

Carbajal Auto – Annexation

January 6, 2025



Commerce
CITY

Request Summary

What is Annexation?

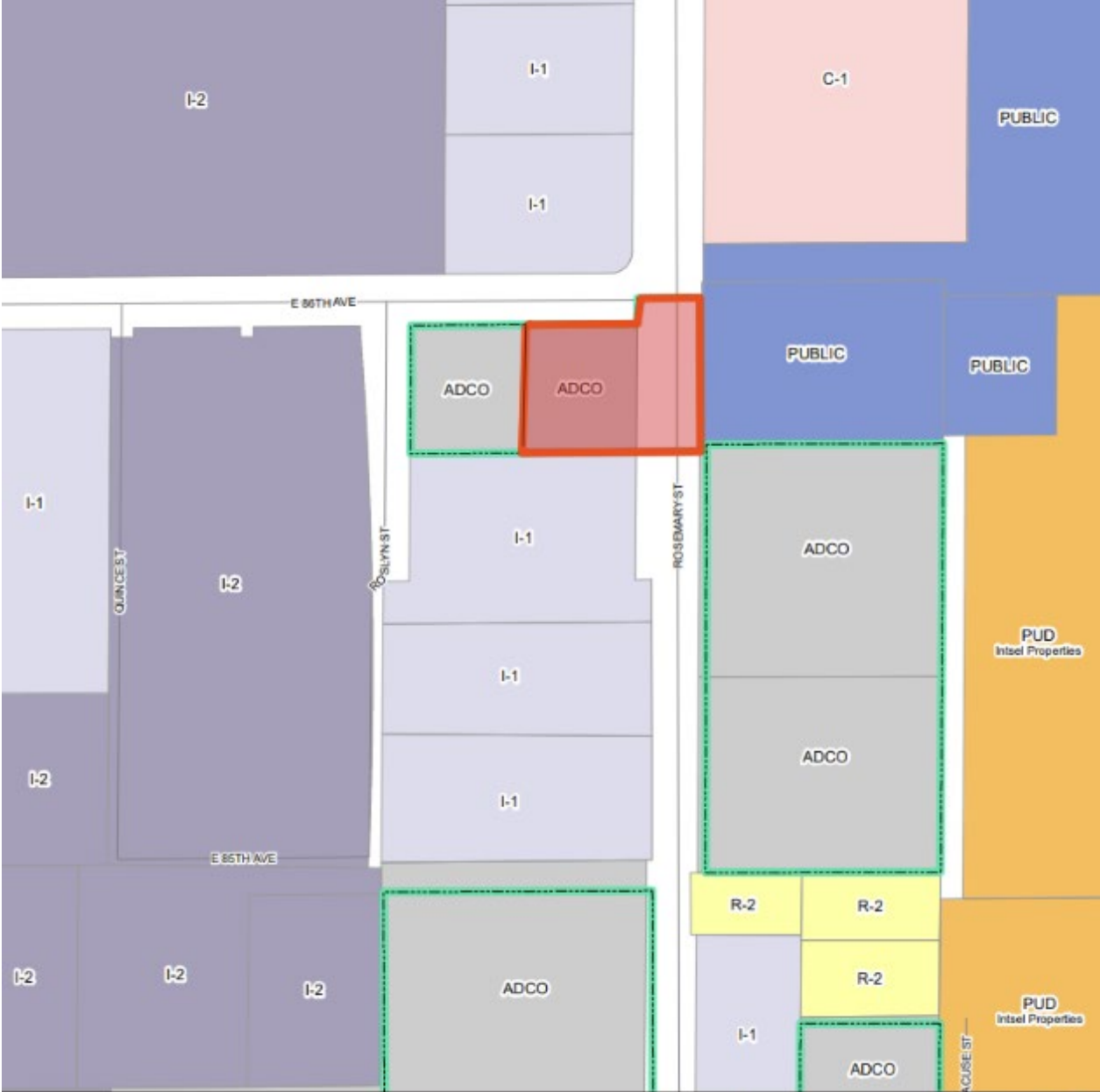
- Annexation is the legal process for properties to join a municipality.
- Annexation determines if a property falls under a municipality's jurisdiction and services.

What is City Council deciding?

- Whether the property should join Commerce City or not.

