

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Kai Kleer, Senior City Planner

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## SUBJECT

**Resolution 2026-030 Finding Substantial Compliance and Initiating Annexation Proceedings for the Peakview Annexation No. 2.**

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## EXECUTIVE SUMMARY

The purpose of this item is to determine substantial compliance and initiate annexation proceedings for the Peakview Annexation No. 2, a voluntary annexation request. The property is situated at the northeast corner of East Mulberry Street and Greenfields Drive.

The applicants have submitted a written petition requesting annexation of approximately 70 acres and zoning into the MMN - Medium Density Mixed-use Neighborhood, I - Industrial, and GC - General Commercial Zone Districts pursuant to the City Land Use Code.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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## BACKGROUND / DISCUSSION

### Property Description

The property consists of two parcels comprising all of Lots 1-5 and Outlot C, Parkview P.L.D. 05-S2523, as recorded under Reception No. 20220059051 in the records of the Larimer County Clerk and Recorder, together with a portion of the East Half of the Southwest Quarter of Section 9, Township 7 North, Range 68 West of the 6th P.M. The total area proposed for annexation is approximately 69.7598 acres (3,038,737 square feet). The Petitioners request that the property be placed in the MMN (Medium Density Mixed-use Neighborhood), I (Industrial), and GC (General Commercial) Zone Districts and agree to certain conditions recommended by staff.

### Statutory Requirements

The Colorado Municipal Annexation Act of 1965 establishes the procedures and requirements for municipal annexations. Pursuant to C.R.S. landowners owning more than fifty percent (50%) of the land area (exclusive of public streets and alleys) may petition for voluntary annexation, and the petition must also be signed by more than fifty percent (50%) of the landowners in the area. This constitutional requirement,

established by Article II, Section 30 of the Colorado Constitution (Poundstone Amendment), has been satisfied by the submitted petition.

### **Eligibility Requirements**

Pursuant to C.R.S. § 31-12-104, an area is eligible for annexation if not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality, and a community of interest exists between the area proposed to be annexed and the annexing municipality. The Annexation Map contains the surveyor's certification confirming that the total perimeter of the area considered for annexation is 8,960.47 feet, with 4,483.53 feet contiguous with existing City limits. This results in a contiguity of 50.04%, which substantially exceeds the one-sixth (16.67%) requirement established by statute.

### **Limitations**

The proposed annexation complies with the limitations set forth in C.R.S. § 31-12-105. No land held in identical ownership is divided without written consent. No annexation proceedings have been commenced by another municipality for any part of the property. The annexation will not result in detachment of any area from a school district without written consent. The annexation will not extend the municipal boundary more than three miles in any direction in a single year. Additionally, the City has in place a comprehensive plan for the area within three miles of its municipal boundary (Three Mile Plan), as required by statute.

### **Petition Information**

The Petition for Annexation was executed on January 20, 2026. The Petitioners allege that it is desirable and necessary that the area be annexed to the City of Fort Collins; that all statutory requirements have been met; that the area is urban or will be urbanized in the near future; that the area is integrated with or capable of being integrated with the City; and that the Petitioners comprise more than fifty percent of the landowners and own more than fifty percent of the area to be annexed, exclusive of public streets and alleys. The Petitioners further acknowledge that the City shall not be required to assume any obligations respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets, or any other services or utilities except as may be provided by ordinance of the City.

### **Notice and Hearing Requirements**

Pursuant to C.R.S. § 31-12-108, this Resolution establishes the date, time, and place for the public hearing to determine if the proposed annexation complies with Article II, Section 30 of the Colorado Constitution and C.R.S. §§ 31-12-104 and 31-12-105. The hearing shall be held not less than thirty (30) days nor more than sixty (60) days after the effective date of this Resolution. Notice shall be published once a week for four successive weeks in a newspaper of general circulation in the area proposed to be annexed, with the first publication at least thirty (30) days prior to the hearing date.

### **Annexation Impact Report**

Pursuant to C.R.S. § 31-12-108.5, an Annexation Impact Report is required for annexations exceeding ten (10) acres. The report must be prepared at least twenty-five (25) days prior to the hearing and filed with the Board of County Commissioners within five (5) days of preparation. The Impact Report will address municipal services, financing, existing districts, and school district impacts.

### **Intergovernmental Agreement Compliance**

The proposed annexation is consistent with the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management. The property is located within the Fort Collins Growth Management Area as designated in the City's Comprehensive Plan.

### **Anticipated Schedule**

Upon adoption of this Resolution, the annexation will proceed according to the following anticipated schedule. The Planning and Zoning Commission will review the proposed annexation and zoning and

forward a recommendation to City Council on April 16, 2026. Council will then consider the annexation and zoning ordinances on First Reading on May 19, 2026, and on Second Reading on June 2, 2026.

### **CITY FINANCIAL IMPACTS**

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No direct City financial impacts are associated with this initiating resolution. Future financial impacts related to provision of municipal services, infrastructure extensions, and potential development will be addressed through the development review process and impact fees assessed at time of building permit issuance.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The Planning and Zoning Commission will review the proposed annexation and zoning on April 16, 2026, and will forward a recommendation to Council prior to the annexation and zoning ordinances being considered.

### **PUBLIC OUTREACH**

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Public notification has been or will be provided by publication of the Resolution and notice of public hearing in a newspaper of general circulation within the area proposed to be annexed. Copies will be sent by certified mail to the Larimer County Board of Commissioners, County Attorney, and any affected special districts and school districts at least twenty-five (25) days prior to the hearing.

### **ATTACHMENTS**

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1. Petition for Annexation
2. Annexation Map
3. Resolution 2026-030