

CITY OF BURLINGTON  
KIT CARSON COUNTY  
PLANNING AND ZONING COMMISSION  
AGENDA  
COMMUNITY BUILDING ROOM B  
340 S. 14<sup>TH</sup> STREET  
JUNE 4, 2019  
5:00 P.M.

1. Call to Order
2. Roll Call
  - a. Commission Members
    - i. Clay Smith
    - ii. Virginia Flatt
    - iii. Tracie Mesecher
    - iv. C.A. (Andy) Andreasen
    - v. Mark Burghart, Ex-Officio
  - b. Staff Members
    - i. James Keehne
    - ii. Shelly Clark
3. Pledge of Allegiance
4. Approval of Minutes
  - a. April 9, 2019
5. Reports from Officers or Municipal Staff
  - a. City Administrator to introduce new projects to come before commission
    - i. Annexation Requests
    - ii. Review CRS, Title 31 regarding annexation
    - iii. Review of Annexation Process, Requirements and Submittals
6. Public Hearings, final reading and voting
  - a. None
7. Unfinished business
8. New business
  - a. Planning and Zoning Commission Vacancies
    - i. Review applications for Commission Seat
  - b. Other
9. Adjournment



MINUTES OF THE MEETING  
OF THE MEMBERS OF THE PLANNING AND ZONING  
CITY OF BURLINGTON  
COUNTY OF KIT CARSON  
STATE OF COLORADO  
COMMUNITY BUILDING ROOM B  
340 S. 14<sup>TH</sup> STREET  
5:00 pm  
April 9, 2019  
Planning and Zoning Meeting

Called the meeting to order at 5:04PM.

**1 The roll call of members was read and those answering were:**

Virginia Flatt, Clay Smith, Tracie Mesecher, Mark Burghart

Absent:

Also, in attendance were:

Jim Keehne, City Administrator

Shelly Clark, City Clerk

Mike Golden

Terri Golden

**2 Pledge of Allegiance**

**3 Consent Agenda Items**

Approval of minutes-3-4-2019.

**MOTION** by Smith, second by Flatt to approve the minutes from 3-4-2019.

Those yea: Flatt, Smith

Those nay:

**Motion passes.**

**4 Reports from Officers or Municipal Staff**

Jim Keehne- shared with the Commission the purpose, requirements and rules for a public hearing.

**5 Public Hearing**

- A. This is a Public Hearing to consider proposed changes to the existing zoning map and boundaries of zoning district; unimproved land identified as All B 7 Yersin Addition, located at the Northwest Corner of Bonny Drive at Fay Street; change from R-1 District-Single Family Residential to C-1 District – General Business.

Mike Golden explained to the Planning and Zoning Commission that he owns the property across the street from his residence and his request to the Planning and Zoning Commission is for a zoning change at ALL B 7 Yersin Addition, located on the Northwest Corner of Bonny Drive at Fay Street. He would like to put in a garage for personal use for wood working and two storage buildings, that will be available for rent to store boats, campers, vehicles and personal items.

Keehne asked Golden to explain to the Commission what the surrounding properties are zoned. Golden shared that the property is bordered on 2 sides by commercial properties and on one side is residential. Flatt stated that she feels that Goldens has fulfilled all the

requirements. Keehne shared that we have not received any comments or concerns from the public. Burghart stated that the only concern is the sewer line that runs through the property. Keehne informed the Commission that the Council did request that a locate be done to verify whether there is a gas line on the property. Keehne did call for a locate and has not heard back from Black Hills. Smith asked Golden for an updated copy of the plans. Golden shared the updated copy of plans with the Commission. Smith asked what the distance was between the buildings. Golden said the distance between buildings will be 20 feet and the distance from the sewer line will be 10 feet. Keehne asked if the drawing reflects the demotion of the lot. Golden state 120 X 105. Keehne explained that the electrical poles and guideline are in the middle of the property and for Golden to develop his property the electrical will have to be moved. Mesecher asked where the entrance will be? Golden said that the garage will be off Bonnie, big storage will be off Fay and the small storage will be behind the garage and storage unit and they will drive on top of the sewer line to exit. Golden is planning on putting crushed rock in the drive way area. Keehne read the regulation to the Commission again to remind them of their responsibly and what they need to consider when making a decision. Keehne told Goldens that without any other comments this part of the agenda is done. Goldens left the public hearing a 5:23pm.

