



## Legislation Details (With Text)

**File #:** CPC A 16-00133R **Version:** 2 **Name:**

**Type:** Planning Case **Status:** Mayor's Office

**File created:** 3/27/2017 **In control:** City Council

**On agenda:** 5/23/2017 **Final action:** 5/23/2017

**Title:** A resolution finding a petition for a series of annexations of the areas known as Kum and Go Store 689 Annexation Number 1 consisting of .773 acres and Kum and Go Store Annexation Number 2 consisting of 1.403 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of June 27, 2017 for the Colorado Springs City Council to consider the annexation of the areas.  
(Legislative)

Mike Schultz, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

### Sponsors:

**Indexes:** Kum & Go #689

### Code sections:

**Attachments:** 1. Resolution finding substantial compliance and setting hearing for June 27 CC mtg, 2. Location Map - Kum and Go Store 689 Annexation, 3. Exhibit A - Legal Description, 4. Exhibit B - Legal Description, 5. Figure 7 - Enclave Map, 6. Kum and Go Public Notice, 7. CRS 31-12-107 and 108, 8. Signed Resolution 58-17

Date	Ver.	Action By	Action	Result
5/23/2017	2	City Council	adopted	Pass
4/20/2017	1	Planning Commission	postpone to a date certain	

A resolution finding a petition for a series of annexations of the areas known as Kum and Go Store 689 Annexation Number 1 consisting of .773 acres and Kum and Go Store Annexation Number 2 consisting of 1.403 acres to be in substantial compliance with section 31-12-107(1), C.R.S. and setting a hearing date of June 27, 2017 for the Colorado Springs City Council to consider the annexation of the areas.  
(Legislative)

### Presenter:

Mike Schultz, Principal Planner, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

### Summary:

Applicant: Olsson & Associates and Kum & Go, Inc.  
Owners: VCB LLC, and Frontier Bank (Branch of First National Bank of Lamar)  
Location: Northeast corner of Austin Bluffs Parkway and Park Vista Boulevard

This is a request to approve a resolution finding the petition for a series of Kum and Go Store 689

Annexations (consisting of two properties, Kum and Go Store Annexation Number 1 and Kum and Go Store Annexation Number 2) to be in substantial compliance with C.R.S. section 31-12-107, setting a public hearing date of June 27, 2017 to consider the annexations, and directing the City Clerk to provide notice of the hearing in accordance with C.R.S. section 31-12-108. The total annexation area is 2.176 acres (for both parcels) and located at the northeast corner of Park Vista Boulevard and Pearl Drive.

**Previous Council Action:**

On December 13, 2016, City Council accepted the original petition for annexation and referred it to the City Administration for review.

**Background:**

The Colorado Municipal Annexation Act of 1965 (the "Act") provisions require that once a petition has been reviewed and is found to be in substantial compliance with the requirements of C.R.S. 31-12-107(1), the City Council must set a hearing to consider the annexation and publish notice of the annexation hearing for four (4) weeks prior to the public hearing. In addition, the hearing date must be no less than thirty (30) days or more than sixty (60) days after the effective date of the resolution setting the hearing. City staff has reviewed the Kum and Go Store 689 Annexation Petition and has found it to be in substantial compliance with C.R.S. section 31-12-107(1). The Act allows City Council to consider the annexation of multiple parcels in a series simultaneously. "[C]ontiguity may be established by the annexation of one or more parcels in a series, which annexations may be completed simultaneously and considered together for the purposes of the public hearing required by sections 31-12-108 and 31-12-109 and the annexation impact report required by section 31-12-108.5." C.R.S. 31-12-104(1)(a).

City staff recommends that City Council find the petition to be in substantial compliance, set a hearing date on the petition, and direct the Clerk to give notice in accord with C.R.S. section 31-12-108, as required by the Act. The notice of the annexation hearing can be published on the following dates: May 27, 2017, June 3, 2017, June 10, 2017 and June 17, 2017 to adhere to the statutory requirements for the June 27, 2017 City Council meeting. Approving the resolution and setting a public hearing for the proposed annexation does not obligate the City Council to approve the annexation in the future.

**Financial Implications:**

Not applicable at this time. A fiscal impact analysis has been prepared and will be provided to the City Council with the annexation hearing information packet.

**Board/Commission Recommendation:**

The Annexation items are on the May 18, 2017 Planning Commission Agenda. Staff will provide an update to council on Planning Commission's action.

**Stakeholder Process:**

N/A

**Alternatives:**

City Council can approve, modify or deny the resolution finding the petition to be in substantial compliance, setting the hearing date and directing the Clerk to give notice of the public hearing for the annexation. If the resolution is not approved and the hearing is not scheduled, the annexation cannot be considered.

**Proposed Motion:**

Move to approve the resolution finding the petitions for a series of annexations of the areas known as Kum and Go Store 689 Annexation Number 1 and Kum and Go Store 689 Annexation Number 2 to be in substantial compliance with C.R.S. section 31-12-107(1), setting the hearing date of June 27, 2017 for consideration of the Kum and Go Store 689 Annexation Number 1 and Kum and Go Store 689 Annexation Number 2, and directing the Clerk to provide notice in accord with C.R.S. section 31-12-108.

N/A