Vicinity/Zoning Map

- 8581 Rosemary Street
 - Southwest corner of Rosemary Street & East 86th Avenue



0 65 130 260 Feet NORTH

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

Case Summary

- Request: Annexation into Commerce City w/ C-3 (Regional Commercial) Zoning to develop the property as a car dealership
- Concurrent Cases:
 - Z-979-19-24: Annexation Zoning from ADCO Agricultural-1 (A-1) to C-3 (Regional Commercial)
 - D-439-24: Development Plan
 - S23-0005: Final Plat
- Location: 8581 Rosemary Street
- Site size: Approximately 0.45 acres
- Character Area: Fusion District – Irondale
- Irondale Neighborhood Plan: Commercial/Industrial






Aerial

- 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






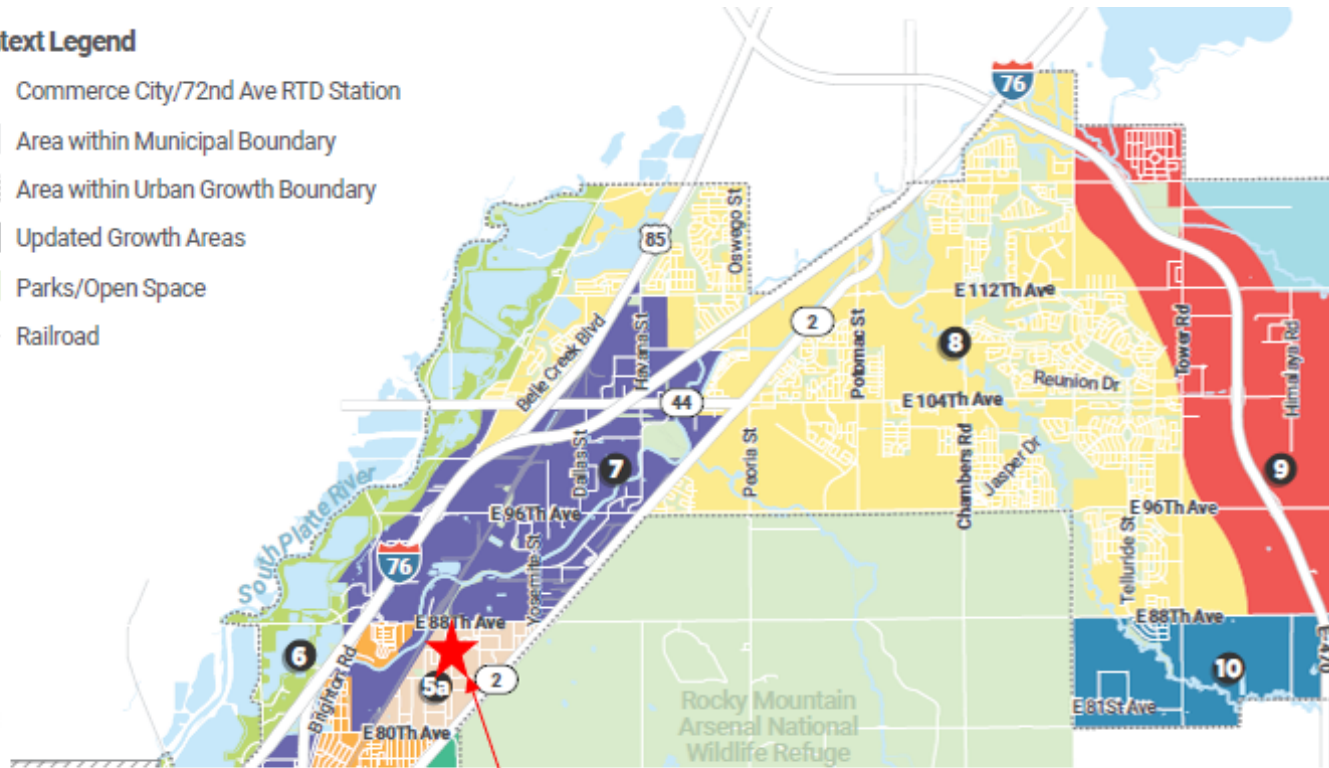
Character Area

Context Legend

-  Commerce City/72nd Ave RTD Station
-  Area within Municipal Boundary
-  Area within Urban Growth Boundary
-  Updated Growth Areas
-  Parks/Open Space
-  Railroad

Legend

- | | |
|--|--|
|  1 270 Industrial District |  7 Northern Business District |
|  2 Community Connection District |  8 Northern Neighborhoods |
|  3 Stadium District |  9 E-470 Expressway Corridor District |
|  4 Central Neighborhoods |  10 DIA Gateway District |
|  5a Fusion District (Irondale) |  11 Innovation District |
|  5b Fusion District (South Rose Hill) |  12 North Airport District |
|  6 South Platte District |  13 Future Growth Areas |



