



Annexation Report

Case #AN-263-24

City Council Date: August 5, 2024

GENERAL INFORMATION

PROJECT NAME	Tower Landfill
LOCATION	Southwest corner of East 88 th Avenue and E-470
SITE SIZE	110 Acres
CURRENT ZONING	Adams County A-3 (Agriculture-3)
APPLICANT	Allied Waste Services, LLC
OWNER	DIBC HQTS, LLC
CASE PLANNER	Dalton Guerra

REQUEST

The request is for an annexation of 110 acres located at the southwest corner of East 88th Avenue and E-470.

BACKGROUND AND CASE HISTORY

There are five related applications being reviewed for this site:

- Land Use Plan Amendment (LUP-058-24)
- Zoning (Z-705-99-00-09-24)
- Vacation of Right-of-Way (V-93-24)
- Final Plat (S-840-24)
- PUD Permit (D-508-24)

The existing landfill property is not under consideration for any of the land use applications being reviewed. All applications are related to the subject property located at the southwest corner of East 88th Avenue and E-470. However, the existing landfill will be directly impacted by the decisions made.

The intent of the Annexation of this property is to move the existing entrance and operations of the landfill to the subject property. This will move the entrance to the east, closer to E-470, in an effort to reduce truck traffic and queuing on East 88th Avenue. Moving the entrance and operations from the existing location would also allow that area within the existing landfill to be used for landfill footprint, thus extending the life of the existing landfill. There are a number of processes and approvals that would be required from the State, County, and City if the footprint of the existing landfill were to expand. There is no plan for the landfill footprint to be

expanded into the subject property at this time. However, if the footprint is expanded in the future it will need to be approved by City Council.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property is currently designated on the Future Land Use Map as DIA Technology. There is a Land Use Plan Amendment being processed for this property to change the future land use designation to Utility.

The proposed annexation is consistent with the comprehensive plan and is within the future growth boundary. This property is contiguous with the existing city boundary, development, and infrastructure. This annexation would not “leapfrog” or outpace existing development, infrastructure, and services.

PROJECT ANALYSIS

Site Overview

The requested annexation is for approximately 110 acres, located at the southwest corner of East 88th Avenue and E-470. The site is currently occupied by agricultural structures and uses within Adams County A-3 zoning.

This site is bordered by the existing landfill to the west. East 88th Avenue is to the north while E-470 borders to the east. To the south is a vacant property that is within Adams County and owned by City and County of Denver. The nearest residential zoning is within the Legato subdivision 2,000 feet to the northwest of the subject property.

There is a related annexation agreement which outlines conditions of the annexation that have been agreed upon by the applicant and the City. These conditions include but are not limited to public improvements, vested rights, municipal services, zoning, and impact fees.

Neighborhood Meeting

A neighborhood meeting was conducted on December 28, 2023 at Bison Ridge Recreation Center. Approximately ten residents were in attendance to ask questions and provide comments about the overall project. The main questions from the public were in regards to renewable energy and plans for the landfill post-closure. The applicant has indicated that they have future plans to utilize renewable natural gas. They also indicated that post-closure, the landfill site will provide passive and active open space features including trails in Second Creek and along E-470.

Overall Analysis

The proposed annexation has been reviewed by the Development Review Team (DRT) including Planning, Public Works, Engineering, Environmental, South Adams County Fire District, and South Adams County Water and Sanitation District. The DRT has reviewed the proposal against all relevant City standards and Land Development Code (LDC) requirements for the proposed annexation. There were no comments from referral agencies in opposition to the proposed

annexation. A preliminary traffic and drainage report have been reviewed by the DRT and will be approved at the time that the pending PUD Permit is approved.

ANNEXATION APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Section 21-3340 of the Land Development Code. 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;

The annexation application has been reviewed by staff and external agencies and has been found to be in compliance with all applicable state laws and the Commerce City LDC.

(2) The annexation is consistent with the comprehensive plan and all other adopted city plans and policies;

The proposed annexation is consistent with the comprehensive plan and all other adopted City plans and policies. The property is within the future growth boundary and is contiguous with the existing City boundary. Annexation of this property would not “leapfrog” or outpace infrastructure for services.

(3) The best interests of the city would be served by annexation of such property;

Annexing the land will allow the City to control the zoning, land uses, and future development of the property. This property is within the future growth boundary and is contiguous with existing development and infrastructure. The resolution finding substantial compliance of the annexation petition was approved by Council on June 17, 2024. The resolution determining the eligibility for annexation is being heard by City Council on August 5, 2024.

(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;

This property is within the Municipal Service Area of the Commerce City Growth Boundary.

