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A RESOLUTION DETERMINING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF COMMERCE CITY, COLORADO OF THE PROPERTY GENERALLY LOCATED AT 10070 POTOMAC STREET IN CASE AN-260-22 KNOWN AS THE EBERLY PLACE ANNEXATION

Summary & Background

The resolution sets forth the findings of fact and its conclusion as to the eligibility of that property described in attached Exhibit A for annexation to the City of Commerce City.

Approval Criteria

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

- (1) The annexation is in compliance with applicable state laws and this land development code;**

Staff Analysis: Staff finds this application to meet this criterion. 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 the best interests of the city would be served by annexation of such property;**

Staff Analysis: Staff finds this application to meet this criterion. The proposed Planned Unit Development associated with this annexation request meets the intent and policies of the Comprehensive Plan and Future Land Use Map categories of Residential - Medium.

- (3) 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;**

Staff Analysis: Staff finds this application to meet this criterion. This property is within the Municipal Service Area of the Commerce City Growth Boundary.

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

Staff Analysis: Staff finds this application to meet this criterion. 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.

(5) 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; and

Staff Analysis: Staff finds this application to meet this criterion. This annexation application was referred to all applicable utility companies, fire and police departments, school district, and internal agencies and all reviewers found that reasonable capacity exists to serve this annexation.

(6) 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.

Staff Analysis: Staff finds this application to meet this criterion. The annexation boundaries will not limit the City's ability to integrate surrounding land into the City or cause variances or exceptions to be granted if the land is developed.

Staff Responsible (Department Head): Jim Tolbert, Director of Community Development

Staff Presenting: Andrew Baker, City Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approval of resolution, this property is eligible for annexation.

Suggested Motion: I move to approve Resolution #2022-31