



Legislation Details (With Text)

File #: ANEX-22-0014RF **Version:** 1 **Name:** Colorado Centre Addition No. 3 Findings of Fact
Type: Planning Case **Status:** Mayor's Office
File created: 6/28/2024 **In control:** City Council
On agenda: **Final action:** 7/9/2024

Title: A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Colorado Centre Addition No. 3 Annexation.

(Legislative)

Presenter:
Gabe Sevigny, Planning Supervisor, Planning and Neighborhood Services
Kevin Walker, Interim Planning Director, Planning and Neighborhood Services

Sponsors: Planning Department

Indexes:

Code sections:

Attachments: 1. ResFindofFact_Colorado Centre Addition No.pdf, 2. Exhibit A - Legal Description - Annexation - Colorado Centre Addition No 3, 3. Exhibit B - Annexation Agreement, 4. Exhibit 12A_Planner Affidavit, 5. Exhibit 12C-Surveyor Affidavit, 6. Signed Resolution No. 70-24.pdf

Date	Ver.	Action By	Action	Result
7/9/2024	1	City Council	adopted	Pass

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Colorado Centre Addition No. 3 Annexation.

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Summary:
Owner: COPO 8560 Real Estate LLC
Representative: Kimley Horn
Location: Northwest of the Foreign Trade Zone Boulevard and Bradley Road intersection.

The proposed project includes concurrent applications for an annexation of approximately 32.93 acres, establishment of zoning, and establishment of the Colorado Centre Addition No. 3 Land Use Plan. The land is located northwest of the Foreign Trade Zone Boulevard and Bradley Road intersection; southwest of the Colorado Springs Municipal Airport and located within an enclave.

Background:
Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed applications.

Review Criteria:

The Conditions for Annexation Criteria as set forth in City Code Section 7.5.701 (UDC) and are noted below.

- 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.*
- I. *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.*

In addition to the Conditions for Annexation ratified in the UDC, the City Council recently accepted the following "guidelines" to further aid in analyzing annexations:

- 1. *Offers housing diversity*
- 2. *Sufficiency of existing or planned roadway infrastructure*
- 3. *Sufficiency of existing or planned public safety staffing*
- 4. *Proximity/opportunity to serve employment centers*
- 5. *Diversity of development (commercial/industrial/residential)*
- 6. *Economic impact on city*
- 7. *Reasonable utilities cost recovery / ROI projections*
- 8. *Connectivity / Proximity to transportation options*

9. *Desirable parkland/open space*
10. *Ability to fund / offset costs for needed public facilities*

Staff finds the proposed application meets the Colorado Revised Statute and is eligible for annexation.

Previous Council Action:

On July 11, 2023, the City Council accepted the original petition for annexation. On April 8, 2024, an information presentation for the Annexation Policy Checkpoint was held with City Council. On May 28, 2024, City Council approved a resolution finding the Colorado Centre Addition No. 3 Annexation petition to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of July 9, 2024, 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:

See the attached Fiscal Impact Analysis. The City Budget Office shows a positive cashflow for the 10-year timeframe.

City Council Appointed Board/Commission/Committee Recommendation:

Colorado Springs Utilities Board provided a unanimous recommendation at the April 17, 2024 meeting. This item was heard before the City Planning Commission on May 8, 2024 as part of the New Business, Public Hearing agenda. The Planning Commission voted unanimously to recommend approval.

Proposed Motions:

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

Deny a resolution adopting findings of fact and conclusions of law based thereon and determining ineligibility for an annexation of property known as Colorado Centre Addition No. 3 and denying an annexation agreement.

N/A