



Annexation Report

Case #AN-255-22-24

City Council Date: January 6, 2025

GENERAL INFORMATION

PROJECT NAME	Carbajal Auto Annexation
LOCATION	8581 Rosemary Street & Adams County Right-of-Way
SITE SIZE	0.70 Acres
CURRENT ZONING	Adams County Agricultural-1 District (ADCO A-1)
APPLICANT	Raptor Civil Engineering, LLC
OWNER(S)	Gilberto R. Carbajal Flores
CASE PLANNER	Nathan Chavez

REQUEST

The request is for annexation of approximately 0.70 acres at 8581 Rosemary Street and Adams County right-of-way.

Annexation

Annexation is the legal process for properties to join a municipality. Annexation determines if a property falls under a municipality's jurisdiction and services. The zoning and other land use cases occur after approval of an annexation. This ordinance is the third and final step for annexation. The first step, Substantial Compliance, occurred on December 2, 2024 and determined whether or not the annexation petition met the content and submittal requirements enumerated in the Colorado Revised Statutes. The second step, the Eligibility Hearing resolution is also scheduled for the January 6, 2025 City Council and is to determine whether or not the proposed annexation meets the statutory requirements specified in C.R.S §31-12-104 and 105, and is eligible to be annexed into Commerce City.

BACKGROUND AND CASE HISTORY

One single-family home and two garages occupy the approximately 0.45-acre property. The home was built in 1901 according to the Adams County property records. A nearly identical annexation request was submitted in 2019, but was eventually withdrawn. The applicant's intent is to develop the site as a used car dealership with the existing structures refurbished as an office and maintenance garages. There are three concurrent applications under review for this site including an Annexation Zoning (Z-959-19-24), Final Plat (S23-0005), and Development Plan (D-439-24). The Final Plat and Development Plan are awaiting approval of the Annexation and Annexation Zoning prior to their determinations.

COMPREHENSIVE PLAN (CP) CONSISTENCY

2045 Comprehensive Plan

The subject property is classified as an [Annexation Priority Area](#) meaning the City should focus on annexation of the property. This property is contiguous with the existing city boundary, development, and infrastructure. This annexation would not “leapfrog” or outpace existing development, infrastructure, and services. As a result, the proposed annexation meets Goal 2 of the Character Area (land use) chapter; Manage growth and annexation in a strategic, positive, and compatible way to accommodate the City’s growing population. The subject property lies within the Fusion District (Irondale) Character Area.

Irondale Neighborhood & Infrastructure Plan

The [Irondale Neighborhood & Infrastructure Plan](#) includes a Capital Improvement Program recommendation map which includes a road widening project with the installation of sidewalks and street lighting. With the Annexation Agreement, additional right-of-way will be dedicated along Rosemary Street and East 86th Avenue and the applicant has agreed to install various public improvements including the installation of landscaping, sidewalk, curb, gutter, and other roadway paving along Rosemary Street and East 86th Avenue. The proposed annexation is consistent with the Irondale plan.

PROJECT ANALYSIS

Site Overview

The requested annexation is for approximately 0.70 acres located at 8581 Rosemary Street and adjoining Adams County right-of-way. The existing home will be retrofitted as an office for a car dealership with the two garages converted into maintenance garages. The site is bordered by industrial uses to the north and south, a residential unincorporated property directly to the west, and a South Adams County Fire Department fire house to the east.

Annexation Agreement

The applicant has executed an annexation agreement which can be found within the packet. The annexation agreement stipulates the applicants are responsible 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).

Overall Analysis

The proposed annexation has been reviewed by the Development Review Team, including Planning; Public Works; Development Review Engineering; Parks; Economic Development; South Adams County Fire Department (SACFD); Xcel Energy; and South Adams County Water and Sanitation District (SACWSD). 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 Development Review Team

(DRT). The DRT has found that there are no adverse impacts to traffic and drainage is adequately accommodated.

ANNEXATION APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3340 of the Land Development Code (LDC). An 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. *Therefore, it can be found that this application **meets Criteria (1)**.*

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

The proposed annexation is consistent with the 2045 Comprehensive Plan, Irondale Neighborhood & Infrastructure Plan, and all other adopted City plans and policies. The property and right-of-way is within the future growth boundary and is contiguous with the existing City boundary. Annexation of this property and right-of-way would not “leapfrog” or outpace infrastructure for services. *Therefore, it can be found that this application **meets Criteria (2)**.*

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, right-of-way, and future development of the property. This property and right-of-way 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 December 2, 2024 and the resolution determining the eligibility for annexation is scheduled for the January 6, 2025. *Therefore, it can be found that this application **meets Criteria (3)**.*

