



Commerce City

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Commerce City, CO 80022
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Council Communication File Number: AN-255-22-24

Agenda Date: 1/6/2025

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number:

AN ORDINANCE ANNEXING THE PROPERTY GENERALLY LOCATED AT 8581 ROSEMARY STREET TO THE CITY OF COMMERCE CITY, COLORADO IN CASE AN-255-22-24 KNOWN AS THE CARBAJAL AUTO ANNEXATION

Summary & Background

Gilberto R. Carbajal Flores is requesting the annexation of property and associated adjacent Adams County right-of-way into the City of Commerce City. The parcel is approximately 0.45 acres in size and is located at the southwest corner of 86th Avenue and Rosemary Street. The property is currently used for residential purposes but is proposed to be rezoned to Regional Commercial (C-3) for use as a car dealership. The annexation includes 0.25 acres of Adams County Rosemary Street right-of-way adjacent to the property. This case is in conjunction with the annexation zoning case Z-959-19-24 and two other concurrent cases; S24-0005 (Final Plat) and D-439-24 (Development Plan).

The applicant has executed an annexation agreement which can be found within the packet. The annexation agreement stipulates the applicants are responsible for dedication of right-of-way along Rosemary Street and East 86th Avenue, as well as, public improvements including installation of curb, gutter, sidewalk, asphalt paving, striping, landscaping, and detectable warning surface along Rosemary Street and East 86th Avenue. All public improvements will be further detailed in a Development Agreement/Public Improvements Agreement associated with the Final Plat (S23-0005) and Development Plan (D-439-24).

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: Jeff Brasel, Community Development Director

Staff Presenting: Nathan Chavez, Planner II

Financial Impact: N/A

Funding Source: N/A

Actions:

Approve the Ordinance; or

Deny the Ordinance