

COMMUNITY DEVELOPMENT
Planning Division

Brighton

South 19th Avenue Annexation

City Council – August 1, 2023

Applicant:
Property Owners:
City Staff Representative:

City of Brighton
City of Brighton
Emma Lane, Senior Planner – Historic Preservation

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Subject Property Location

- The approximately 0.17 acre Property is generally located at the southeast corner of the South 19th Avenue alignment and East 144th Avenue.



Aerial Map

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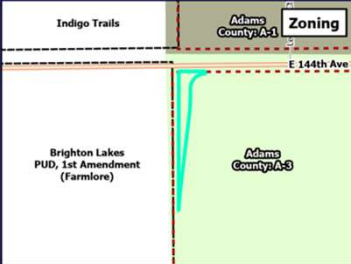
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Background

The Property:

- Is currently zoned Adams County A-3 (Agriculture-3).
- Is currently designated as Open Space, owned by the City of Brighton.
- Is currently unplatted.



Zoning Map

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Purpose

- Annexation is regulated by the Colorado Revised Statutes (CRS)
- As the Property is owned by the City of Brighton and is not solely a public street or right-of-way, the City may annex the area to the municipality without a hearing or notice, per CRS Section 31-12-106 (3)

Review Criteria

City staff used the following for review purposes:

- Colorado Revised Statutes
- Comprehensive Plan
- Land Use & Development Code

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Colorado Revised Statutes

The City Council must determine whether the Annexation complies with the following statutory requirements set forth in the CRS:

CRS Section 31-12-104 (a)

- Not less than 1/6th of the perimeter of the area to be annexed is contiguous with the City of Brighton;

CRS Section 31-12-105

The following statutory limitations apply to the proposed annexation:

- Cannot separate property held in identical ownership;
- Cannot annex property more than 20 acres and more than \$200,000 in assessed value without the written consent of the owners, unless entirely within the municipality;
- No resolution or petition is valid if annexation proceedings have commenced for another municipality;
- Cannot extend municipal boundaries more than three miles in one year;
- There must be a plan in place regarding services and land uses;
- If annexation includes a portion of a street or an alley, all of the street or alley must be annexed; and
- Cannot deny reasonable access to adjoining landowners as a result of proposed annexation.

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Colorado Revised Statutes

CRS Section 31-12-106 (3)

The following statutory limitations apply to the proposed annexation:

3. Annexation of unincorporated municipally owned land. When the municipality is the sole owner of the area that it desires to annex, which area is eligible for annexation in accordance with section 30(1)(c) of article II of the state constitution and sections 31-12-104(1)(a) and 31-12-105, the governing body may by ordinance annex said area to the municipality without notice and hearing as provided in sections 31-12-108 and 31-12-109. The annexing ordinance shall state that the area proposed to be annexed is owned by the annexing municipality and is not solely a public street or right-of-way.

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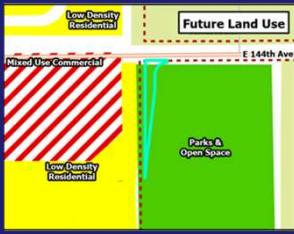
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Comprehensive Plan

- The Property is designated as Open Space per the Future Land Use Map of the Comprehensive Plan.

Future Land Use Map

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Comprehensive Plan

Chapter Four: Citywide Principles, Policies & Strategies

- Policy 1.1** - New Growth Should Favor Existing Areas of Infrastructure Investment and Planning
- Policy 1.3** - Private Development Should "Pay Its Own Way," by Bearing an Equitable Portion of the Costs of Expanding Municipal Infrastructure



Aerial Map

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Land Use & Development Code

In addition to any criteria authorized by state laws or city annexation policies, annexations shall be reviewed according to the following criteria (Section 2.11 B.):

- The annexation complies with the Municipal Annexation Act of 1965, Section 31-12-101 et. seq., CRS.
- The annexation is in accordance with the Comprehensive Plan and any other plans or policies created under the guidance of that plan.
- The property is capable of being integrated into the City and developed according with all applicable provisions of the Brighton Municipal Code and these regulations.

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Land Use & Development Code

In addition to any criteria authorized by state laws or city annexation policies, annexations shall be reviewed according to the following criteria (Section 2.11 B.):

- Municipal and governmental services and facilities will be extended to these areas in a timely and fiscally responsible manner, considering initial costs, ongoing maintenance costs, and potential replacement costs with respect to the expected values of proposed development.



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Land Use & Development Code

In addition to any criteria authorized by state laws or city annexation policies, annexations shall be reviewed according to the following criteria (Section 2.11 B.):

- At the time any development is completed in the area to be annexed, there will be adequate capacity to serve the residents or occupants of the area with the necessary utilities and facilities.
- The annexation will encourage well-ordered development of the City, particularly with regard to the long-range transportation patterns, development patterns, open space systems, and coordination with any specific plans accompanying the proposal.

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Summary of Findings

- ✓ The Annexation complies with the CRS §31-12-104 (a), 105, and 106 (3).

City Staff Recommendation

- ✓ City staff finds that the request for annexation complies with the requirements of the Municipal Annexation Act, CRS §31-12-101 et seq. and that the request for annexation complies with the Comprehensive Plan.

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Options for City Council

❖ The following options are before the City Council:

- ❑ Approve the Annexation via Ordinance as drafted;
- ❑ Approve the Annexation via a modified Ordinance;
- ❑ Deny the Annexation via Ordinance with specific findings to justify the denial; or
- ❑ Continue the item to be heard at a later, specified date if the Council feels it needs additional information to ensure compliance with the approval criteria.

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