



# City Council Communication

**AGENDA DATE:** October 6, 2025    **LEGISTAR ITEM #:** RES 2025-086

**PRESENTER:** Nathan Chavez    **DEPARTMENT:** Community Development

<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Public Hearing
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## REQUEST

Resolution 2025-086, if approved, will find the Commerce Place annexation petition submitted substantially complies with the content requirements of Colorado Revised Statutes (C.R.S.) §31-12-107 in that the petition submitted contains the following:

- The petition was filed with the City of Commerce City.
- The petition meets the required content set forth in C.R.S. §31-12-107.
- The petition was accompanied by an annexation map meeting the content requirements.

## BACKGROUND

An annexation petition has been submitted to the City of Commerce City for the annexation of approximately 35.62 acres, located at the southeast corner of East 104<sup>th</sup> Avenue and Brighton Road. A vicinity map has been included for the specific location. The property is currently a mixture of Adams County zoning districts including Agricultural-1 (A-1), Agricultural-3 (A-3), and Commercial-5 (C-5). While a formal application is not submitted, the applicant indicated they will be seeking a City of Commerce City C-3 (Regional Commercial District) zoning.

Finding that the annexation petition is in substantial compliance is the first of three steps in the annexation process and is primarily a procedural requirement. Resolution 2025-086 does not officially annex the property into the City. Resolution 2025-086 also sets a public hearing date for November 17, 2025, to determine the eligibility of the property ("Eligibility Hearing") to be annexed into the City of Commerce City pursuant to state law and puts in motion a variety of public notice requirements that must occur before the Eligibility Hearing, which is the second step in the annexation process. The third step in the process, the annexation hearing

## CITY COUNCIL COMMUNICATION CONTINUED

will be presented to City Council at a later date, in conjunction with the zoning request, once staff review of the zoning application is complete. The annexation hearing is what determines whether or not City Council approves the annexation.

A copy of the annexation petition is attached. Staff has reviewed the petition against the content requirements in C.R.S. §31-12-107 and has found that the petition is in substantial compliance.

### JUSTIFICATION

<input type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input checked="" type="checkbox"/> Legal
Citation	The governing body of a municipality must determine if the annexation petition meets the requirements of substantial compliance as contained in C.R.S. §31-12-107. If determined substantially compliant, C.R.S §31-12-108 requires said body to set a hearing date within 30-60 days to review eligibility.		

### PUBLIC OUTREACH

A neighborhood meeting occurred on July 30, 2025. Four members of the public attended in which they had concerns regarding forced annexation of neighboring properties, the need for a traffic signal at East 104th Avenue and Brighton Road, how the residential neighbors along East 104th Avenue would enter and exit their properties with increased traffic, and if any property would be needed for the East 104th Avenue expansion. Other standard referrals and standard notice requirements transpired.

### AVAILABLE ACTIONS

- Available Action #1: Approve Resolution 2025-086 accepting the petition and setting the public hearing date for November 17, 2025.
- Available Action #2: Do not approve Resolution 2025-086, which would effectively find that the petition for annexation is *not* in substantial compliance with the requirements of C.R.S. § 31-12-107.

### STAFF RECOMMENDATION

## CITY COUNCIL COMMUNICATION CONTINUED

Staff recommends Available Action #1 approving the resolution to find the annexation petition has met the substantial compliance requirements and to establish a date to review the annexation eligibility.