(5) The property is capable of being integrated into the city in compliance with all applicable provisions of this land development code;

This annexation application was reviewed by staff and external review agencies and was found to be in compliance with all applicable provisions of the Commerce City LDC.

- (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;**

This annexation application was referred to all applicable utility companies, fire department, school district, and internal agencies and all reviewers found that reasonable capacity exists to serve this annexation. In addition, a General Improvement District (GID) application will be seen by the GID Board at a later date.

- (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;**

Surrounding land can be integrated into the City without exceptions or variances. The existing landfill to the west is already within the City limit. To the north is East 88th Avenue and to the east is E-470. The adjacent property to the south would be able to be integrated into the City without a need for variances or exceptions.

- (8) The proposed annexation is in compliance with all pertinent intergovernmental agreements to which the City is a party; and**

The proposed annexation is in compliance with all pertinent intergovernmental agreements to which the City is a party. The most pertinent being the intergovernmental agreement between Commerce City and City of Aurora for future growth in the vicinity of the Denver Airport entered on January 9, 1989.

- (9) Unless otherwise agreed to by the city, any preexisting vested property rights have been waived in writing as a condition of such annexation.**

The related annexation agreement has a condition that waives preexisting vested property rights.

CONSIDERATIONS FOR REQUESTED ANNEXATION

1. The subject property is within the future growth boundary.
2. The subject property cannot be zoned unless it is first annexed.
3. Any expansion of the landfill footprint in the future would require City Council approval.
4. This property is highly visible from E-470.

POTENTIAL MOTIONS

1. Approval
 - a. City Council
 - i. I move that the City Council enter a finding that the requested **Annexation** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **AN-263-24** meets the criteria of the Land Development Code

and based upon such finding, recommend that the City Council approve the **Annexation**.

2. Denial

a. City Council

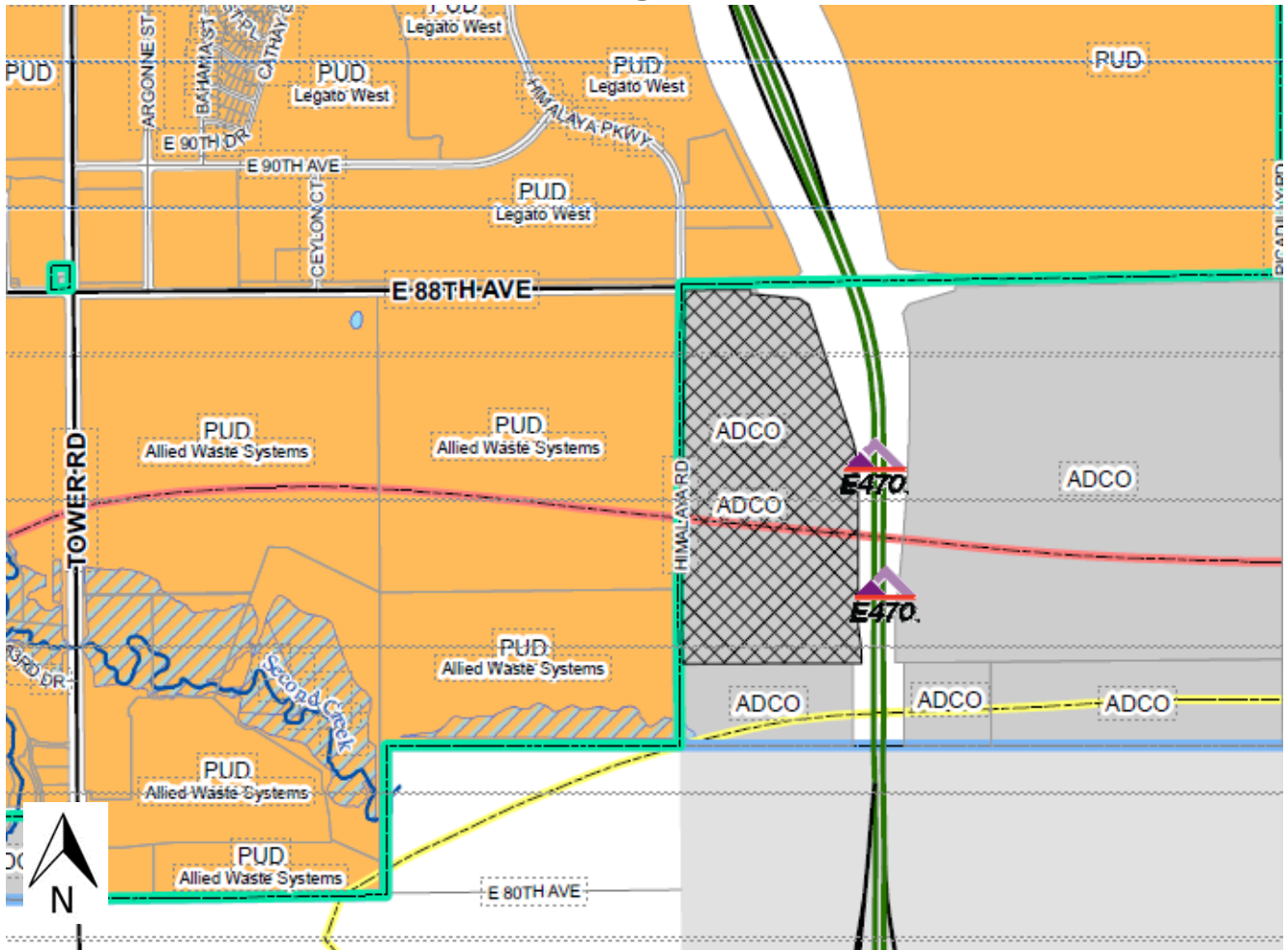
- i. I move that the City Council enter a finding that the requested **Annexation** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **AN-263-24** fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the **Annexation**.

