



Legislation Text

File #: ANEX-23-0034, **Version:** 2

Amara Addition No. 5 Annexation located along Bradley Road, east of S. Marksheffel Road, consisting of 7.381 acres. (Legislative)

Presenter:

Katie Carleo, Acting Assistant Director of Planning + Neighborhood Services
Peter Wysocki, Director of Planning + Neighborhood Services

Summary:

Owner: Tee Cross Ranches LLC
Developer: La Plata Cruz Holdings LLC
Representative: La Plata Communities
Location: Northeast of Squirrel Creek Road and Link Road, and south of Bradley Road.

The proposed project includes concurrent applications for the Amara Annexation of approximately 3,200 acres (Annexation Addition No. 1-23), establishment of the A (Agricultural) zoning district, and establishment of the Amara Master Plan.

Background:

Please see the attached City Planning Commission Staff Report for a complete analysis of the proposed application(s).

Review Criteria:

Conditions for Annexation

City Code Section 7.6.203 establishes “conditions for annexation” to “assist” the City Council in rendering a decision on annexations. It’s important to note the distinction between the reference to “assist” in making a decision compared to “review criteria” applicable to quasi-judicial applications. The difference is important because annexations are legislative and discretionary in nature and these “conditions” are intended to advise and guide.

- 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 affected 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.*

Staff finds that the proposed annexations meet statutory requirements, and the applications meet the review criteria where applicable.

Previous Council Action:

On November 23, 2021, the City Council accepted the original petition for the Amara Annexation. As part of the new City Council Annexation Checkpoint policy the annexation and the fiscal impact analysis were presented to the City Council at the March 11, 2024, Work Session. On April 23, 2024, City Council took action to pass a resolution for the Amara Annexations 1-23 to set a hearing date for May 28, 2024.

Financial Implications:

A fiscal impact analysis has been prepared and will be provided to the City Council with the annexation hearing. Financial implications of the Annexation are assessed in the fiscal impact analysis prepared for the City by EPS, Inc.

City Council Appointed Board/Commission/Committee Recommendation:

At the April 16, 2024, City Planning Commission Hearing the Amara Annexation Additions 1-23 and the Amara Master Plan were voted on with a 7-2-0 vote to recommend approval (with Commissioners McMurray and Hente opposed). The zone change application was recommended for approval with a vote of 8-1-0 (with Commissioner Hente opposed).

Optional Motions:

The proposed annexation meets statutory requirements. No formal recommendation is being provided. Motions for approval and denial are provided below.

1. Motion to Approve

Approve the annexation of 7.381 acres as Amara Addition No. 5 Annexation based upon the findings that the annexation complies with the Conditions for Annexation, as set forth in City Code Chapter 7 Section 7.6.203.

2. Motion to Deny

Deny the annexation of 7.381 acres as Amara Addition No. 5 Annexation based upon the findings that the annexation does not comply with the Conditions for Annexation, as set forth in City Code Chapter 7 Section 7.6.203.

AN ORDINANCE ANNEXING TO THE CITY OF COLORADO SPRINGS THAT AREA KNOWN AS

AMARA ADDITION NO. 5 ANNEXATION CONSISTING OF 7.381 ACRES