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 and right-of-way is within the Municipal Service Area of the Commerce City Growth Boundary. *Therefore, it can be found that this application **meets Criteria (4)**.*

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 Land Development Code. *Therefore, it can be found that this application **meets Criteria (5)**.*

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, South Adams County Fire Department, and internal agencies and all reviewers found that reasonable capacity exists to serve this annexation. As a part of the Annexation Agreement, the applicant is required to submit for an inclusion agreement into the South Adams County Water and Sanitation District (SACWSD). *Therefore, it can be found that this application meets Criteria (6).*

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;**

The proposed annexation is surrounded by Commerce City to the north, east, and south. After review of the application, Staff cannot foresee an instance where the City's ability to integrate the western property into Commerce City. *Therefore, it can be found that this application meets Criteria (7).*

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 agreements between Commerce City and SACWSD for serving properties with water and wastewater facilities entered on April 28, 2004 and April 7, 2014. *Therefore, it can be found that this application meets Criteria (8).*

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. *Therefore, it can be found that this application meets Criteria (9).*

CONSIDERATIONS FOR DISCUSSION

1. The subject property is within the future growth boundary.
2. The subject property cannot be zoned unless it is first annexed.
3. The annexation agreement stipulates right-of-way dedication along Rosemary Street and East 86th Avenue
4. The annexation agreement stipulates the owner is responsible for installation of landscaping, sidewalk, curb, gutter, and other roadway improvements along Rosemary Street and East 86th Avenue.
5. Annexation allows the site to develop as more than the existing single-family home and garages.
6. The annexation includes a portion of Rosemary Street right-of-way, in which Commerce City is already responsible for maintenance.

POTENTIAL MOTIONS

1. Approval

I move that the City Council enter a finding that the requested **Annexation** for the property located at **8581 Rosemary Street and adjacent Adams County Rosemary Street right-of-way** contained in case

AN-255-22-24 meets the criteria of the Land Development Code and based upon such finding, approve the **Annexation**.

2. Denial

I move that the City Council enter a finding that the requested **Annexation** for the property located at **8581 Rosemary Street and adjacent Adams County Rosemary Street right-of-way** contained in case **AN-255-22-24** fails to meet the criteria of the Land Development Code and based upon such finding, deny the **Annexation**.

3. Continuance

I move that the City Council continue the public hearing of the requested **Annexation** for the property located at **8581 Rosemary Street and adjacent Adams County Rosemary Street right-of-way** contained in case **AN-255-22-24** to:

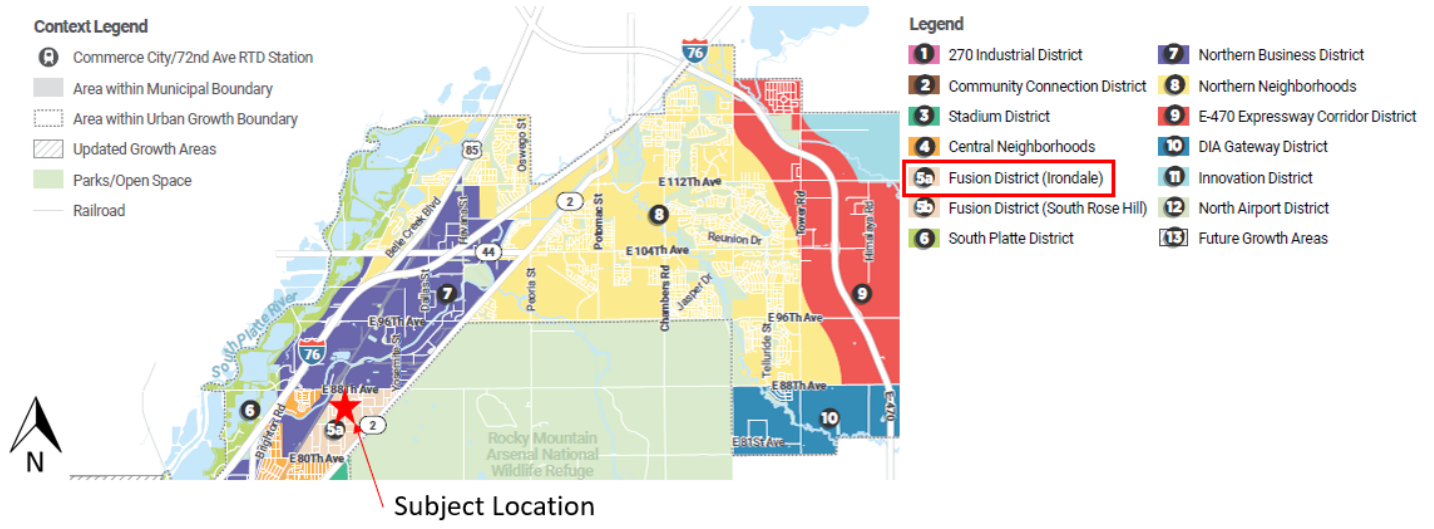
1. The next regularly scheduled City Council hearing; or
2. A date certain.

