



STAFF REPORT

Planning Commission

CASE #Z-964-21

PC Date:	September 7, 2021	Case Planner:	Andrew Baker
CC Date:	October 4, 2021		
Location:	Southwest corner of E. 112 th Ave. & US 85, 9940 E. 112 th Ave., Henderson, CO 80640 (PINs 172110109002 & 172110100002)		
Applicant:	QuikTrip Corporation Mike Talcott	Owner:	QuikTrip Corporation
Address:	1499 W. 120th Ave., Ste. 110 Westminster, CO 80234	Address:	Same as applicant

Case Summary

Request:	Annexation Zoning from Adams County I-1 to Commerce City Planned Unit Development (PUD)
Project Description:	The properties located south of E. 112 th Ave., west of US 85, and east of Belle Creek Blvd. are proposed to be annexed into the City of Commerce City and zoned Planned Unit Development (PUD). The “CanAm” PUD would allow a mix of uses including commercial and multi-family residential. Four planning areas have been proposed with the PUD, one located on the corner of 112 th Ave & US 85 would allow a fueling plaza for both private vehicles and large commercial trucks, along with a convenience store. The other three planning areas would allow apartments, townhomes, and patio homes. This case is in conjunction with AN-259-21, S-787-21, Z-964-D-506-21, and NIGID-180-21.
Issues/Concerns:	<ul style="list-style-type: none">• Access• Allowed residential uses• Regional drainage
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Compliance with the Land Development Code
Staff Recommendation:	Approval
Current Zone District:	Adams County I-1
Proposed Zone District:	Commerce City Planned Unit Development (PUD)
Comp Plan Designation:	Residential – High and a Local Commercial Center

Attachments for Review: *Checked if applicable to case.*

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|---|--|
| <input checked="" type="checkbox"/> Applicant’s Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Proposed PUD Zone Document | |

Background Information

Site Information

Site Size:	37.9 acres
Current Conditions:	Single-family residential and agriculture
Existing Right-of-Way:	E. 112th Ave. (north), Belle Creek Blvd. (west), US 85 (east)
Neighborhood:	Belle Creek
Existing Buildings:	Single family home and accessory structures
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Residential	The Dunes	PUD
South	Residential	Belle Creek	PUD
East	Industrial	US 85 & Railroad ROW, Reep-Brennan Commerce City JV LLC	PUBLIC / I-1/I-2
West	Public/Utility	City and County of Denver Water	ADCO

Case History

Case	Date	Request	Action
AN-82-87	1987	Annexation of railroad right of way	Approved

A small parcel which was previously railroad right-of-way (PIN 172110100002) was annexed in the case described above. This parcel splits the main property (PIN 172110109002), which has no case history, as it is yet to be annexed. The cases currently under review are listed below:

Case	Date	Request	Action
AN-259-21	TBD	Annexation into Commerce City	CC Public Hearing: October 4
Z-964-20-21	TBD	Annexation zoning to PUD	CC Public Hearing: October 4
S-787-21	TBD	Final plat creating 1 lots and 3 tracts	Under Review
D-506-21	TBD	Development plan for QuikTrip site	Under Review

Applicant's Request

The application narrative states: The proposed CanAm community is an approximately 36.7 acre mixed-use development envisioned to bring a complementary mix of commercial and residential uses to northwestern Commerce City. The site is currently used for agriculture and is located in unincorporated Adams County. The property is located at 9940 E. 112th Avenue, by the intersection of E. 112th Avenue and U.S. Highway 85. This portion of U.S. Highway 85 route is part of the Canadian American Highway from which the community derives its name. This highway establishes the eastern edge of the site. To the north of the site, across East 112th Avenue, is Dunes Park, a residential community of single family detached and condominium homes. To the west of the site, across Belle Creek Boulevard, is a water retention area belonging to the City and County of Denver. The Belle Creek residential community of single-family homes is located to the south of the site.

