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## Otten Property Annexation


City Council – May 21, 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 136<sup>th</sup> Avenue, south of Prairie Center Parkway, east of South 27<sup>th</sup> Avenue, and west of I-76.




Aerial Map

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## Process

- Annexation is regulated by the Colorado Revised Statutes (C.R.S.) and is a four step process with the steps as follows:
  - Petition Accepted by City Council via a Substantial Compliance Resolution 2024-43 (Completed on April 2, 2024)
  - Findings of Fact via an Annexation Eligibility Resolution
  - 1<sup>st</sup> Reading of an Annexation Ordinance with a Public Hearing
  - 2<sup>nd</sup> Reading of an Annexation Ordinance
    - An Annexation Agreement may be approved via a Resolution at this time

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## Background

The Property:

- Is currently zoned Adams County A-2 (Agriculture-2).
- Is currently unplatted.
- Is currently in the process of Annexation into the City.




Zoning Map

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## Review Criteria


City staff used the following for review purposes:

- Land Use & Development Code
- Colorado Revised Statutes

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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.):


**B. Review Criteria.** In addition to any criteria authorized by state laws or city annexation policies, annexations shall be reviewed according to the following criteria:

- The annexation complies with the Municipal Annexation Act of 1965, Section 31-12-101 et. seq., CRS.

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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 C.R.S.:

**C.R.S. Section 31-12-104**

- Not less than 1/6<sup>th</sup> of the perimeter of the area to be annexed is contiguous with the City of Brighton;
- A "community of interest" exists between the municipality;
- The area to be annexed is urban and is to be urbanized; and
- The area is integrated or capable of integration within the municipality.
- If the contiguity requirement is met, the "community of interest" requirement is presumed unless two of the following exist:
  - Less than 50% of the adult residents use facilities of the municipality (recreation, social, church, commercial, etc.), and less than 25% of the adults are employed in the municipality; or
  - One-half of more of the land is agricultural and the owners say it will stay agricultural for at least five years; or
  - It is not physically practicable to extend urban services on the same terms and conditions as other citizens of the municipality.

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## Colorado Revised Statutes

**Criteria Met**

- Property is approximately 100% contiguous with City of Brighton City Limits;
- Minimum contiguity shall mean a "community of interest";
- The area is to be urbanized in the near future; and
- The area is capable of being integrated within the City of Brighton via sufficient access to utilities and future zoning.

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## Colorado Revised Statutes


**C.R.S. 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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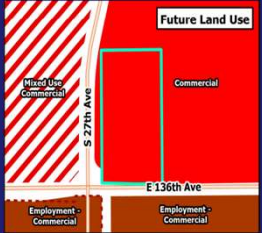

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## Land Use & Development Code

**Review Criteria**

- The annexation is in accordance with the Comprehensive Plan and any other plans or policies created under the guidance of that plan.

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## Comprehensive Plan


**Chapter Three: Future Land Use Plan & Opportunity Areas**

- Number 5.** Annex the Bracksieck Property and Encourage an Intense Mix of Uses Focused on Regional Commerce and Corporate Office in the Prairie Center Urban Center
- Number 10.** Throughout the City, Concentrate Commercial Development at Key Intersections to Serve Surrounding Areas
- Number 16.** 27<sup>th</sup> Avenue / Buckley Road Opportunities



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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
- Policy 2.1** - Brighton Will Continue to Develop in a Self-Sufficient and Sustainable Manner (Live, Learn, Work, Shop and Play) with an Appropriate Balance between Residential and Non-Residential Uses

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## Land Use & Development Code


### Review Criteria

3. 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.
4. 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.
5. 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.
6. 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 C.R.S. §31-12-104 through 110.
  - *The Property is approximately 100% contiguous with the City of Brighton city limits; the "Community of Interest" provision is presumed.*
  - *The Property is set to be urbanized and is capable of integration within the City of Brighton.*
  - *Utility lines are adjacent to the Property.*
- ✓ Publication of the public hearing and notification of the public hearing, have been provided to all applicable entities as required by C.R.S. §31-12-108.5.


## City Staff Recommendation

- ✓ City staff finds that the request for annexation complies with the requirements of the Municipal Annexation Act, C.R.S. §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 two items are before the City Council, each with four options:

**Resolution of Annexation Eligibility**  
*City Council may:*

- Approve the Resolution as drafted;
- Approve a modified Resolution;
- Deny the Resolution 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 state statutes.

**Annexation Ordinance**  
*If the Resolution of Annexation Eligibility is approved, City Council may:*

- 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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