Keehne shared a google map of the property and showed the Commission the boundaries boarding property. This map shows that the property does share boundaries with C-1 zoned property. Burghart stated that he did not realize that the property was mostly boarded by C-1. Smith stated that the Goldens have met the requirements, but he feel they need to look at if this charge will bring value to the neighborhood. Keehne stated that they can not just look at what this looks like today, they need to have a vision of what it will look like 10 years from now. Keehne feels that the community is limited on the amount of residential property to building. Smith reminded the Commission that Golden would not have to ask for a zoning change if he would build the garage for personal use and not add the storage buildings. Keehne stated that he did share that information with Golden. Flatt said it does seem like there are a lot of storage units in Burlington. Smith stated that they have to be sure they check the boxes, because if they don't they are setting themselves up for a lability. Keehne reminded them that they need to look at what the effects are going to be on transportation, water, sewerage, schools, parks and other public requirements. Keehne shared with the Commission the allowed uses in C-1:

**17.20.070 - Use regulations for C-1 district-General business.**

**In the C-1 district, buildings, structures and land shall be used only for the following purposes:**

**A. Uses permitted by right:**

- 1. Any use permitted without special exception in the R-1 district;**
- 2. Retail businesses, such as hardware, paint and lumber stores, general merchandise stores, department stores, eating and drinking establishments, liquor stores, antique stores, jewelry stores, office supply stores, music shops, sporting goods stores, book, stationery, magazine, candy and tobacco shops, and florists, but not excluding similar retail outlets;**
- 3. Business services, such as banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, newspaper offices and professional offices;**
- 4. Personal services, such as barber shops, beauty salons, photographic studios, launderettes, tailor, dressmaking, millinery and dry cleaning;**

5. Repair services, such as radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops and shoe repair shops;
6. Medical clinics, excluding veterinary hospitals;
7. Hotels;
8. Public and private parking lots;
9. Restaurants, excluding drive-ins;
10. Theaters, excluding drive-ins;
11. Mortuary and funeral homes;
12. Billiard and pool halls;
13. Bakeries and creameries, where the products are sold exclusively at retail on the premises.

**B. Uses Permitted by Special Review. Uses permitted by special review in the C-1 district are limited to the following:**

1. Multifamily dwellings;
2. Automotive sales and services, such as filling or service stations, commercial or repair garages, new and used car dealers and automotive supplies, provided they are completely within an enclosed building or structure;
3. Farm equipment sales and services, including implement dealers, irrigation equipment and other farm machinery, provided they are completely within an enclosed building or structure;
4. Bakeries and creameries manufacturing prepared food and miscellaneous food products;
5. Wholesale trade, warehousing and commercial storage completely within an enclosed building or structure;
6. The open storage, parking or sale of vehicles, machinery and trailers, building materials and supplies, and wholesaling and warehousing goods;
7. Transportation depot;
8. Special exceptions for uses in harmony with the intent and purpose of this title which is not injurious to the public interest except that mobile home use shall not be considered.

Keehne shared that storage units are not permitted by rights under C-1. Goldens will have to go before the board of Adjustment and Appeal to request that that board allows by Special Review for him of build storage units on this property. That is only after the Plan and Zoning and the City Council have approved the change in zoning. Smith explained that Golden has presented an application and met the requirement and know the Commission needs to look at what would be best for the community and what could happen in the future if this property is allowed a change in zoning. Keehne told the Commission that they need to make a decision on what is in the best interest of the Community. Smith shared that their concern needs to be what could happen after they sale the property. Burghart confirmed that the reason for the Planning and Zoning involvement is because of the two storage units. Keehne said that is correct and that if he wanted to build a personal garage he can, without any further requirements. Keehne share again that all the residence had been notified and that no comments had been received. Flatt feel like there has not be any negative feedback for the neighbors and she thinks they should get the green light.

