



Commerce City

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Council Communication File Number: Res 2021-60

Agenda Date: 8/16/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Resolution

RESOLUTION FINDING SUBSTANTIAL COMPLIANCE OF ANNEXATION PETITION IN CASE AN-259 (CAN-AM ANNEXATION) AND SETTING A PUBLIC HEARING TO DETERMINE ELIGIBILITY FOR SUCH ANNEXATION

Summary and Background Information:

The applicant is requesting approval for the annexation of 31.62 acres, located on a parcel of land generally located at the southwest corner of E. 112th Avenue and Highway 85. The property to be annexed is owned by the QuikTrip Corporation and is proposed to be developed with a commercial component (i.e. fueling plaza) and a high-density residential component in conformance with the City's Comprehensive Plan. A vicinity map has been included for the specific location. All of the property is currently zoned with an Adams County Industrial-1 (I-1) zoning designation and is requested to be rezoned to Commerce City Planned Unit Development (PUD) via annexation zoning case Z-964-21, which is being processed concurrently. The public hearing for this annexation case is scheduled for October 4, 2021.

The resolution does not annex or zone the property or make any determination regarding the annexation. The resolution is a procedural step that determines whether the annexation petition submitted to the City substantially complies with the requirements of the Colorado Constitution and the Colorado Municipal Annexation Act. A copy of the petition is included. Staff believes that the petition substantially complies with the requirements of law and that setting an hearing to determine the eligibility of the property for annexation is appropriate. Per State law, the hearing must be scheduled between 30-60 days from the determination of substantial compliance.

Per C.R.S. 31-12-107(1)(e), all annexations are deemed sufficient which substantially comply with the following requirements:

- 1) Executed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets and alleys and any land owned by the annexing municipality, meeting the requirements of sections 31-12-104 and 31-12-105;
- 2) Filed with the clerk;

- 3) Contain: (i) an allegation that it is desirable and necessary that such area be annexed to the municipality; (ii) an allegation that the requirements of sections 31-12-104 and 31-12-105 exist or have been met; (iii) an allegation that the signers of the petition comprise more than fifty percent of the landowners in the area and own more than fifty percent of the area proposed to be annexed, excluding public streets and alleys and any land owned by the annexing municipality; (iv) a request that the annexing municipality approve the annexation of the area proposed to be annexed; (v) the signatures of such landowners; (vi) the mailing address of each such signer; (vii) the legal description of the land owned by such signer; (viii) the date of signing of each signature; and (ix) The affidavit of each circulator of such petition, whether consisting of one or more sheets, that each signature therein is the signature of the person whose name it purports to be.

- 4) Include four copies of the annexation map including the following (i) a written legal description of the boundaries of the area proposed to be annexed; (ii) a map showing the boundary of the area proposed to be annexed; (iii) within the annexation boundary map, a showing of the location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries and the plat numbers of plots or of lots and blocks; and (iv) next to the boundary of the area proposed to be annexed, a drawing of the contiguous boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

Staff Responsible (Department Head): Jason Rogers, Deputy City Manger

Staff Member Presenting: Andrew Baker, City Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: Approval.

Suggested Motion: I move to approve Resolution 2021-60.