



## Legislation Details (With Text)

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**Title:** A resolution adopting findings of fact and conclusions of law based thereon and determining the eligibility for annexation of property known as Villani Annexation.

(Legislative)

Related Files: CPC A 16-00112, CPC ZC 17-00112

Presenter:  
Catherine Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

**Sponsors:**

**Indexes:** Annexation, Villani

**Code sections:**

**Attachments:** 1. RES\_FindingsOfFact\_Villani Annex, 2. Exhibit A - Villani Annexation Legal Description, 3. Clerk Affidavit\_Villani, 4. Planner Affidavit\_Villani, 5. Surveyor Affidavit\_Villani, 6. Signed Resolution 92-18

Date	Ver.	Action By	Action	Result
8/28/2018	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 Villani Annexation.

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Related Files: CPC A 16-00112, CPC ZC 17-00112

**Presenter:**

Catherine Carleo, Principal Planner, Planning and Development  
Peter Wysocki, Planning and Community Development Director

**Summary:**

Applicant: M.V.E. Inc.  
Owners: Villani Partnership LLP  
Location: 6795 Templeton Gap

This project includes concurrent applications for annexation of 13.10 acres into the City, including a portion of Tutt Boulevard, and establishment of the A (Agricultural) holding zone for the 12.91-acre property. The property is currently part of a larger enclave and is surrounded by City developing property. The associated annexation and zone change will bring the property into the City with a

holding zone of A (Agricultural) for intended future development. The concept statement as Figure 3 of the associated staff report details the intention for future high density residential.

**Previous Council Action:**

On April 11, 2017, City Council accepted the original petition for annexation which authorized further processing of the annexation through the City Land Use Review process. A resolution setting the City Council hearing date of August 28, 2018 was heard and passed at the July 10, 2018 City Council agenda.

**Background:**

This annexation consists of 13.10 acres (Tutt Blvd right-of-way and the private property) as a request to annex the property into the municipal limits of the City of Colorado Springs for future development. The site is part of a larger enclave, an area completely surrounded by the City limits, and contiguous to the municipal limits of the City of Colorado Springs. The Comprehensive Plan and the Annexation Plan both highlight the importance of annexing enclave areas. The Comprehensive Plan strategies advocate a cooperative approach with the property owners and governmental entities to systematically eliminate enclaves.

As the City has expanded, enclaves have remained within the jurisdiction of Unincorporated El Paso County. Several enclaves remain from the City's very active period of annexation in the 1980's. The City Comprehensive Plan Policy supports the elimination of enclaves and thus closing the gap to services being provided. Surrounding areas as part of this enclave have been recently annexed, or are currently in review for annexation. As supported by the City Comprehensive Plan and 2020 Land Use Map as well as the City Annexation Plan the City is working through the annexation process to completely annex this enclave and close the city boundary gap. Council can see further details in Figure 8 of the staff report depicting recent and future annexations.

The owner has identified future intentions for higher density residential development on this site but at this time is seeking establishment of an A (Agricultural) zone district as a holding zone. Further details are described in the enclosed Project Statement (Figure 2) and the associated Concept Statement (Figure 3) as part of the full staff report. City Code section 7.5.501(B)(1) requires a concept plan accompany an application for the establishment of a zone district with the exemption per City Code section 7.5.501(C)(1) for the establishment of a zone district including A (Agricultural). In this instance a concept statement shall be acceptable.

Staff believes the proposed future development will establish appropriate compatibility when evaluated with the established surrounding land use pattern, as well as the Comprehensive Plan 2020 Land Use Map. Similarly, surrounding annexations in the area have recently been annexed and propose future development as the enclave is eliminated and development occurs. Staff supports the annexation and establishment of a holding zone as we begin to fill-in this enclave and can work to foster a well-established land use pattern where infrastructure is already in place. As any future development is proposed, zoning changes will come before City Council and full development entitlement will be required.

The proposed annexation agreement is attached and follows the City standard for annexation. The property is adjacent to the new extension of Tutt Boulevard and this right-of-way will be dedicated to the City as part of this annexation to complete the Tutt Boulevard extension. The standard Police and Fire service fees will be collected.

This property has completed its required inclusion into the Southeastern Colorado Water Conservancy District through the Bureau of Reclamation. Inclusion was approved on February 27, 2018 as seen in the Letter of Assent attached as Figure 6 to the staff report.

As required under Section 31-12-108.5 C.R.S an Annexation Impact Report must be prepared and submitted to the Clerk of the County Commissioners of El Paso County 25 days prior to an annexation hearing. Staff prepared these documents and they were submitted on August 2, 2018 to the Clerk.

The proposed applications support the City's strategic goals to promote development that is characterized by a mix of mutually supportive and integrated residential; investing in infrastructure; and building community and collaborative relationships. This annexation will locate new growth and development in well-defined contiguous areas in order to avoid scattered land use patterns that cannot be efficiently provided with City services and strengthen the Colorado Springs economy through the orderly growth of this corridor.

#### **Financial Implications:**

A Fiscal Impact Analysis (FIA) is required for all annexation requests and is completed by the City Budget Office. The FIA was completed on October 13, 2017. The FIA states that there are no identifiable marginal costs of providing services to this development, as the area is currently being serviced by public safety agencies, and the surrounding infrastructure and roadways are already being maintained by the City as they fall within the service area of surrounding parcels. The result of the FIA is a positive cumulative cash flow for the City during the 10-year timeframe. The Summary of Expenditures and Revenues is included as Figure 4 of the associated staff report, along with the Expenditure and Revenue Notes to provide the methodology for calculating the expenditures and revenues.

#### **Board/Commission Recommendation:**

These items were heard before the City Planning Commission on April 19, 2018 at which the board approved a motion with a vote of 6-0-3 (Absent: Vice Chair Graham, Markewich, and Walkowski) for recommendation of approval.

#### **Stakeholder Process:**

The public notification process consisted of providing notice to the neighbors by posting for the project on site and sending postcards to property owners within 1000-foot of the project site. No comment or letters of opposition were received. A second mailing was sent prior to City Planning Commission and the first reading before City Council.

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 Colorado Springs Utilities, City Engineering, City Traffic, City Fire, School District 49, Police and E-911, and El Paso County Development Services. This site is within the Airport Overlay and was seen by the Airport Advisory Committee and approved on September 27, 2017. The site is outside of the buffer for review by USAFA.

#### **Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or

4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

Adopt a resolution of finding that Villani Annexation meets the requirements of and fully complies with Part 1 of Article 12 of Title 31 C.R.S, the Municipal Annexation Act of 1965, as amended, and Section 30 of Article II of the Colorado Constitution and that the property is eligible for annexation.

N/A