



AN-268-24

Anderson Ranch Annexation

10/21/2024

Request Summary

What is 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.

What is City Council deciding?

- Whether the property should join Commerce City or not.

Associated Cases

Being heard tonight:

- Annexation (AN-268-24)
- Annexation Zoning (Z-973-21-24)
- Northern Infrastructure General Improvement District inclusion (NIGID23-0001)
 - Heard by NIGID Board

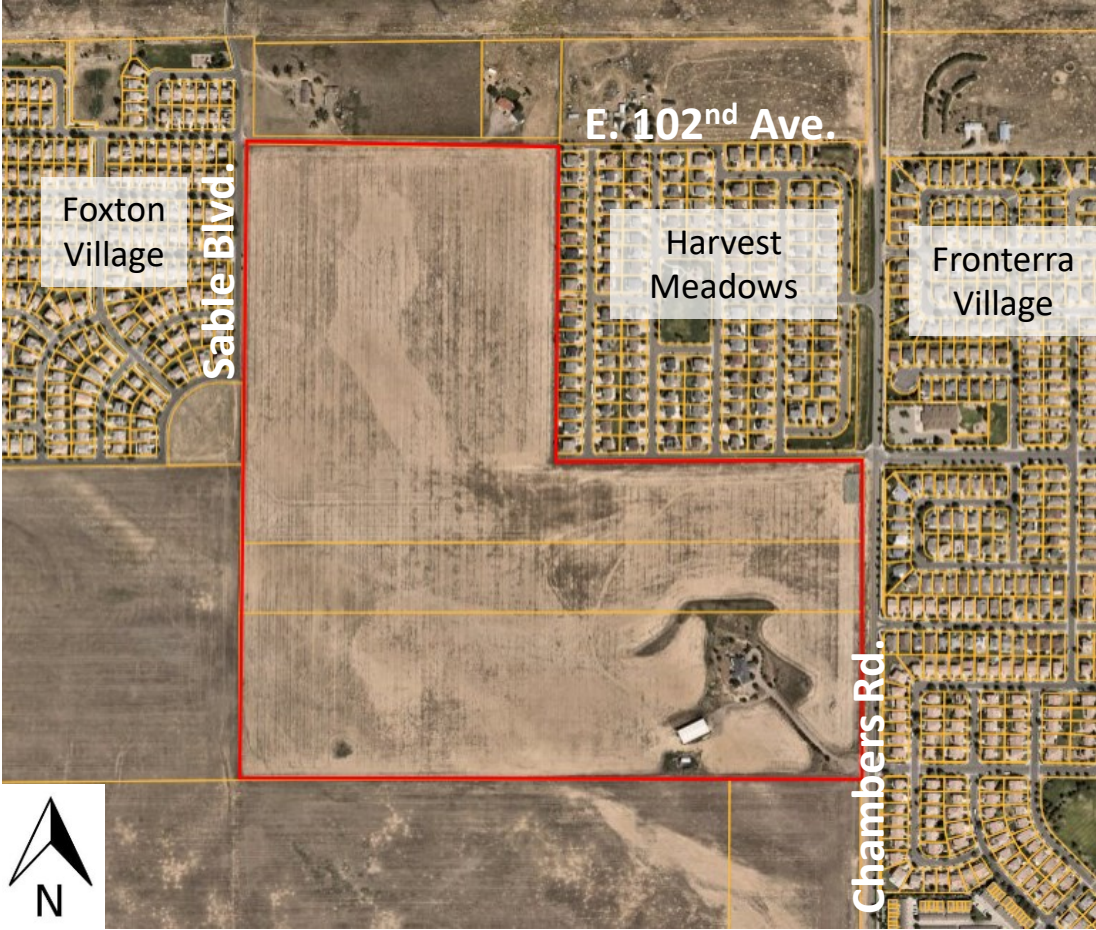
Vicinity/Zoning Map



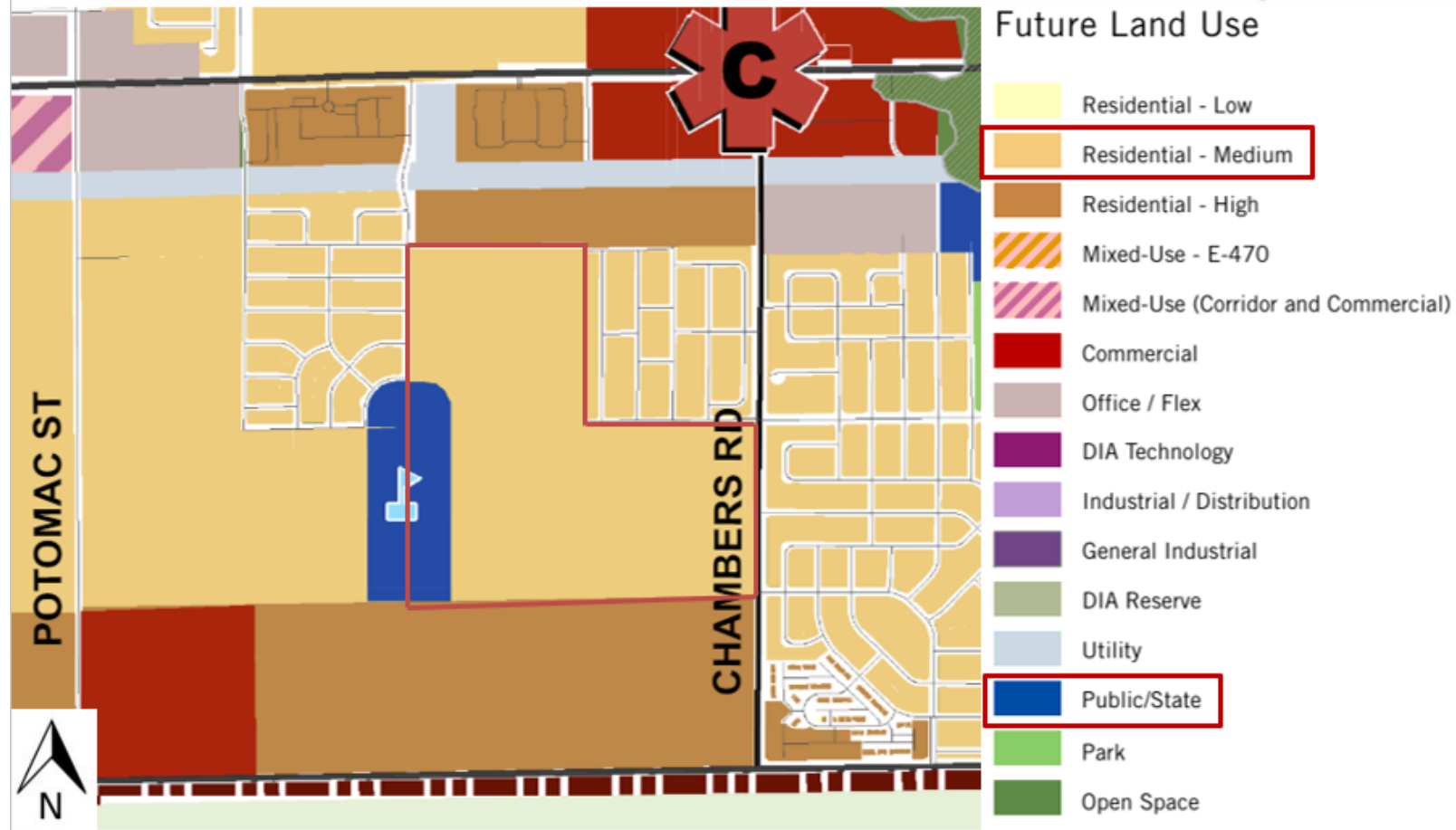
Case Summary

- Location: 9901 Chambers Road (Northwest corner of East 98th Avenue and Chambers Road)
- Request: Annexation of 121 acre property
- Current Zoning: Adams County Agricultural-3 (A-3)
- Proposed zoning: PUD (Z-973-21-24)
- Future land use: Residential – Medium & Public/State

