Committee Recommendation:**

This item was heard before City Planning Commission on September 14, 2022, as part of the New Business, Public Hearing agenda. The Planning Commission voted unanimously to approve the applications (9-0-0, all commissioners in attendance). Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

The associated public process included posting each site prior to public hearing. Staff input is outlined in the following section of this report. Staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included City Parks, Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Budget, SECWCD and El Paso County.

**Alternatives:**

City Council can approve the proposed resolution as presented, amend the resolution, or decline to approve the resolution.

**Proposed Motion:**

Approve a resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as West Colorado Avenue Addition No. 3.

N/A