



Case #AN-263-24

Tower Landfill

Location: Southwest corner of E 88th Ave and E-470

Applicant: Allied Waste Systems of Colorado LLC.

Request: Annexation

Associated Cases

Being heard tonight:

- Land Use Plan Amendment (LUP-058-24)
- **Annexation (AN-263-24)**
- Annexation Zoning (Z-705-99-00-09-24)
- Vacation of Right-of-Way (V-093-24)



Procedure

- The associated zoning and vacation cases are largely dependent upon approval of this annexation request



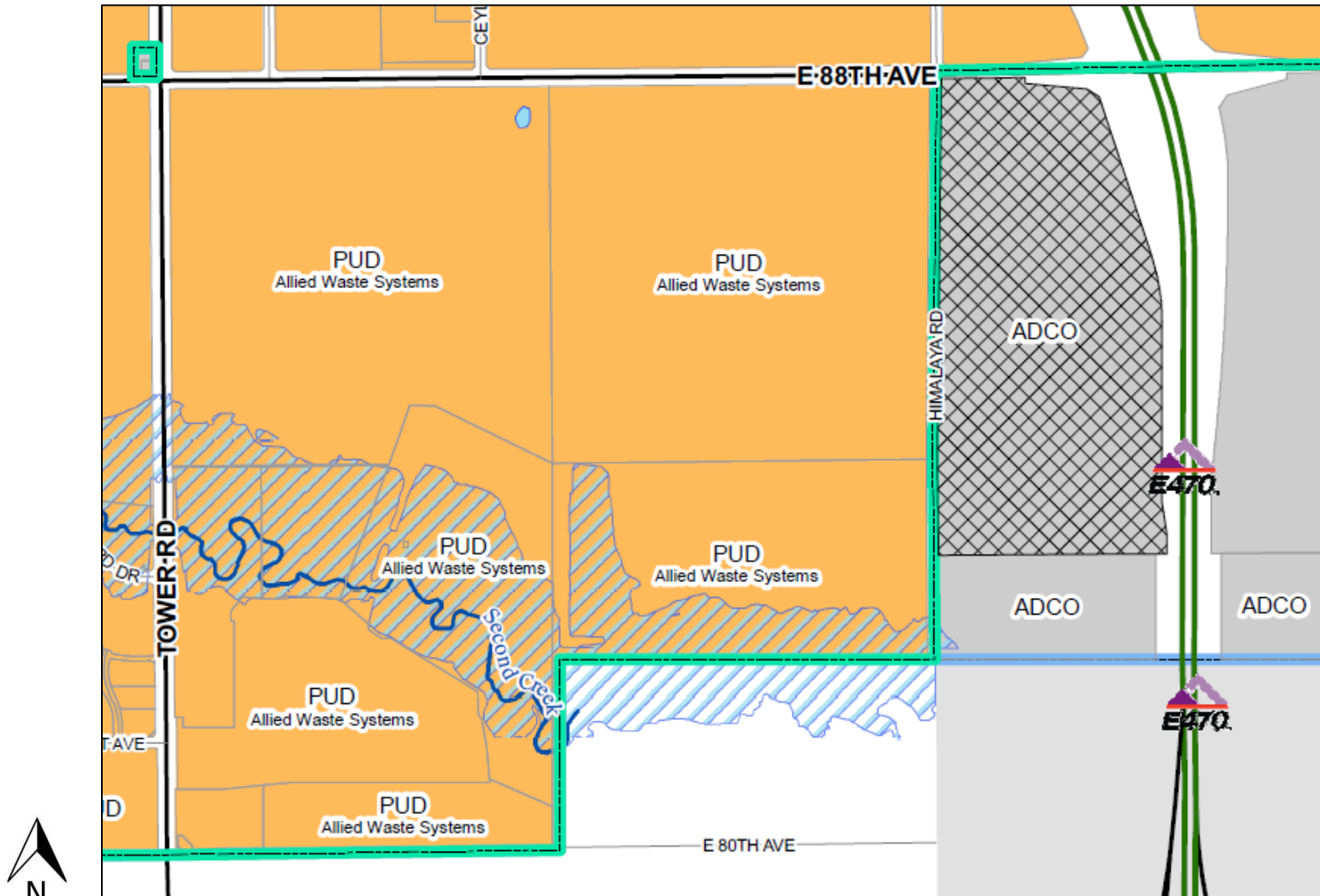
Case Summary

- Location: Southwest corner of East 88th Avenue and E-470
- Site size: 110 acres
- Request: Annexation of 110 acre property
- Current zoning: Adams County A-3 (Agricultural-3)
- Proposed zoning: PUD
- Existing future land use designation: DIA Technology
- Proposed future land use designation: Utility