As detailed in the PUD Zoning Map of the PUD Zone Document included with this submittal, CanAm will feature four planning areas:

- *Planning Area A, roughly 7.4 acres in the northeast quadrant of the site zoned Commercial Mixed-Use*
- *Planning Area B, roughly 7.2 acres in the southeast quadrant of the site zoned Mixed-Use*
- *Planning Area C, roughly 12.2 acres in the northwest quadrant of the site zoned Mixed-Use*
- *Planning Area D, roughly 8.9 acres in the southwest quadrant of the site zoned Residential Mixed-Use*

Development Review Team Analysis

Request:

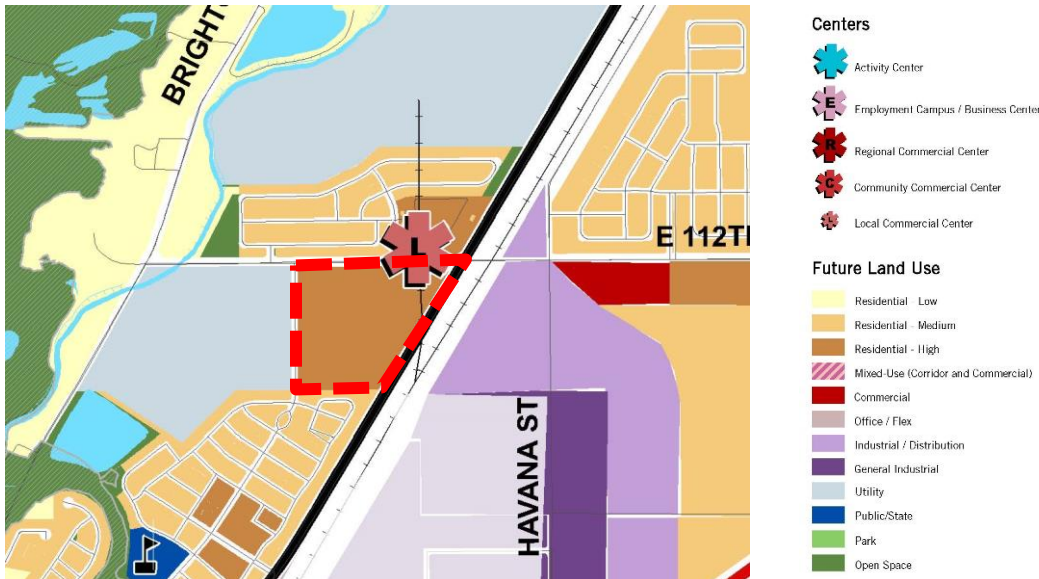
The subject properties are currently used for agriculture and a single-family residence, and are zoned I-1 in Adams County. The existing home would be demolished with this future development. The applicant proposes to annex and zone the subject properties to a Planned Unit Development zone district in order to develop a fueling plaza, which is currently under administrative review, and three mixed-use residential areas that currently have no active applications submitted. This request for annexation zoning is being made in conjunction with cases AN-259-21 in accordance with state law to zone newly annexed property within 60 days of annexation.

Current Adams County Zoning and Requested Commerce City Zoning:

The subject properties are currently zoned for industrial uses in Adams County, and while the current agricultural uses are allowed within the Adams County I-1 zone district, single-family residential is nonconforming. The majority of the newly annexed land will be developed as high-density residential. Certain commercial uses will be allowed in the four planning areas, with the corner of 112th and US 85 allowing the most commercial uses. The proposed PUD distinguishes the allowed uses based on surrounding conditions and access.

