



## Legislation Details (With Text)

**File #:** CPC A 16-00020      **Version:** 3      **Name:**

**Type:** Planning Case      **Status:** Mayor's Office

**File created:** 5/3/2016      **In control:** City Council

**On agenda:** 7/12/2016      **Final action:** 7/12/2016

**Title:** Ordinance No. 16-68 Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC ZC 16-00021

Presenter:  
Meggan Herington, AICP, Planning Manager  
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Annexation Ordinance\_Mohl Hollow, 2. Exhibit A\_Legal\_Annexation, 3. Mohl Annexation\_Staff Report, 4. Mohl Hollow Annexation Plat, 5. FIGURE 2-Project Statement, 6. FIGURE 3-Enclave Map, 7. 7.6.203-Annexation Conditions, 8. 05.19.16 Minutes\_Mohl Hollow, 9. Signed Ordinance 16-68.pdf

Date	Ver.	Action By	Action	Result
7/12/2016	2	City Council	finally passed	Pass
6/28/2016	1	City Council	approved on first reading	Pass
5/19/2016	1	City Planning Commission	referred	Pass

Ordinance No. 16-68 Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 acres Located at the Southeast Corner of Vincent Drive and Dublin Boulevard.

(Legislative)

Related File: CPC ZC 16-00021

**Presenter:**

Meggan Herington, AICP, Planning Manager  
Peter Wysocki, Planning and Development Director, Planning and Community Development Department

**Summary:**

Owner: 6473 Vincent Drive, LLC  
Location: Southeast corner of Vincent Drive and Dublin Boulevard

This is a request for adoption of an annexation ordinance and establishment of the A (Agricultural) holding zone for the 1.26 acre property known as Mohl Hollow. The annexation area is located at the Southeast corner of Vincent Drive and Dublin Boulevard. See the attached map titled Enclave Map for specific location.

**Previous Council Action:**

N/A

**Background:**

Per the Colorado Municipal Annexation Act of 1965, the City can unilaterally annex properties that are within a City enclave. This means that the City can request annexation via adoption of an annexation ordinance by Council.

An enclave that has been in existence for three or more years may be annexed by ordinance, provided that the contiguity is not based on being adjacent to a public right-of-way unless the property on the other side of the right-of-way is also within the municipal boundaries. This can be done with or without owner permission. Also, if the enclave population exceeds 100 persons and contains more than 50 acres, there must be an annexation transition committee. (See attached enclave map)

In this instance, the 1.26 acres is the only piece of property that forms this enclave and has existed for more than three years. In addition, this property was greatly impacted by the Dublin and Vincent road project. That project widened and reconfigured Dublin Road adjacent to the property. The owner worked with the City to dedicate needed right of way. As part of that project, all utility and roadway infrastructure was upgraded to serve future development of the property.

The City's policy has been to require property owners to petition the City for annexation so that the standard annexation agreement would be signed by the applicant as part of the annexation request. This ensures that any infrastructure deficiencies required to serve the development of the property are funded by the property owner, not the City. Because no further infrastructure is needed to serve the subject property, the City, with the owner's consent, desires to annex the property unilaterally and without an annexation agreement.

With the owner's consent and in agreement with City departments, the Land Use Review Division is initiating annexation of this remnant piece and recommending the A zone be established. This A (Agricultural) zone is only a holding zone until the owner is ready to develop the property. At the time of development, the owner will need to petition the City for a zoning that is appropriate for development at this location. At that time, a full public process is recommended to discuss potential land uses. No potential land uses are established with the recommended zoning.

**Financial Implications:**

A Fiscal Impact Analysis is not required because this is a City initiated annexation and there is no established land use being recommended.

**Board/Commission Recommendation:**

The City Planning Commission unanimously approved the request at their hearing on May 19, 2016.

**Stakeholder Process:**

The site was posted and noticed for the City Planning Commission hearing and the Council meeting date for adoption of the annexation ordinance. A full public process will be required in the future when any specific land use plan is submitted to the City.

**Alternatives:**

1. Follow the recommendation of the City Planning Commission and approve the annexation and zoning;
2. Deny the annexation; or
3. Approve the annexation and modify or deny the zoning.

**Proposed Motion:**

CPC A 16-00020 - ANNEXATION ORDINANCE

Approve the Mohl Hollow annexation ordinance, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203 and the Colorado Municipal Annexation Act of 1965.

An Ordinance Annexing to the City of Colorado Springs that Area Known as Mohl Hollow Consisting of 1.26 Acres.