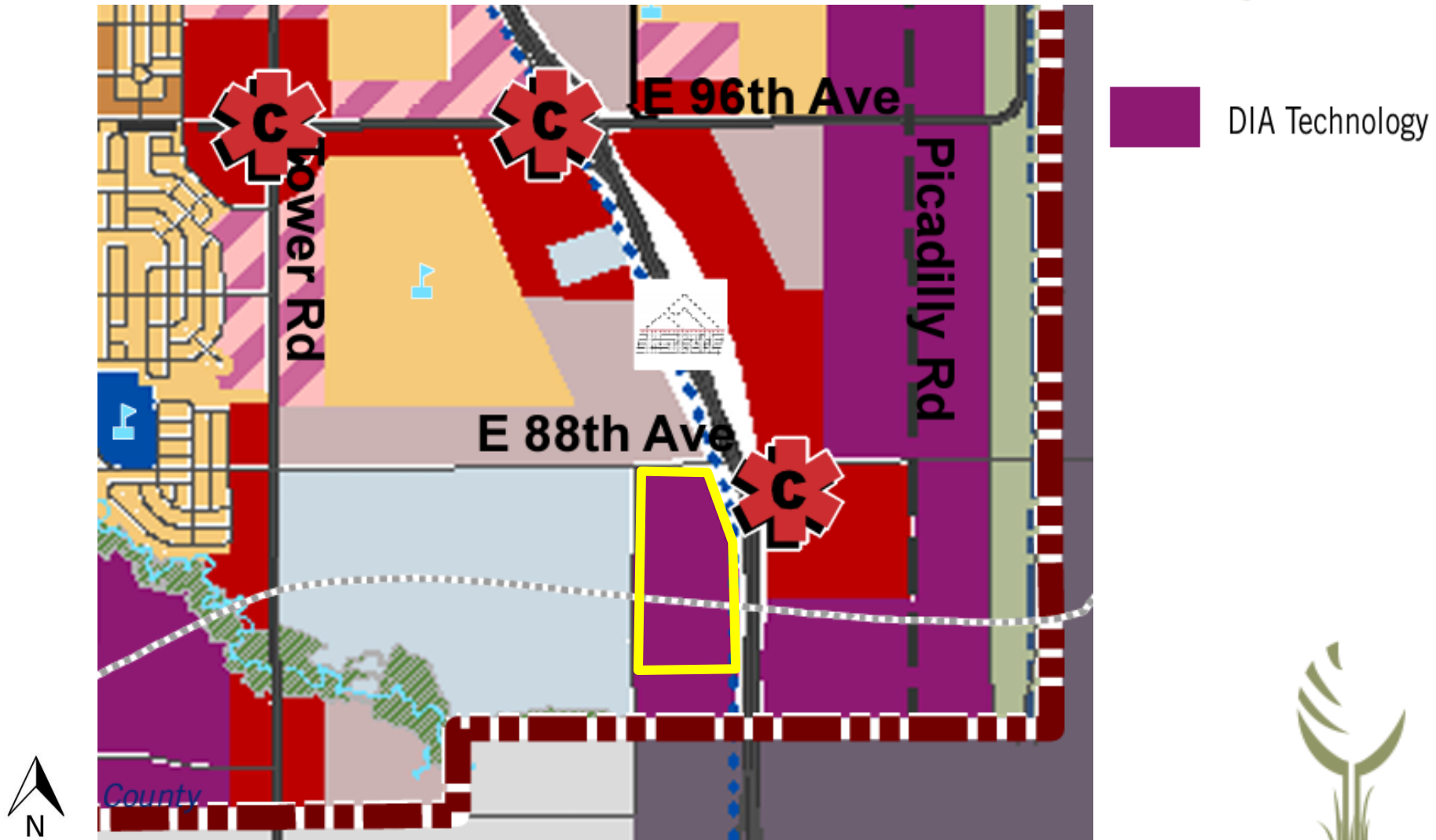
Aerial



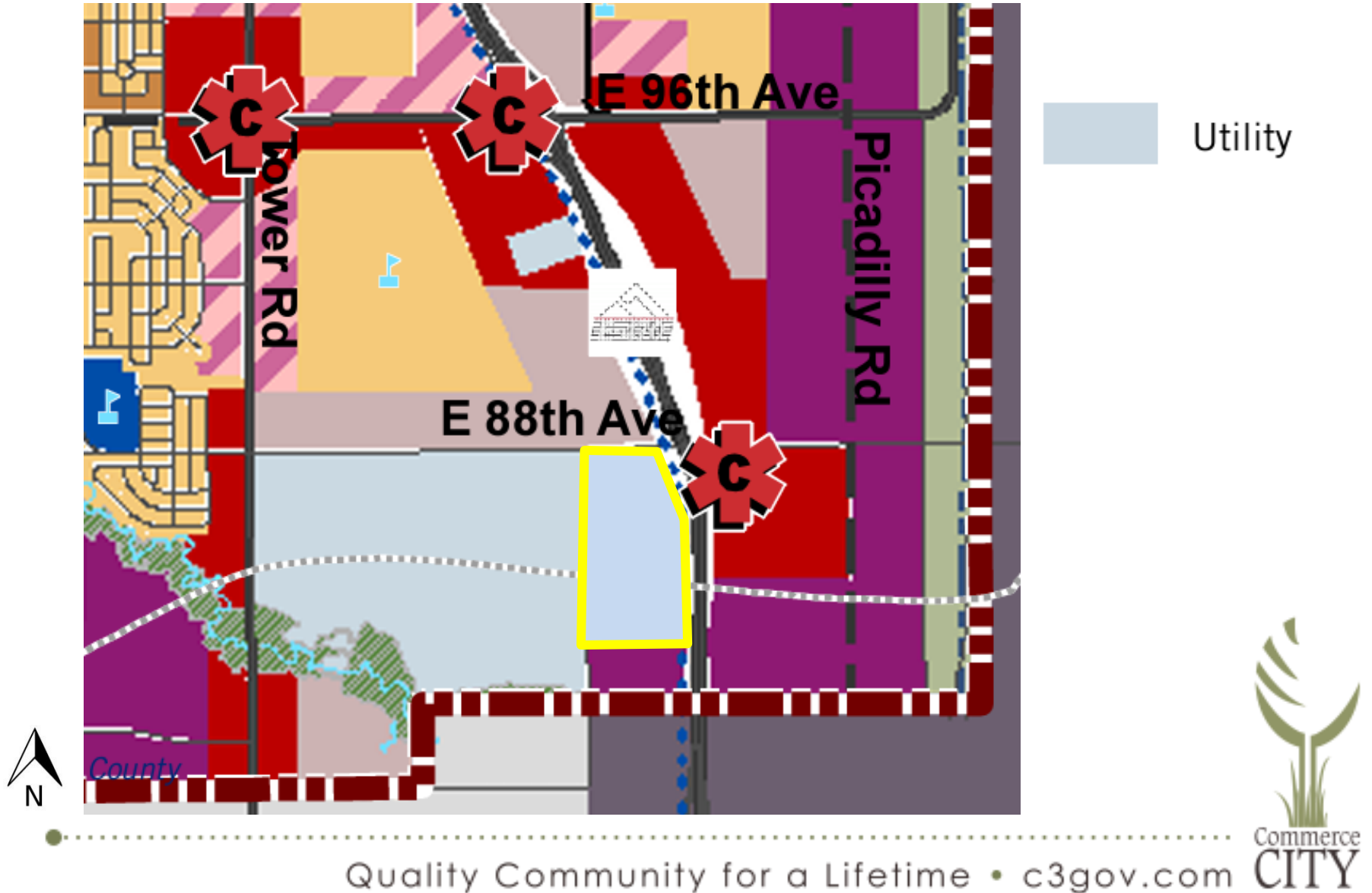
Zoning



Existing Future Land Use Plan



Proposed Future Land Use Plan



Case Analysis

- This request was reviewed by the Development Review Team and all necessary agencies such as Engineering, Economic Development, Environmental, SACFD, SACWSD, Adams County, City/County of Denver, E-470 Highway Authority.



Considerations

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

Annexation Approval Criteria (1)

Sec. 21-3340:

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;



Annexation Approval Criteria (2)

Sec. 21-3340:

The annexation application may be approved if:

- (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 is available to answer any questions.



Site Photos (1)



Facing south

Facing southwest



Site Photos (2)



Existing structures

Facing southwest from E-470



Annexation Approval Criteria 1

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.

Annexation Approval Criteria 2

(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.



Annexation Approval Criteria 3

(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.



Annexation Approval Criteria 4

(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.

Annexation Approval Criteria 5

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

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



Annexation Approval Criteria 6

(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 and police departments, 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.

Annexation Approval Criteria 7

(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.

Annexation Approval Criteria 8

(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.



Annexation Approval Criteria 9

(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.