Keehne shared that he is only here for advice and not as part of the decision process. Smith shared that this board can approve a zoning change and at that point the Council will have final approval. If Council approves it will have to go to the board of Adjustments and Appeal. If the board of Adjustments and Appeals approves this, it will allow for this property to host anything listed on the C-1 allowed by right. Smith is concerned with the future, if they approve this and the board of Adjustment and Appeals rejects the request, this property is now zoned C-1. Leaving it open to build any of the C-1 listed allowed by right and this is in a residentially zoned area. Smith shared with the Commission that there are not enough business licenses in Burlington to control what goes in there. Flatt and Mesecher both feel like there are a lot of what ifs. Flatt feels like if we just look at the what ifs, there will not be any progress made. Keehne shared that this Commission needs to focus on controlling that progress and they need to be sure it is positive progress for the Community. Keehne stated that you can create a blight in the community when it comes to zoning changes, remember that this issue was addressed 20 years ago when the boundaries were put in place. Flatt asked again if he puts up his own garage he will not have to do anything. It was confirmed that that is corrected, other than following the building permitting processes. Burghart understands that it does open it up to a lot of other issues that could present in the future. Smith feels like it is good practice to follow what zoning has been put in place. Smith stated again that Golden has met the requirements and it is the Commission responsibility to look at all the possibilities and make a decision. Discussion on the possibility of other businesses being put in that location later. Flatt called for a motion. Keehne shared with the Commission that he would draft a letter and have Flatt review.

**MOTION** by Mesecher, second by Smith to leave that property as is residential.

Those yea: Flatt, Smith

Those nay:

**Motion passes.**

## 6 Topics

### Unfinished Business

#### New Business

##### A. Planning and Zoning Commission Vacancies

Keehne shared with the commission that an application was received for C.A. (Andy) Andreaden for the open seat on the Planning and Zoning.

**MOTION** by Mesecher, second by Smith to recommend Andreaden for appointment to the Planning and Zoning Commission.

Those yea: Flatt, Smith

Those nay:

**Motion passes.**

**3 MOTION** by Flatt, second by Smith to adjourn the meeting at 6:28PM.

Those yea: Flatt, Smith

Those nay:

**Motion passes.**

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Virginia Flatt, Chair to Commission

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Shelly Clark, City Clerk

## ANNEXATION APPLICATION SUBMITTAL REQUIREMENTS

### I. REQUIRED INFORMATION

It is understood that the Annexation Application Requirements may not apply to every annexation situation. Applicants must submit the following information at the review stage, unless otherwise directed by statements contained herein, or upon waivers granted by the City Council as part of the Pre-annexation Agreement.

\_\_\_\_\_ A. Petition for Annexation (original and three copies). The Petition for Annexation shall be signed by the landowners of more than 50 percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys. The required format and content of the petition is set forth in **Attachment A – Petition for Annexation**. A copy of the petition shall be submitted in electronic format preferably as a PDF file. No signature on the petition is valid if dated more than 180 days prior to the date of filing the petition.

\_\_\_\_\_ B. An Annexation Map (four copies): The Annexation Map shall be prepared according to the standards in Colorado Revised Statutes (C.R.S.) 31-12-107 as amended from time to time, and shall comply with the following:

1. All maps must bear suitable evidence of the professional qualifications of the person or firm who prepared the map. All required documents containing land survey descriptions shall be certified by a duly registered Colorado Professional Land Surveyor.
2. Monuments. The character, type and position of all boundary and/or aliquot monuments found or set shall be shown on the map. Reference monuments shall be set, with dimensions and descriptions shown on the map in the event that monuments cannot be set. If a monument is to be set as a result of a proposed street, road or other construction, one or more reference monument shall be set, with dimensions and descriptions shown on a map, if the monument cannot be reestablished in its original position.
3. A monument key that shows existing monuments in the form of those monuments found and those set, or a note at each monument detailing this information is acceptable.
4. Section corner tie. A minimum of two (2) section corners, quarter corners or other relevant aliquot corners are required for annexation maps.
5. The dimensions of all maps shall be twenty-four (24) inches by thirty-six (36) inches, with a marginal line one inch from each edge. All drawings, affidavits, certificates, acknowledgements, endorsements, acceptances of dedication, and notarial seals shall be contained within said marginal lines, except that the title shall be noted in the upper and lower right corners, outside the margin, for City filing purposes.
6. In case of three or more sheets, a key map showing the relationship of individual sheets shall be provided on the first sheet of the set. Notes shall appear only on the first sheet. A tabulation shall be included showing the perimeter distance of the proposed annexation that is contiguous with the City's corporate limits, as defined by C.R.S. 31-12-104, as amended from time to time; and the actual perimeter boundary distance of the area sought to be annexed, and a calculation of the ratio between the contiguous boundary and the total perimeter boundary in order to establish the 1/6<sup>th</sup> contiguity requirement as defined by C.R.S 31-12-104.