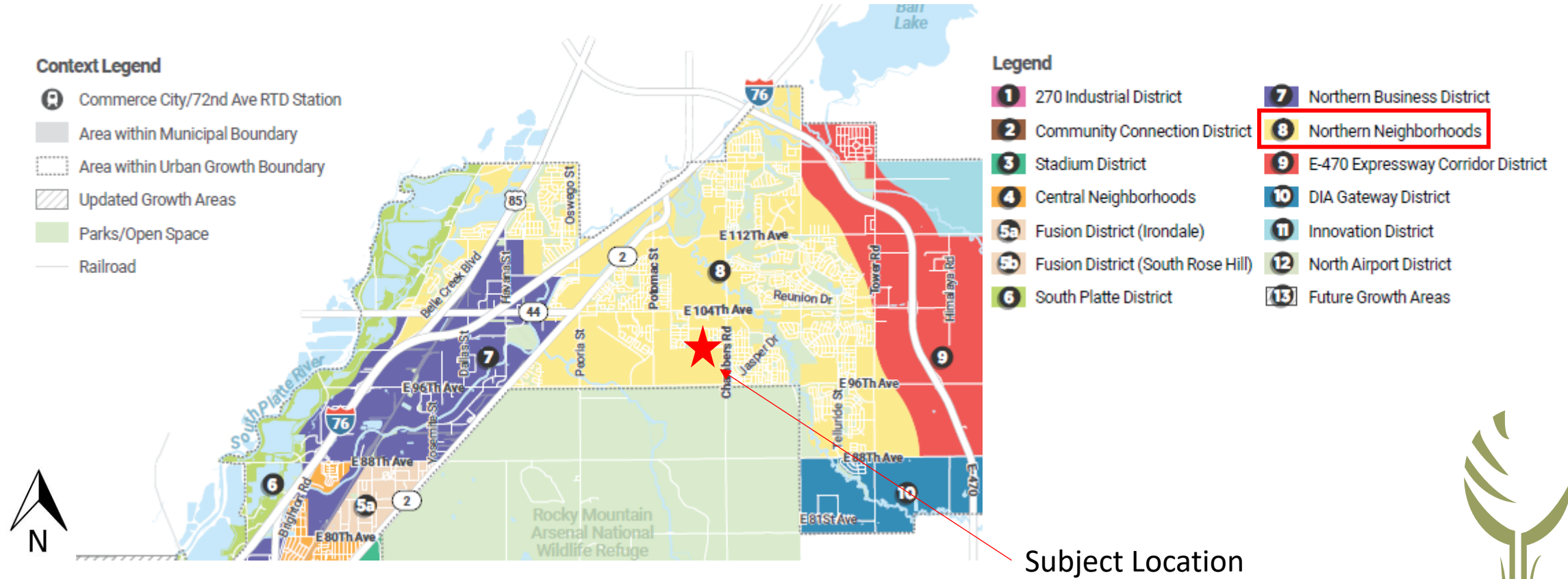
Aerial



Future Land Use Plan



Character Areas



Case Analysis

- The annexation request was reviewed by the Development Review Team (DRT) and all necessary agencies such as Engineering, Economic Development, Environmental, SACFD, and SACWSD, Adams County.

Annexation Approval Criteria

Sec. 21-3340. - Annexation Approval Criteria. 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 Cont.

- 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.

Considerations for Discussion

- The subject property is within the future growth boundary.
- The subject property cannot be zoned unless it is first annexed.
- The annexation agreement stipulates the owner is responsible for various cash contributions, as well as, design and construction of future traffic signals and roadways.
- Annexation allows the site to develop as more than the existing ranch home.
- The annexation agreement stipulates 9.15 usable acres are dedicated for a public-school site within the 27J School District.
- The annexation agreement stipulates 2.64 usable acres are dedicated for a public park site.
- The site is an enclave and surrounded by Commerce City.



Discussion

Annexation Approval Criteria

Sec. 21-3340. - Annexation Approval Criteria. 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;

Analysis: 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;

Analysis: 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;

Analysis: 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).***

Annexation Approval Criteria Cont.

(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;

Analysis: 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;

Analysis: 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;

Analysis: 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)**.*

Annexation Approval Criteria Cont.

(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;

Analysis: 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

Analysis 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.

Analysis : The related annexation agreement has a condition that waives preexisting vested property rights. *Therefore, it can be found that this application **meets Criteria (9)**.*
