



City Council Communication

AGENDA DATE: November 17, 2025 **LEGISTAR ITEM #:** RES 2025-087

PRESENTER: Nathan Chavez, City Planner **DEPARTMENT:** Community Development

☐ Ordinance	☒ Resolution	☐ Public Hearing
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REQUEST

The applicant, Mark Hammer, requests Council approval of Resolution 2025-087 affirming the eligibility of an approximately 35.01-acre property located at the southeast corner of East 104th Avenue and Brighton Road, for annexation into Commerce City.

BACKGROUND

The purpose of this Resolution is to set forth the findings of fact and its conclusion as to the eligibility of the property described in the annexation petition for annexation to the City of Commerce City. This is the second of three steps in the annexation process. The first step, Substantial Compliance, occurred on October 6, 2025 and determined whether or not the annexation petition met the content and submittal requirements enumerated in the Colorado Revised Statutes.

This second step, the Eligibility Hearing, is to determine whether or not the proposed annexation meets the statutory requirements specified in C.R.S. §31-12-104 and §31-12-105, and is eligible to be annexed into Commerce City. The third and final step, the annexation hearing, will be scheduled at a later date in concert with the initial zoning hearing.

The following criteria as specified in C.R.S. §31-12-104 and 105 must be met to be eligible for annexation into Commerce City:

- a) Not less than one-sixth of the perimeter of the area proposed to be annexed as described in the Petition is contiguous with the existing boundaries of the City of Commerce City as required by law.

CITY COUNCIL COMMUNICATION CONTINUED

Analysis: The total perimeter of the site is 5,836.64 feet and 2,475.15 feet is contiguous with the City of Commerce City, which equate to over $\frac{1}{2}$ of the site meaning the annexation meets the one-sixth continuity requirement.

- b) A community of interest exists between the area proposed to be annexed as described in the Petition and the City of Commerce City and the area is urbanized or will be urbanized in the near future.

Analysis: The subject property is located within the City's Urban Growth Boundary which delineates future expansion of the City of Commerce City and development.

- c) The area proposed to be annexed as described in the Petition is integrated or is capable of being integrated with the City of Commerce City.

Analysis: The site is bordered by City of Commerce City roadways, adjacent to South Adams County Water & Sanitation District water and sanitary lines, within the South Adams County Fire Department jurisdiction, and within the City of Commerce City general service area for water access. There are no comments from the Development Review Team indicating that the area proposed to be annexed cannot be integrated into the City of Commerce City.

- d) 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:
 - i. is divided into separate tracts 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;
 - ii. comprises 20 acres or more and which together with the buildings and improvements situated thereon, has an assessed value in excess of \$200,000 for ad valorem tax purposes for the year preceding the annexation; unless it has the written consent of the landowners.

CITY COUNCIL COMMUNICATION CONTINUED

Analysis:

The five parcels totaling 35.01 acres, proposed for annexation are all owned by the same ownership group. Per the Adams County Assessor's Office, the total property value of the 35.01 acres of land has an assessed value in excess of \$200,000

- e) No annexation proceedings have been effectively commenced for the annexation of part or all of that territory proposed to be annexed, as described in the Petition, to another municipality.

Analysis: The closest municipality, Thornton, Colorado does meet the 1/6th contiguity to the subject site and therefore it is not possible for another annexation proceeding of the site or part of the site to exist.

- f) The proposed annexation of that real estate described in the Petition will not result in the detachment of area from any school district and attachment of the same to another school district.

Analysis: The subject site is within the 27J and Adams County 14 School Districts school districts. There is currently no anticipated student generation based on the Zone District mentioned by the applicant. Because of this there has not been any proposal to detach from any school district.

- g) The petitions for annexation of the real estate described in the Petition meet the requirements of law and are in proper order for annexation of the property proposed to be annexed including the requirements of the C.R.S. §31-12-105, as amended.

Analysis: The petition includes all the required items per C.R.S. §31-12-105 as amended and was reviewed by the Development Review Team and City Attorney's Office for appropriate compliance.

- h) The proposed annexation will not have the effect of extending a municipal boundary more than three miles in any direction from any point of the City boundary in any one year.

CITY COUNCIL COMMUNICATION CONTINUED

Analysis: The site is directly bordered by the City of Commerce City to the north and west meaning the City of Commerce City boundary will not extend further out that already exists.

- i) The entire width of any street or alley to be annexed is included within the annexation.

Analysis: There are no streets or alleys eligible for annexation with this proposal. Both East 104th Avenue and Brighton Road, which border the site are already within the City of Commerce City's jurisdiction.

If approved, Resolution 2025-087 will find that the property meets state statute requirements and is thus eligible to be annexed into the City.

JUSTIFICATION

☐ Council Goal	☐ Strategic Plan	☐ Work Plan	☒ Legal
Citation	C.R.S. §31-12-104 requires the governing body of the municipality to conduct a public hearing to determine if a property is eligible for annexation.		

PUBLIC OUTREACH

Notice of the public hearing was posted in the Commerce City Sentinel Express on the following dates: October 16, October 23, October 30, and November 6, 2025. Notice of the hearing was also posted online on the city's website. Lastly, a neighborhood meeting occurred on July 30, 2025.

AVAILABLE ACTIONS

- Available Action #1: Approve Resolution 2025-087, which finds that the 35.01-acre property located at the southwest corner of East 104th Avenue and Brighton Road is eligible for annexation into the City of Commerce City.
- Available Action #2: Do not approve Resolution 2025-087, which finds that the 35.01-acre property located at the southwest corner of East 104th Avenue and Brighton Road is not eligible for annexation into the City of Commerce City.

CITY COUNCIL COMMUNICATION CONTINUED

- Available Action #3: Continue Resolution 2025-087 to a date certain and request additional information from staff, the applicant or both.

STAFF RECOMMENDATION

In staff's opinion, the applicant's request for approval of annexation eligibility meets state requirements. Staff recommends Available Action #1, approval of Resolution 2025-087.