7. Each map shall be drawn in black, waterproof ink on mylar of good quality.
8. The basis of bearings used in the legal description.
9. The proposed name of the annexation.
10. A subtitle describing the origin of the proposed annexation.
11. Date of preparation.
12. Each sheet shall show the title, north arrow, scale (minimum 1" – 100'), bar graph, and sheet number.
13. Show relationship to adjacent areas using fine dashed lines to include complete legal description (lot and block numbers, outlot and tract names and annexation/subdivision name or "unincorporated Kit Carson County"), including land across adjacent rights-of-ways.
14. Boundary of the annexation designated by a one-eighth inch hatched border applied to the inside of the boundary line.
15. Line types for annexation boundaries, street right-of-way lines and existing lot lines shall be bold and solid.
16. Line types for easements shall be denoted by fine dashed lines.
17. Location and widths of all existing easements, recorded or otherwise, and proposed easements, if required to be shown on the map by the City, are to be labelled and dimensioned to sufficiently define the easement geometry, including easements to be reserved for public use. No "typical" notations shall be used. Where an easement is not defined as to width or extent by a recorded conveyance, decree or other instrument, the easement shall be depicted in a manner that gives notice to the existence thereof, together with an appropriate descriptive label which includes the words "boundary not determined." The applicant shall include the name and address of the owner of each such easement and such owner shall be given notice. It shall be the duty of the applicant to meet with the owner of each such easement and to make reasonable efforts to agree upon the boundaries thereof. In the event any such agreement is reached, appropriate instruments evidencing such agreements shall be recorded prior to recording of the annexation map, and the agreed upon boundaries shall be indicated on the annexation map.
18. Location and dimensions of all existing recorded rights-of way showing the centerline of each right-of-way and the right-of-way width on each side of centerline.
19. Location and dimensions for all lines, angles and curves used to describe boundaries, rights-of-way, and easements to be reserved for public use, if required to be shown on the map by the City. Sufficient data shall be shown to readily determine the bearing and length of every boundary line and easement line. No ditto marks shall be used. Length, radius, total delta and the bearing of radial lines shall be shown. In addition, non-tangent curves shall include a chord bearing and distance.

20. All distances shall be set forth to the nearest hundredth of a foot and bearings to the nearest second.
21. All tracts and outlots shall show net acreage to the nearest square foot.
22. Street names, including prefixes and suffixes, shall be noted. Names shall be subject to approval by the City, Fire, and Police Departments.
23. Limits of floodway and flood fringe boundaries shown by dashed lines and labelled.
24. Legal description of the parcel to be annexed inclusive of the reception number(s) and/or book and page(s) that the legal survey for the annexation is based upon. Legal descriptions must match boundary and direction as shown on the map. The area of the annexation shall be included in the legal description and dedication statement.
25. Other relevant documentation as determined by City Administration. Other information may be required by Administrator to make determination as to the impacts of the proposed annexation to the City.
26. When an annexation agreement has been established for an annexation, the following note shall be provided on the map: "This annexation is subject to an annexation agreement which has been recorded in the real property records of Kit Carson County."
27. Dedication form-acknowledgments. All maps, on which property is dedicated for public use, shall have a dedication statement thereon signed by all persons having any record interest in the property annexed, consenting to the preparation and recording of the map and offering for dedication all parcels of land shown on the map and intended for public use, except those parcels other than streets which are intended for the exclusive use of the lot owners in a subdivision of the property contained within the boundaries of the annexation map, including their licenses, visitors, tenants and servants.

\_\_\_\_\_ C. Completed Annexation Information Sheet (**Attachment B**).

\_\_\_\_\_ D. Annexation Impact Report. This report is not required for annexations of ten acres or less or when the City and the Kit Carson County Board of Commissioners agree that the report is not necessary. Preparation of the impact report is the responsibility of the petitioner. The report must include the following detailing the need for any expansion of those services and facilities to accommodate the development proposed for the property being annexed. The impact report shall be adequate in length to fully explain the need, concepts and proposed solution for those services impacted:

1. A map or maps of the municipality and adjacent territory to show the following:
  - a. The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
  - b. The present streets, major trunk water mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation; and
  - c. The existing proposed land use pattern in the area to be annexed.

