



Legislation Text

File #: ANEX-23-0009RF, **Version:** 1

A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Karman Line Addition No. 1 Annexation.
(Legislative)

Related Files: ANEX-23-0009RF, ANEX-23-0009, ANEX-23-0010RF, ANEX-23-0010, ANEX-23-0011RF, ANEX-23-0011, ANEX-23-0012RF, ANEX-23-0012, ANEX-23-0013RF, ANEX-23-0013, ANEX-23-0014RF, ANEX-23-0014, ZONE-23-0009, MAPN-23-0002

Not currently located within a Council District, however, if approved it would be anticipated to be within Council District 4.

Presenter:

Gabe Sevigny, Planning Supervisor, Planning Department
Kevin Walker, Planning Director

Summary:

Owner: Rights-of-Way owned by City of Colorado Springs; private property owned by Norris Ranch Joint Venture, LLC

Representative: Vertex

Location: Along existing Bradley Road and northwest of the Bradley Road and Curtis Road intersection.

This project includes concurrent applications for annexation, establishment of zoning, and a Land Use Plan for the associated 1,912.62-acres located northwest of the Bradley Road and Curtis Road intersection. The land use plan illustrates the proposed land use configuration, access and circulation, intended infrastructure and overall intent. The proposed zoning will establish an A/SS-O (Agriculture with Streamside Overlay) zone district as a holding zone with the overall annexation to allow for a flag-pole annexation consisting of 151.88 acres as City owned rights-of-way and 1,760.74 of the developer owned property.

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

After evaluation staff recognizes that the proposed annexation meets the eligibility requirements set

forth in Colorado Revised Statutes; however, determination of compliance with Conditions of Annexation as set in City Code is at the discretion of City Council.

Previous Council Action:

On September 27, 2022, City Council accepted the original petition for annexation. On October 7, 2024 an information presentation for the Annexation Policy Checkpoint was held with City Council. On December 10, 2024, City Council accepted an updated Petition. On December 10, 2024, City Council approved a resolution finding the Karman Line Addition No. 1-6 Annexation petition(s) to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of January 14, 2025 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 FIA shows a positive cashflow for the 10-year timeframe.

City Council Appointed Board/Commission/Committee Recommendation:

This item was heard before City Planning Commission on December 11, 2024 as part of the New Business, Public Hearing agenda. The Planning Commission voted on a 4-3-1-1 to recommend approval, with Commissioners Cecil, Gigiano, and Slattery voting against, Commissioner Sipilovic recused, and Commissioner Foos absent. Those voting against had the following objections; Commissioner Cecil - the logical extension of the City boundary and utilizing rights-of-way to 'leap frog' and possibly creating enclaves; Commissioner Gigiano - police response time, neighbors that do not want this in the area; Commissioner Slattery - while a flag-pole is allowed by State Statutes does not necessarily make it logical, compatibility with surrounding area as the area is mostly rural, response times.

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 Karman Line Addition No. 1.

Deny a resolution adopting findings of fact and conclusions of law based thereon and determining ineligible for an annexation of property known as Karman Line Addition No. 1.

An ordinance annexing to the City of Colorado Springs that area known as Karman Line Addition No. 1 consisting of 0.73 acres located along existing Bradley Road.

An ordinance annexing to the City of Colorado Springs that area known as Karman Line Addition No. 2 consisting of 1.57 acres located along existing Bradley Road.

An ordinance annexing to the City of Colorado Springs that area known as Karman Line Addition No. 3 consisting of 4.65 acres located along existing Bradley Road.

An ordinance annexing to the City of Colorado Springs that area known as Karman Line Addition No. 4 consisting of 11.60 acres located along existing Bradley Road.

An ordinance annexing to the City of Colorado Springs that area known as Karman Line Addition No.

5 consisting of 17.83 acres located along existing Bradley Road.

An ordinance annexing to the City of Colorado Springs that area known as Karman Line Addition No. 6 consisting of 1,760.74 acres located northwest of the Bradley Road and Curtis Road intersection.

An ordinance amending the Zoning Map of the City of Colorado Springs relating to 1,760.74 acres located northwest of the Bradley Road and Curtis Road intersection establishing an A/SS-O (Agriculture with Streamside Overlay) zone district.