



Annexation Report

Case #AN-268-24

City Council Date: August 19, 2024

GENERAL INFORMATION

<u>PROJECT NAME</u>	Anderson Ranch Annexation
<u>LOCATION</u>	9901 Chambers Road (NW corner of East 98th Avenue and Chambers Road)
<u>SITE SIZE</u>	121 Acres
<u>CURRENT ZONING</u>	Adams County Agricultural-3 (ADCO A-3)
<u>APPLICANT</u>	Anderson-CRP Trust
<u>OWNER(S)</u>	Anderson-CRP Trust
<u>CASE PLANNER</u>	Nathan Chavez

REQUEST

The request is for an annexation of approximately 121 acres at 9901 Chambers Road.

BACKGROUND AND CASE HISTORY

The approximately 121-acre property is currently used for agricultural purposes with one ranch home and accessory structures present on the property. The current ranch home was constructed in 1999, although historical aerials indicate a residence has existed on the site since at least 1956.

The intent of the annexation of the property is to develop a residential neighborhood via a Planned Unit Development (PUD) submitted under Z-973-21-24. Secondly, a Northern Infrastructure General Improvement District (NIGID23-0001) inclusion application is currently under review for this site.

COMPREHENSIVE PLAN (CP) CONSISTENCY

2010 Vision C3 Comprehensive Plan

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. The subject property is designated on the Comprehensive Plan [Future Land Use Map](#) as Residential – Medium and Public/State.

2045 Comprehensive Plan

While the 2045 Comprehensive Plan is not effective until November 1st, Staff included analysis of the 2045 Comprehensive Plan within the provided Staff Report, due to the transition between the old and new plans. 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 Northern Neighborhoods Character Area.

PROJECT ANALYSIS

Site Overview

The requested annexation is for approximately 121 acres, located at 9901 Chambers Road (NW corner of East 98th Avenue and Chambers Road). The site is currently occupied by a ranch home, accessory structures, and farm land within Adams County A-3 zoning. The site is bordered by Harvest Meadows subdivision to the northeast, Foxton Village subdivision to the west, and future residential development to the west and south. Across Chambers Road to the east is the Fronterra Village subdivision and to the north are three agriculturally zoned parcels utilized as ranch style homes.

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.

Annexation Agreement

The applicant has executed an annexation agreement which can be found within the packet. The annexation agreement stipulates the applicants are responsible for the design and construction of East 102nd Avenue adjacent to the north boundary of their property, the eastern half of Sable Boulevard from East 98th Avenue to East 99th Avenue, and the northern half of East 98th Avenue from Chambers Road to Sable Boulevard. In addition, cash contributions for future traffic signals at the intersections of East 104th Avenue and Sable Boulevard and East 110th Avenue and Chambers Road are required. Lastly, the applicant is responsible for dedication of 2.64 acres of land for a public park and 9.15 acres to the 27J School District.

Neighborhood Meeting

The applicants conducted a neighborhood meeting on March 15, 2023 at Stuart Middle School. Approximately eight residents were in attendance to ask questions and provide comments about the overall project. Questions from the public were related to the maximum height of the homes and the timeframe of development. Concerns expressed included increased traffic, blocking mountain views from Chambers Road, not enough commercial in the area, multi-family as an undesirable adjacent use, the width of Chambers Road, and deteriorating conditions of nearby roads during construction. The applicant has indicated that the homes will be no taller than 35-ft. in height and increased number of rooftops will entice more business for the area. Any traffic concerns will be mitigated through roadway construction impact fees and right-of-way dedication.

Overall Analysis

The proposed annexation has been reviewed by the Development Review Team (DRT), including Planning; Public Works; Development Review Engineering; Parks; 27J School District; Economic

Development; South Adams County Fire Department; Xcel Energy; 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 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 2010 Vision C3 Comprehensive Plan, 2045 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. *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, 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 July 15, 2024 and the resolution determining the eligibility for annexation was approved by Council on August 19, 2024. *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 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 LDC. *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, fire department, school district, 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). Lastly, a Northern Improvement General Improvement District (NIGID) application is scheduled to be heard by the NIGID Board on October 21, 2024. *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 property is surrounded by Commerce City on all sides and no integration of surrounding land is possible. *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 agreement between Commerce City and SACWSD for serving properties with water and wastewater facilities entered on July 13, 2016. *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 the owner is responsible for various cash contributions, as well as, design and construction of future traffic signals and roadways.
4. Annexation allows the site to develop as more than the existing ranch home.
5. The annexation agreement stipulates 9.15 usable acres are dedicated for a public-school site within the 27J School District.
6. The annexation agreement stipulates 2.64 usable acres are dedicated for a public park site.
7. The site is an enclave and surrounded by Commerce City.