2. A draft copy of any pre-annexation agreement. If the City and petitioner are contemplating execution of an agreement setting forth any conditions of annexation other than those set forth in the annexation petition, then such pre-annexation agreement must be in place (signed by all parties other than the City) prior to City adoption of the annexation ordinance on first reading.
3. A statement setting forth the plans of the municipality for extending to or otherwise providing for, within the area to be annexed, municipal services performed by or on behalf of the municipality at the time of annexation (this information must be obtained from City departments responsible for providing municipal services, including the Police Department, Water and Sewer Department, Electric Department, Streets Department, and Parks Department).
4. A statement setting forth the method under which the municipality plans to finance the extension of services into the area to be annexed (this information must be obtained from City departments responsible for providing municipal services, including the Police Department, Water and Sewer Department, Electric Department, Streets Department, and Parks Department).
5. A statement identifying the existing districts within the area to be annexed.
6. A statement to the effect of annexation upon local-public school district systems, including estimated number of students generated and the capital construction required to educate such students (this information must be obtained from the Burlington RE6-J School District), and proposals to mitigate any negative impacts on the education system.
7. A statement to the effect of annexation upon the existing transportation system and proposals to mitigate any negative impacts upon the community, including but not limited to: arterial and collector street improvements, intersection improvements, intersection signalization, alternative modes of transportation such as public transit, bikeways, pedestrian walkways and trails, etc.
8. A statement to the effect of annexation and proposed development on the existing drainage system and proposals to mitigate negative drainage impacts on the community, including but not limited to: historic rainfall drainage patterns, detention and retention areas, storm sewer requirements, discharged irrigation ditches, floodways and floodplains, etc.
9. A statement to the effect of annexation and proposed development on the City Police Department and proposals to mitigate any impact upon existing police services, including but not limited to: special security needs, additional officers required, additional equipment requirements, etc.
10. A statement to the effect of annexation and proposed development on providers of the Fire Protection District services and proposals to mitigate such impacts, including but not limited to: special fire hazards, fire prevention efforts, fire detection, emergency access, additional equipment requirements, additional firefighter requirements, etc.
11. A statement to the effect of annexation and proposed development on City park facilities and recreation programs and proposals to mitigate any impact upon the existing facilities and programs, including but not limited to: additional facilities, programs and personnel required.

\_\_\_\_\_ E. An ownership and Encumbrance report from a title company and a letter from an attorney certifying that the landowner and lienholder signature blocks on the map are correct. This report must be current as of the date of filing the petition. The applicant shall provide an updated report within (15) days of the City Council public hearing on the annexation ordinance.

\_\_\_\_\_ F. Three (3) copies of an Environmentally Sensitive Areas Report. The report must identify the presence of any environmentally sensitive areas and describe conditions of annexation proposed to avoid or mitigate potential impacts on such areas. Environmentally sensitive areas include by definition, irrigation canals and ditches, water courses, floodway and flood fringe areas, wetlands, wildlife habitat areas and corridors, mature stands of vegetation, existing slopes over 20%, soils classified as having high water table, or being highly erodible, land formerly used for landfill operations or hazardous material use, fault areas, aquifer recharge and discharge areas, and other areas possessing environmental characteristics similar to those listed.

\_\_\_\_\_ G. Four (4) copies of a site plan at a scale not less than 1" = 200' of the property proposed for annexation and adjacent to land within 300 feet. The site plan is not the annexation map. The site plan must depict the following information:

1. Existing buildings and structures, if any, including any stormwater or sewer treatment facilities;
2. Power pole and buried cable locations;
3. Location and dimensions of all other physical features within and adjacent to the tract to be annexed;
4. Contours of the City datum at vertical intervals of not more than five feet where the slope is greater than 10% and not more than two feet where the slope is 10% or less;
5. Location and principle dimensions of all existing streets, alleys, easements, lot lines, access points to public ways, and areas reserved for public use;
6. Complete street names;
7. Use of property and outline of any existing deed restrictions, including building setbacks and minimum yard dimensions;
8. Location and extent of environmentally sensitive areas;
9. Sidewalk location and width;
10. Provisions for sewage disposal;
11. Provisions for water supply;
12. Open irrigation canals and ditches;
13. Location of all easements;
14. Location and dimensions for all adjacent streets, alleys, lot lines and open areas;
15. Location and dimensions of private and public sewers and private and public water mains;
16. Existing stormwater drainage patterns;
17. Location and dimension of watercourses and direction of flow;
18. Location and dimension of area(s) subject to inundation by stormwater;
19. Location of existing fire hydrants.

