



# Commerce City

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## Council Communication

File Number: AN-263-24

**Agenda Date:** 8/5/2024

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Ordinance

AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST 88th AVENUE AND TOWER ROAD TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-263-24 KNOWN AS THE TOWER LANDFILL ANNEXATION

### Summary & Background

There are three related applications being reviewed concurrently with this Annexation:

- Land Use Plan Amendment (LUP-058-24)
- Zoning (Z-705-99-00-09-24)
- Vacation of Right-of-Way (V-093-24)

The applicant is requesting approval for the annexation of approximately 110 acres, located generally at the southwest corner of East 88th Avenue and E-470. This is the third and final step of the annexation process. The property to be annexed is owned by DIBC HQTS, LLC. The property is currently zoned Adams County Agriculture-3 (A-3) and is requested to be rezoned to Commerce City Planned Unit Development (PUD) via annexation zoning case Z-705-99-00-09-24.

### Approval Criteria

Section 21-3340 states: The annexation application may be approved if:

- (1) The annexation is in compliance with the Municipal Annexation Act of 1965, as amended, the Constitution of the State of Colorado, and this land development code;
- (2) The annexation is consistent with the comprehensive plan and all other adopted city plans and policies;
- (3) The best interests of the city would be served by annexation of such property;
- (4) The property is within the Municipal Service Area (MSA) of the Commerce City Growth Boundary as stated in the comprehensive plan. No property outside of the MSA or Growth Boundary shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property and provided a land use plan for the area proposed to be annexed is submitted together with the annexation

application;

- (5) The property is capable of being integrated into the city in compliance with all applicable provisions of this land development code;
- (6) At the time any development of the area proposed to be annexed is completed, there is a reasonable likelihood that capacity will exist to adequately serve residents or users of such area with all necessary utilities, municipal services and facilities;
- (7) The annexation boundaries are configured such that the annexation will not limit the city's ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed;
- (8) The proposed annexation is in compliance with all pertinent intergovernmental agreements to which the City is a party; and
- (9) Unless otherwise agreed to by the city, any preexisting vested property rights have been waived in writing as a condition of such annexation.

**Staff Responsible (Department Head):** Jeff Brasel, Deputy Director Community Development

**Staff Presenting:** Dalton Guerra, Senior Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Actions:**

Approve the Ordinance; or  
Deny the Ordinance