3. Continuance

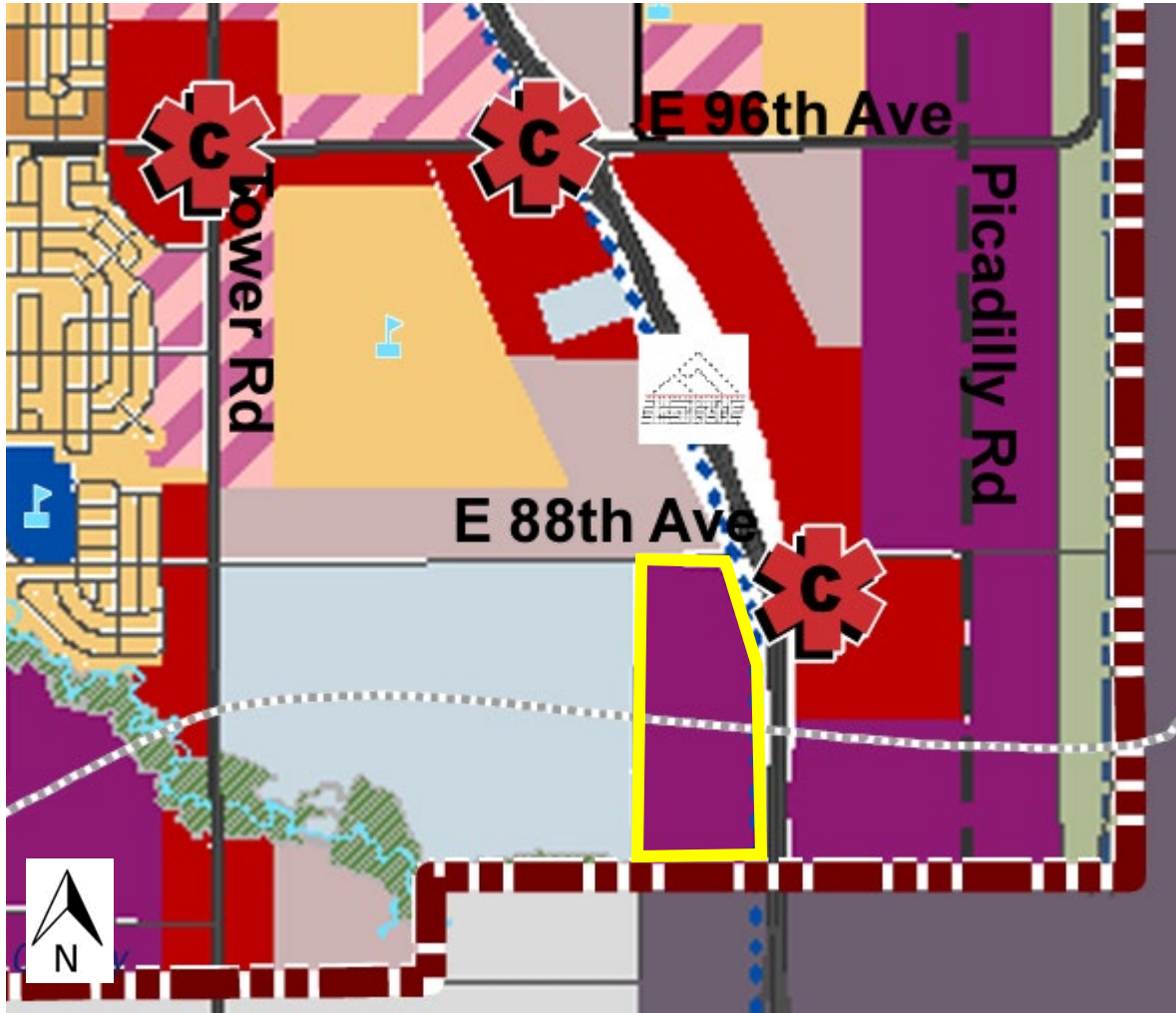
a. City Council

- i. I move that the City Council continue the public hearing of the requested **Annexation** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **AN-263-24** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