\_\_\_\_\_ H. Four (4) copies of the following: completed Planning Process Application form (**Attachment C**); vicinity map (8 ½ x 11"); the annexation map; and the site plan.

\_\_\_\_\_ I. The annexation mapping data, a complete project description, and legal description must be submitted in digital form.

- \_\_\_\_\_ J. \$500.00 filing fee, plus \$25.00 per acre on gross area being annexed.
- \_\_\_\_\_ K. One (1) 11" x 17" photo reduction of the map and the site plan. A reduced paper copy is initially acceptable, but the photo reduction shall be submitted to City Administration no less than 22 days before the public hearing.
- \_\_\_\_\_ L. The annexation map submittal checklist completed by the applicant and containing the initials of the appropriate City representative for all items waived.
- \_\_\_\_\_ M. Wetlands Reconnaissance Report prepared by a qualified specialist regarding the presence or absence of wetlands on the subject property. If wetlands are present on the property, the location and extent of wetlands must be depicted on the site plan required under item G above.
- \_\_\_\_\_ N. A complete application to zone the property being annexed in accordance with the City of Burlington submittal requirements for conventional zoning applications. An additional filing fee is required for the zoning portion of the application.
- \_\_\_\_\_ O. Four (4) copies of any annexation agreement proposed by the petitioner. This agreement would set forth any proposed conditions of annexation in addition to those set forth in the Petition for Annexation (Attachment A). Examples of such conditions would be provisions to protect environmentally sensitive areas and requirements to dedicate rights-of-way or easements.
- \_\_\_\_\_ P. One (1) copy of a list of mailing addresses of all owners of record of; (i) the property proposed for annexation and (ii) all real property located within 500 feet of the property to be annexed, excluding public rights-of-way. This information can be obtained from the County Assessor's Office.
- \_\_\_\_\_ Q. Two (2) copies of a Phase I Environmental Report prepared by a qualified specialist examining the property for hazardous material and petroleum product contamination. The report will be prepared in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments: Phase 1 ESA.
- \_\_\_\_\_ R. If the annexation application is accompanied by a specific development proposal, such as a preliminary development plan, two (2) copies of a fiscal impact report prepared by a qualified person predicting the net fiscal impact on the City from the development proposal.
- \_\_\_\_\_ S. Two (2) copies of a report prepared by a qualified person describing in sufficient detail information that the applicant wants to have the Current Planning Commission, and City Council consider in determining if the proposed annexation is consistent with the City's plan for growth and delivery of services. At a minimum, the report must address the following annexation philosophy and objectives of annexation.

1. The City of Burlington Annexation Policy is based on the philosophy that annexation can be beneficial when community values are supported and specifically when:

- a. The resulting development pattern is in immediate proximity to the City landscape and facilitates a concentric growth pattern:

**Objectives**

- Central service delivery where the provisions of utilities, refuse, police and parks raise service levels for new area annexed;
- Utility efficiencies of scale where extension of lines in more concentrated growth areas is more economically feasible;
- Transportation connectivity where possibilities for extended street grids and major collector roadways are enhanced;
- Compatible land use exists with City land use needs;
- Logical growth pattern where there exists the ability to create logical expansion of current uses meeting current development standards.

- b. The proposed development supports sustainable economic viability within the community:

**Objectives**

- Protection and expansion of sales tax base through support for increased commercial development providing for revenues for services needed by housing;
- Economies of scale for service where extension of utilities and street services is accomplished cost effectively with denser development;
- Incentives for new business/jobs where added opportunities for retail and industrial space provide for increased commerce;
- Increased development opportunity where economic prospects are enhanced with added land development potential;
- Housing inventory increased where developable ground is dedicated to mixed types of housing to meet community demands.

- c. It supports sustainable environmental preservation within the community:

**Objectives**

- Avoidance of sprawl, where control of area brought within municipal boundaries may help mitigate sprawl;
- Central sanitary services required;
- Water quality is preserved where control of water, wastewater, and storm water protects water quality;
- Reduce impact of fringe areas where expansion of City limits allows control of area on the border of the municipal boundary.

d. It supports a sustainable social/political framework within the community:

Objectives

- Larger voter community where those that reside within annexed area provide opportunities to vote on city issues;
- Simplifies governmental access where consolidation of government interaction is provided to those on the fringe areas;
- Increased population increases influence providing for greater resources to exercise a unified political voice;
- Improvement of services with more users sharing the capital costs;
- Undeveloped ground is easier to plan future development than areas already built;
- As available resources grow the opportunity to partner with other entities increases.