Vicinity Map

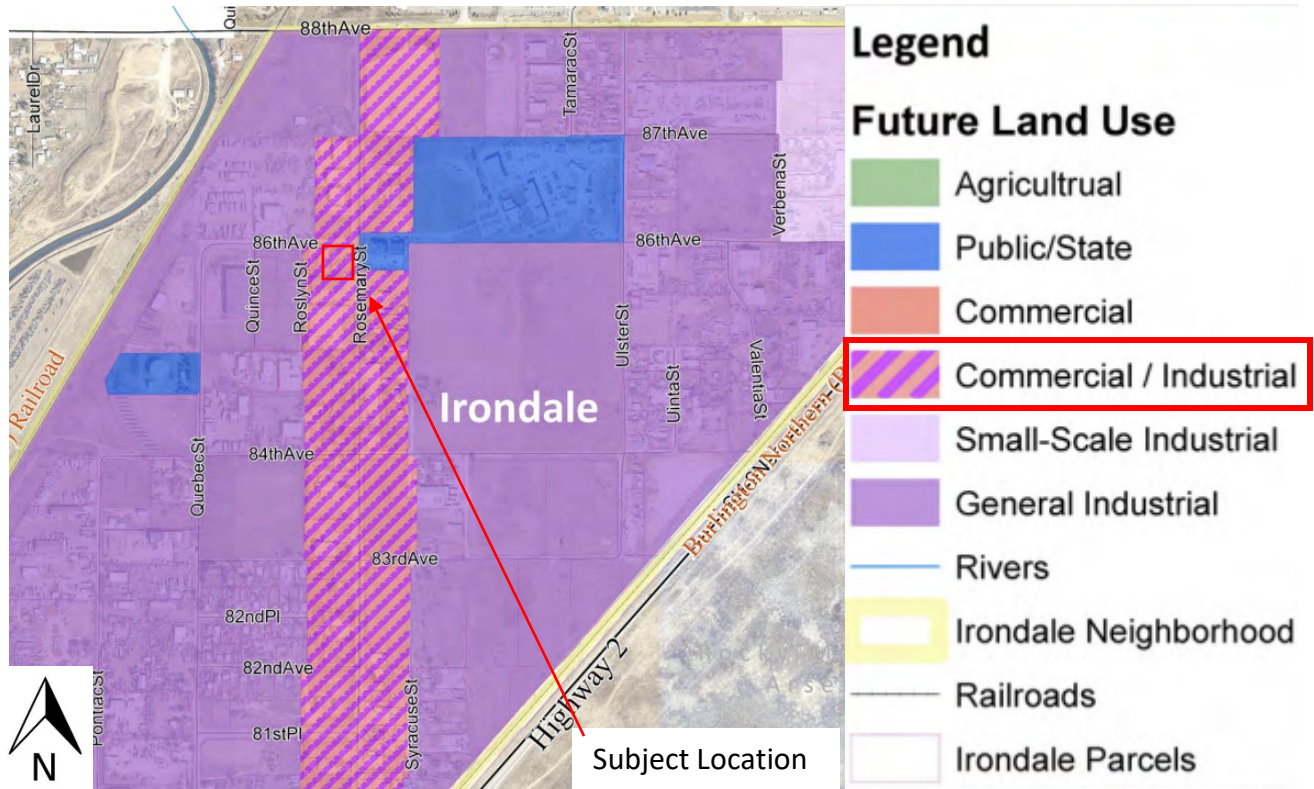


- ADCO - Unincorporated Adams County
- I-1 - Light Intensity Industrial District
- PUBLIC - Public District
- C-1 - Local Commercial District
- I-2 - Medium Intensity Industrial District
- PUD - Planned Unit Development District
- Subject Property
- R-2 - Single-Family Attached Residential District
- Commerce City Boundary
- Growth Boundary

Character Area



Irondale Future Land Use Map



Aerial Map



Aerial of Site Taken August 20, 2024

Site Photos



View of the property facing south from East 86th Avenue (Taken November 21, 2024)



View of the property from the southwest corner of East 86th Avenue and Rosemary Street . (Taken November 21, 2024)