Subject Location

Irondale Neighborhood & Infrastructure Plan

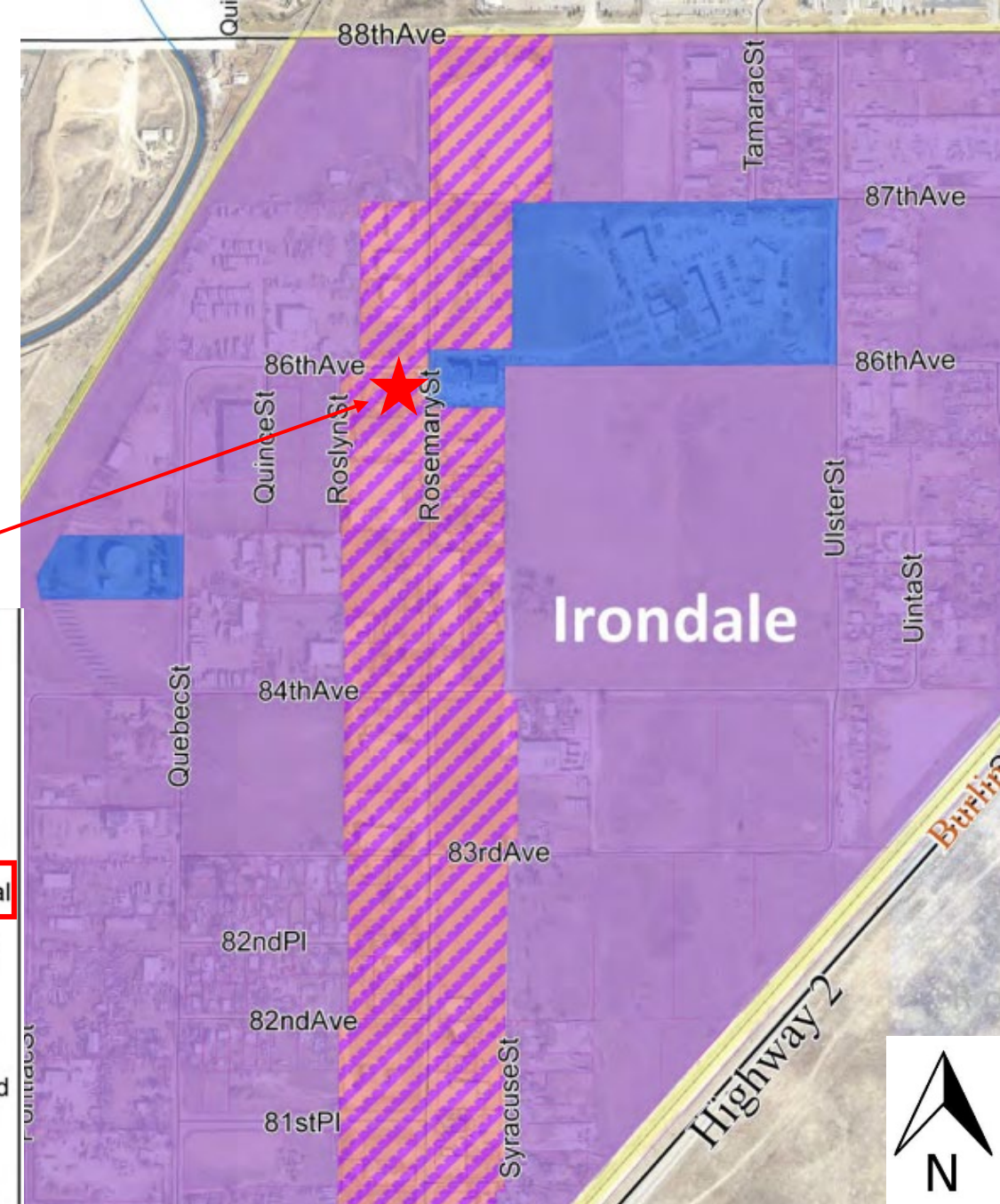
- Designated Commercial/Industrial
 - Anticipated Zoning: C-1, C-2, C-3, I-1, & I-2

Subject Site

Legend

Future Land Use

-  Agricultural
-  Public/State
-  Commercial
-  Commercial / Industrial
-  Small-Scale Industrial
-  General Industrial
-  Rivers
-  Irondale Neighborhood
-  Railroads
-  Irondale Parcels



Current Conditions

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



Public Comment

- As of December 20, 2024, Staff has received 0 written public comments.

Project Analysis

- Reviewed by all relevant Development Review Team (DRT) agencies
- Access from Rosemary and East 86th Avenue
- 21 estimated daily trips
- Temporary retention pond
- Annexation Agreement:
 - Dedication for right-of-way purposes
 - Right-of-Way improvements will include landscaping, sidewalks, curb, gutter, and other roadway improvements

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

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 right-of-way dedication along Rosemary Street and East 86th Avenue
- 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.
- Annexation allows the site to develop as more than the existing single-family home and garages.
- The annexation includes a portion of Rosemary Street right-of-way, in which Commerce City is already responsible for maintenance.

Staff is available to answer to questions.



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Annexation Approval Criteria Analysis

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 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;

Analysis: Annexing the land will allow the City to control the zoning, land uses, 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).*

Annexation Approval Criteria Analysis Cont.

(4) The property and right-of-way 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, 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).*

Annexation Approval Criteria Analysis Cont. 2

(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 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

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 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.

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).*