**ATTACHMENT A**

**PETITION FOR ANNEXATION**

The undersigned, in accordance with Article 12, Chapter 31, C.R.S., as amended, hereby petition the City Council of the City of Burlington, Colorado, for annexation to the City of Burlington the unincorporated territory more particularly described below, to be known as (name of addition), and in support of said Petition, the petitioners allege that:

(1) It is desirable and necessary that the following described territory be annexed by the City of Burlington, Colorado;  
(include complete metes and bounds legal description)

(2) Not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Burlington, Colorado;

(3) A community of interest exists between the territory proposed to be annexed and the City of Burlington, Colorado;

(4) The territory proposed to be annexed is urban or will be urbanized in the near future;

(5) The territory proposed to be annexed is integrated or is capable of being integrated with the City of Burlington, Colorado;

(6) The signatures on the Petition comprise the landowners of more than 50 percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys, and said landowners attesting to facts and agree that the conditions herein contained will negate the necessity of any annexation election;

(7) No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:

a. Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;

b. Comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000) for ad valorem tax purposes for the year preceding annexation, is included within the territory proposed to be annexed without written consent of the landowner or landowners.

(8) No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;

(Insert appropriate language into the petition)

(9) The area proposed to be annexed comprises: (more than 10 acres and an impact report as provided for in 31-12-105.5 CRS, as amended, is required), (less that ten acres and an impact report as provided for in 31-12-105.5 CRS, is not required).

(Insert appropriate language into the petition)

(10) The area proposed to be annexed is located within Kit Carson County, the RE-6J Burlington School District, The Burlington Fire Protection District, Plains Ground Water, Republican River Water Conservation District, Kit Carson County Health District, Fairview Cemetery District and no others:

(11) The mailing address of each signer, the legal description of the land owned by each signor and the date of signing of each signature are all shown on this petition;

(12) Accompanying this Petition are four (4) prints of the annexation map containing the information required by State Statute as well as under Section 1B. of the City of Burlington Annexation Requirements.

(13) The territory to be annexed is not presently a part of any incorporated city, city and county, or town;

(14) The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the City, appear on the annexation map:

- a. Water rights shall be provided at the discretion of City Council and in conformance with the City Charter.
- b. The undersigned hereby waive any and all "vested rights" previously created pursuant to 24-68-103, CRS, as amended;
- c. The undersigned and the City may enter into a Pre-Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition; and
- d. Any development within the annexed territory shall comply with the City of Burlington Municipal Code.

(15) Petitioner represents that: (check one)

\_\_\_\_\_ No part of the property to be annexed is included within any site specific development plan approved by Kit Carson County, Colorado.

\_\_\_\_\_ A site specific development plan has been approved by Kit Carson County, Colorado.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year)

(Insert appropriate signature block or blocks found on following page)

Signature Block Formats

I. Corporation

Corporation name

By: \_\_\_\_\_

Title

Street Address

City, State Zip

\_\_\_\_\_  
Secretary

STATE OF        )  
                      ) ss  
County of        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ (month),  
\_\_\_\_\_ (year), by \_\_\_\_\_, as President, and by \_\_\_\_\_, as Secretary of  
\_\_\_\_\_ (corporation name), a \_\_\_\_\_ corporation.

WITNESS my hand and official seal.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

II. Partnership

Partnership name

By: \_\_\_\_\_

General Partner

Street Address

City, State Zip

STATE OF        )  
                      ) ss  
County of        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ (month),  
\_\_\_\_\_ (year), by \_\_\_\_\_, a general partner of, \_\_\_\_\_  
(name of partnership).

WITNESS my hand and official seal.

My commission expires \_\_\_\_\_

\_\_\_\_\_

Notary Public

III. Individual

Individual name

By: \_\_\_\_\_

Full Name

Street Address

City, State Zip

STATE OF )  
                  ) ss  
County of )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ (month),  
\_\_\_\_\_ (year), by \_\_\_\_\_.

WITNESS my hand and official seal.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**Attachment B**

**ANNEXATION INFORMATION SHEET**

The following information is necessary to prepare documents required for annexation of land into the City of Burlington. Please provide all information requested for the Annexation packet.

