

COMMUNITY DEVELOPMENT
Planning Division



Otten Annexation Substantial Compliance

City Council – April 2, 2024

Property Owner: Donald M. Otten Revocable Trust
Project Contact: Thomas Otten
City Staff Representative: Summer McCann, Senior Planner

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Subject Property Location

- The Property is generally located to the north of East 136th Avenue, south of Prairie Center Parkway, east of South 27th Avenue, and west of I-76.



Aerial Map

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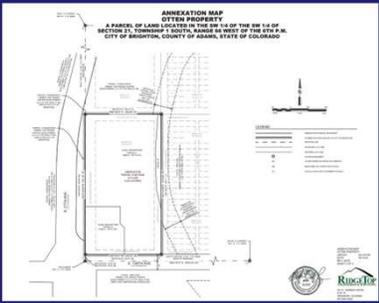
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Purpose

- In order to proceed with the annexation of the Property, the City Council must find that the Annexation Petition is in compliance with the Colorado Statutes and consider a resolution to set a public hearing.



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Annexation Petition

An annexation petition must include the following:

- An annexation petition filed with the City Clerk.
- An allegation that it is desirable and necessary that such area be annexed to the municipality.
- An allegation that the requirements of Sections 31-12-104 and 31-12-105 of the Act exist and/or have been met.
- An allegation that the signers of the annexation petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys.
- A request that the City approve the annexation of the area proposed for annexation.
- The signatures of the landowners.
- The mailing address of each signer.
- The legal description of the land owned by each signer.

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Annexation Petition

- The date of signing of each signature.
- An affidavit of each circulator of such annexation petition that each signature therein is the signature of the person whose name it purports to be.
- The following must be attached to the annexation petition:
 - A written legal description of the boundaries of the area proposed to be annexed.
 - A map showing the boundary of the area proposed to be annexed.
 - Within the annexation boundary map, a showing of the location of each ownership tract in unplatted land.
 - Next to the boundary of the area proposed for annexation, a drawing of the contiguous boundary of the City and the contiguous boundary of any municipality abutting the area proposed to be annexed.

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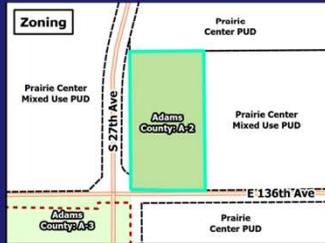
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Background

- The Property is approximately 4.918 acres and is currently zoned Adams County A-2 (Agriculture-2).
- The Property is 100% contiguous with City limits.



Zoning Map

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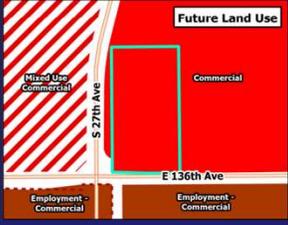
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Comprehensive Plan

- The Subject Property is designated as Commercial, and is within the City's growth boundary.

Future Land Use Map

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Process

- The City Council must determine whether the Annexation Petition complies with Section 31-12-107(1), of the C.R.S. If the City Council determines that the Petition is in substantial compliance with the statutory provisions, the following procedure applies:
 - City Council passes a Resolution finding substantial compliance and setting a public hearing (thirty to sixty days) to decide if the annexation meets the statutory requirements.
 - Staff prepares and publishes a Notice of Public Hearing.
 - City holds public hearing.

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Staff Recommendation

- City staff finds that the submitted Annexation Petition meets the requirements outlined in Section 31-12-107(1) of the Colorado Revised Statutes, as amended, for substantial compliance and that May 7, 2024 is an appropriate date for the public hearing on the annexation.
- Additionally, this proposed annexation complies with the *Be Brighton Comprehensive Plan* as the Property is within the city's growth boundary and there is adequate infrastructure to serve the Property.
- Publication and notification of the future public hearing, should it be deemed appropriate by the City Council, will be provided to all applicable entities as required by C.R.S. Section 31-12-108.

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Options for City Council

- Approve via Resolution the Petition for Annexation and set the date for the public hearing; or
- Deny the Petition for Annexation with specific findings to justify the denial.

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