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 9901 Chambers Road** contained in case **AN-268-24** meets the criteria of the Land Development Code and based upon such finding, 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 9901 Chambers Road** contained in case **AN-268-24** fails to meet the criteria of the Land Development Code and based upon such finding, 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 9901 Chambers Road** contained in case **AN-268-24** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

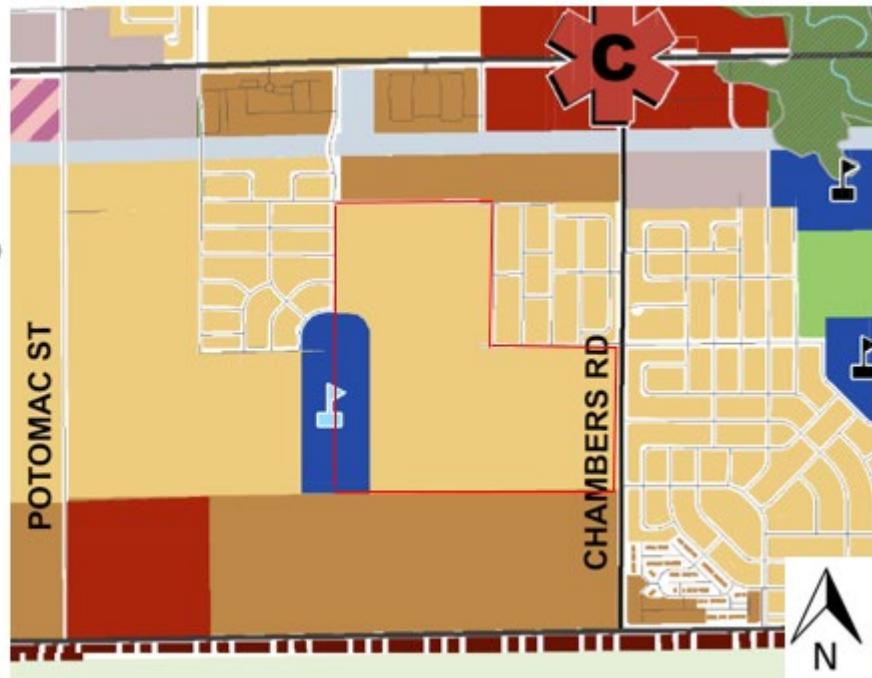
Zoning Map



Future Land Use Plan

Future Land Use

- Residential - Low
- Residential - Medium
- Residential - High
- Mixed-Use - E-470
- Mixed-Use (Corridor and Commercial)
- Commercial
- Office / Flex
- DIA Technology
- Industrial / Distribution
- General Industrial
- DIA Reserve
- Utility
- Public/State
- Park
- Open Space



Aerial Map



Aerial taken April 9, 2024

Conceptual Plan based on Proposed PUD



Anderson Ranch Land Use Concept

Color	Land Use	Acres	Units
Pink	Townhomes SF Unit	7.33	90
Brown	Rear Drive 40' x 80' SF Lot	11.16	99
Orange	40' x 100' SF Lot	17.77	168
Light Yellow	50' x 100' SF Lot	16.50	127
Yellow	60' x 100' SF Lot	14.83	97
Green	Community Trail	3.50	
Dark Green	Regional Trail	1.44	
Light Green	Community Park	2.06	
Dark Green	Entry Feature	0.44	
Medium Green	Detention	2.49	
Dark Green	Regional Park	3.17	
Cyan	Elementary School Site	9.15	
Grey	Public ROW	31.11	
Totals		120.94	581.00

Anderson Development
9710 South 700 East Suite 205
Sandy, UT 84070



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Site Photos



View from the southwest corner of East 110th Avenue and Chambers Road. (Taken June 12, 2024)



View from Chambers Road facing west toward the existing ranch home (Taken June 12, 2024)

Site Photos (continued)



View from Sable Boulevard facing east (Taken June 12, 2024)