**NAME OF ADDITION:**

**LEGAL DESCRIPTION:** Attach metes and bounds legal description for the entire land area to be annexed. If there are existing parcels recorded with Kit Carson County within the land to be annexed include metes and bounds legal description of each parcel.

**ZONING:** Include a legal description for the boundary of each proposed zoning district.

**SIZE OF ANNEXATION PARCEL IN ACRES:**

**BREIF DESCRIPTION OF LOCATION OF PROPOSED ANNEXATION:**

**IMPACT REPORT:** If the area proposed to be annexed is ten acres or more in size, an impact report as provided in Section 31-12-108.5, CRS as required. The Board of County Commissioners may agree to waive this requirement. If so, a letter from the Board of County Commissioners is required to be provided with this document.

**DISTRICTS:** The area proposed to be annexed is located within Kit Carson County, the RE-6J Burlington School District, The Burlington Fire Protection District, Plains Ground Water, Republican River Water Conservation District, Kit Carson County Health District, Fairview Cemetery District, (Add any additional districts).

**PRE-ANNEXATION AGREEMENT:** The petitioners may enter into a Pre-Annexation Agreement prior to the effective date of this annexation, which agreement shall constitute additional conditions as effectively as of set forth in the Petition for Annexation.

**NAMES AND ADDRESSES OF INDIVIDUAL LAND OWNERS WHO WILL BE SIGNING THE PETITION FOR ANNEXATION:**

Name:

Name:

Address:

Address:

Name:

Name:

Address:

Address:

**NAMES OF CORPORATE OWNERS, THEIR ADDRESSES, AND NAMES OF PERSONS WHO WILL BE SIGNING THE PETITION FOR ANNEXATION:**

Corporation Name:

Corporation Name:

Address:

Address:

Person Signing & Title: \_\_\_\_\_

Person Signing & Title: \_\_\_\_\_

Person Attesting & Title: \_\_\_\_\_

Person Attesting & Title: \_\_\_\_\_

**NAMES OF PARTNERSHIP OWNERS, THEIR ADDRESSES, AND NAMES OF GENERAL PARTNERS WHO WILL BE SIGNING THE PETITION FOR ANNEXATION:**

Partnership Name:

Partnership Name:

Address:

Address:

General Partner Signing: \_\_\_\_\_

General Partner Signing: \_\_\_\_\_

**VESTED PROPERTY RIGHTS:** States whether any 'vested rights' have been created by previous approval(s) by Kit Carson County pursuant to Section 24-68-103, CRS, that petitioner(s) will not waive as a condition of annexation, and if so, describe in detail the nature of such vested rights.

**DATES:**

Deadline for filing signed annexation packet in City Clerk's Office: \_\_\_\_\_

Resolution setting public hearing; ordinances on first reading at City Council: \_\_\_\_\_

Planning Commission Hearing: \_\_\_\_\_

City Council public hearing: ordinances on first reading: \_\_\_\_\_

PLANNING PROCESS APPLICATION FACT SHEET

Applicant Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Summary of Request:

Disclosure of Ownership: (Please provide one of the following)

- |   |                                     |   |
|---|-------------------------------------|---|
| <input type="checkbox"/> Assessor Parcel Info | <input type="checkbox"/> Judgements | <input type="checkbox"/> Easement Agreement |
| <input type="checkbox"/> Mortgage             | <input type="checkbox"/> Liens      | <input type="checkbox"/> Other Agreements   |
| <input type="checkbox"/> Deed                 | <input type="checkbox"/> Contract   |   |

Legal Description:

Attachments:

- Vicinity Map (8.5" x 11")
- Written Narrative/Description of Proposal
- Names, Addresses and Map of Adjoining Property Owners (from Assessor's Office)
- Vested Property Rights
- Letter/Power of Attorney from Owner (If not Applicants)
- Site Plan (11" x 17") to scale, includes dimensions and locations of all structures, parking spaces and access, snow storage, landscaping, live cover, utility lines, road/street names, land uses of adjacent properties, setbacks, include table for all dimensional requirements.

**SUBMIT FOUR (4) COMPLETE COPIES OF APPLICATION AND ATTACHMENTS TO CITY OF BURLINGTON PLANNING AND ZONING COMMISSION, CITY HALL, 415 15<sup>TH</sup> STREET, BURLINGTON, CO 80807**

Signature(s)

\_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_