Zoning Map

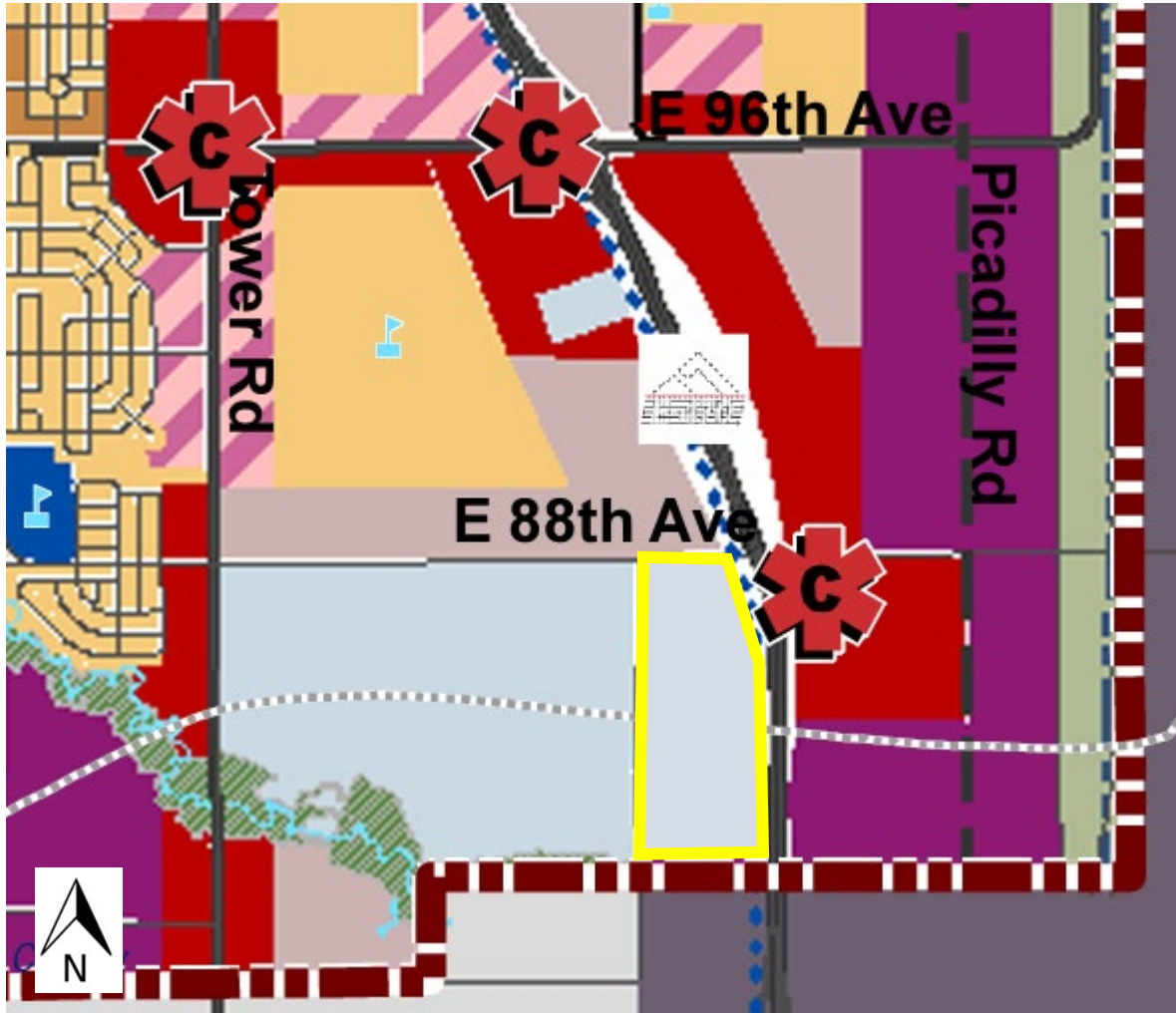


Future Land Use Plan (existing)



 DIA Technology

Future Land Use Plan (proposed)



Utility

Aerial Map

