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City of Commerce City
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Case: AN26-0003 Narrative

Criteria (1) State Statutes. The Annexation is in compliance with the Municipal Annexation Act, as amended, and the State constitution, [C.R.S., §31-12-107](#);

These processes were reviewed by the Development Review Team and the Executive Development Review Team, the annexation application was found to be in compliance with all applicable state laws and the Commerce City Land Development Code.

***Criteria (2) Consistency.* The Annexation is consistent with the City's Comprehensive Plan;**

The 2045 Comprehensive Plan designated the parcels as Northern Neighborhoods as part of the Character Areas Land Use Map which primary land uses consists of residential and open space. Secondary land uses are commercial. Designating this parcel Agricultural would help support the goals and objectives per the 2045 Comprehensive Plan.

- *Goal 2: Manage growth and annexation in a strategic, positive, and compatible way to accommodate the City's growing population.*
- *Goal 2.5: Strategically improve roadway, water, and wastewater capacity to support future growth.*

***Criteria (3) Capacity.* The area being proposed for Annexation has, or will have at the time of development, the capacity to serve residents of the area with adequate utilities, facilities, and public services; and**

The two subject parcels annexed into the city will not have a development plan following any approvals, however, it does have the capacity to serve residents of the area with adequate utilities, facilities, and public services due to its proximity to residential areas and ability to connect to utility services that serve adjacent properties if the city decides to propose a public zoning.

***Criteria (4) Best Interests.* The Annexation is in the best interests of the City.**

The proposed agricultural (AG) zoning designation will be the placeholder zoning upon the approval of the annexation. The properties are currently part of unincorporated Adams County in an enclave situation where the properties are surrounded by the City of Commerce City. The annexation zoning will

eliminate an enclave situation that will serve a community need by preparing the properties for potential future development and right-of-way improvements fostered by the City.

The request complies with the applicable standards of the City's Code, this [LDC](#), and any applicable county, state, or federal requirements.

Through the City of Commerce City's review process, the various Development Review Team agencies including the South Adams County Water and Sanitation District, South Adams County Fire Department, Denver International Airport Strategic Planning, United Power, Xcel Energy, and City of Commerce City Economic and Community Vitality Division, Geographic Information Services Division, Parks, Recreation and Golf Department, City Attorney's Office, Planning Division, Public Works Department, and Engineering Review Division found that there is no evidence to suggest that the proposed Zoning Map Amendment will violate any state, federal, or local laws, regulations, or requirements. Therefore, it can be found that this criterion is met.

The request substantially conforms to any associated prior approval for the development, including, but not limited to, a PUD Zone Document, Conditional Use Permit, or Overall Development Plan.

Prior to this application, the southeastern property was used for utility purposes which ceased operations in 2011. The current use of the north and western property is leased by a telecommunications company which will remain on the property until the lease term ends. No immediate development is planned and any proposed development that is preceded by an additional zone change amendment will conform to standards from the 2025 Land Development Coda and 2045 Comprehensive plan. Therefore, it can be found that this criterion is met.

The request is consistent with applicable policies of the [Comprehensive Plan](#) and applicable sub-area plans and capital [improvement](#) plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.

The proposed Zoning Map Amendment is consistent with the 2045 Comprehensive Plan. Typically, after an annexation zoning of a property that does not have any pending development, AG zoning is designated as a placeholder until the property is planned for development. Therefore, it can be found that this criterion is met.

The request promotes the purposes of this LDC as established in Sec. 21-1120, Purpose, and in other applicable purpose statements in this LDC.

This proposal will ensure the public health and safety of nearby residents by acting as a slight buffer from the Tower landfill to the southwest. Therefore, it can be found that this criterion is met.

Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided by either the City or the applicant.

The property can connect to existing utility lines on East 88th Avenue & Tower Road and is included in the South Adams County Fire Protection and South Adams County service areas. Therefore, it can be found that this criterion is met.

The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.

There is no proposed development with this proposal, and the proposed zoning designation of AG will only be a placeholder pending future development. Therefore, it can be found that this criterion is met.

The request will not impede the normal and orderly development and improvement of surrounding property.

There is no proposed development with this proposal and there will be no impediment to the proposed townhomes to the north and west of the site. Therefore, it can be found that this criterion is met.