

## **R-24-16**

### **ANNEXATION RESOLUTIONS IMPLEMENTATION STATUS**

#### **Office of Law Status Report and Recommendation**

The Bowen and Arundel Land and Development annexations and part of the Brown annexation, comprise what is known as Rocky Gorge. There is no Public Facilities Agreement, since this was not a Code requirement when the annexations occurred. The Board of Appeals, which formerly had Code jurisdiction over planned developments, long ago approved the Rocky Gorge Planned Development. That approval became vested on or before June 30, 2014, by which time the developer commenced construction of infrastructure to an acceptable degree to warrant vesting. Vesting was approved by the law office and the Department of Planning and Zoning. a grading permit was issued. Some tree removal has occurred on site and there may be some development underway other than infrastructure. The Planning Commission, which subsequently was given Code jurisdiction over planned developments, recently denied the developer's major modification application to allow for ingress and egress to the subdivision via Aris T. Allen Boulevard. The denial is still within the appeal period.

The annexation resolution required the construction of a Forest Drive relief road. This was never constructed. Concerns have been expressed by members of the public about the failure to build the relief road and the absence of any requirement by the City that the developer be compelled to construct it. However, the 5 year Comprehensive Plan update, issued September 24, 2014, indicates that construction of the relief road was reconsidered and it has been determined to be not feasible.

Given the planned development approval and the Developer's vesting in the approval, the law office is not recommending any Council action at this time.

AIC Forest, LLC annexation is also not governed by a PFA. The annexed land is adjacent to Crystal Springs. There has been no commencement of construction on site. National Lutheran Communities and Services is proposing a continuing care retirement community (CCRC) use on site, which would require a special exception approval. If approved, site design would occur under Title 21. Since this is all within the jurisdiction of the Department of Planning and Zoning and the Board of Appeals, the law office is not recommending any Council action at this time.

There is no pending planned development application for the Fisher property annexed land. The law office is not recommending any Council action at this time.