Comprehensive Plan:

The Comprehensive Plan identifies the future land use for the subject properties as "Residential - High", in which primary uses include townhomes, patio homes, condominiums, lofts, apartment buildings, and senior housing facilities with a density of 8-40 dwelling units per acre. Secondary uses include schools, open space, libraries, and small commercial centers. The intersection of E. 112th Ave. and US 85 also includes a "Local Commercial Center," which according to the Comprehensive Plan "provide opportunities for convenience shopping and service needs of a small trade area within, or directly adjacent to, a neighborhood." The proposed fueling plaza and allowed commercial uses provide the opportunity for this commercial center, which will serve the adjacent neighborhoods to the north and south, as well as traffic from E. 112th Ave. and US 85. Due to the location of these major thoroughfares, higher density residential is most appropriate at these properties, and will transition to the lower density "Residential - Medium" areas directly to the north and south, as shown in the map below:



The requested PUD zoning and the proposed development are compatible with the Comprehensive Plan, as detailed in the analysis below:

Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	Future Land Use Plan (FLUP) as a Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC)
Analysis:	The Future Land Use Plan identifies the area in which the subject properties lie to be designated high density residential with a local commercial center. The requested annexation zoning to PUD and the proposed development align with that vision.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 2.1	Infill Development Promoted: Promote infill development and redevelopment to use utilities and services efficiently, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development on vacant unplatted parcels scattered throughout the city or in county enclave areas.
Analysis:	As a county parcel utilized for agriculture and low density single family residential, this property is a great opportunity for successful infill development, creating a high density residential area and supporting commercial uses.	

Compatibility with the Area:

Currently, the property is surrounded by single family neighborhoods to the north and south, along with a townhome development directly to the north, and public/industrial uses to the east and west. Belle Creek lies to the south (zoned Residential PUD), The Dunes lies to the north (zoned Residential PUD), the City and County of Denver Water Board owns the property to the west, and the properties are bounded to the east by US 85 and railroad right of way, beyond which lies I-1 and I-2 zoned properties. This proposal is consistent and compatible with the existing development in the area, providing a mixed use development for high density residential uses complemented by supporting commercial uses along an arterial road and US highway.

Proposed Development:

The first two pages of the proposed PUD contain the cover sheet information, including vicinity map, signature blocks, and legal description. Page 3 provides a project summary, along with design guidelines

and an explanation of neighborhood character. They describe a higher density residential and commercial development adjacent to E. 112th Ave., the proposed QuikTrip development would be placed on northeast corner adjacent to US 85. This will transition to townhomes and patio homes in Planning Areas B & D on the southern portion of the development, compatible and complementary to the Belle Creek neighborhood. Proposed trails will run adjacent to Belle Creek Blvd. and E. 112th Ave., as well as internally along Florence St. and E. 111th Ave., connecting to two private parks. Entry signage, site lighting, fencing, and site furnishings are discussed here, as well.

The next page breaks down the size, general land use, and density of each planning area. Maximum density for Planning Area C is 30 dwelling units per acre, while Areas B and D are slightly less at 25 dwellings per acre. The minimum density throughout the project is 8 dwellings per acre, reflecting the minimum standard found in the Comprehensive Plan. A minimum of 3% of the entire development must be set aside for private parks, and residential developments also include a 15% open space requirement, reflecting multifamily requirements found in the LDC.

Page 5 includes the bulk standards and parking requirements for patio homes, townhomes, multifamily, and nonresidential uses. Separate setback for various components of fuel sales are also listed here, such as parking, drive aisles, fuel pumps, and fuel canopies. These bulk standards are visualized on the next page with lot typicals for each type of residential development, showing how the different home types will fit on the lots given minimum lot sizes and setback requirements.

The allowed list of uses is included on Page 7. Most of the allowed commercial uses are allowed in Planning Area A, most importantly fuel sales which is reflected in the QuikTrip development plan application that is being reviewed concurrently. Fuel sales uses are allowed five pump islands for standard car fueling, as well as five fuel islands for diesel truck fueling. Convenience stores are allowed to operate twenty-four hours per day. Certain less intensive commercial uses are allowed in Planning Areas C & B, which also front E. 112th Ave. and US 85, respectively. Planning Area D only allows a few commercial uses, such as professional offices and health clubs. The intention is for the more intensive development to take place near the major roadways, transitioning to lower intensity adjacent to the single family homes to the south.

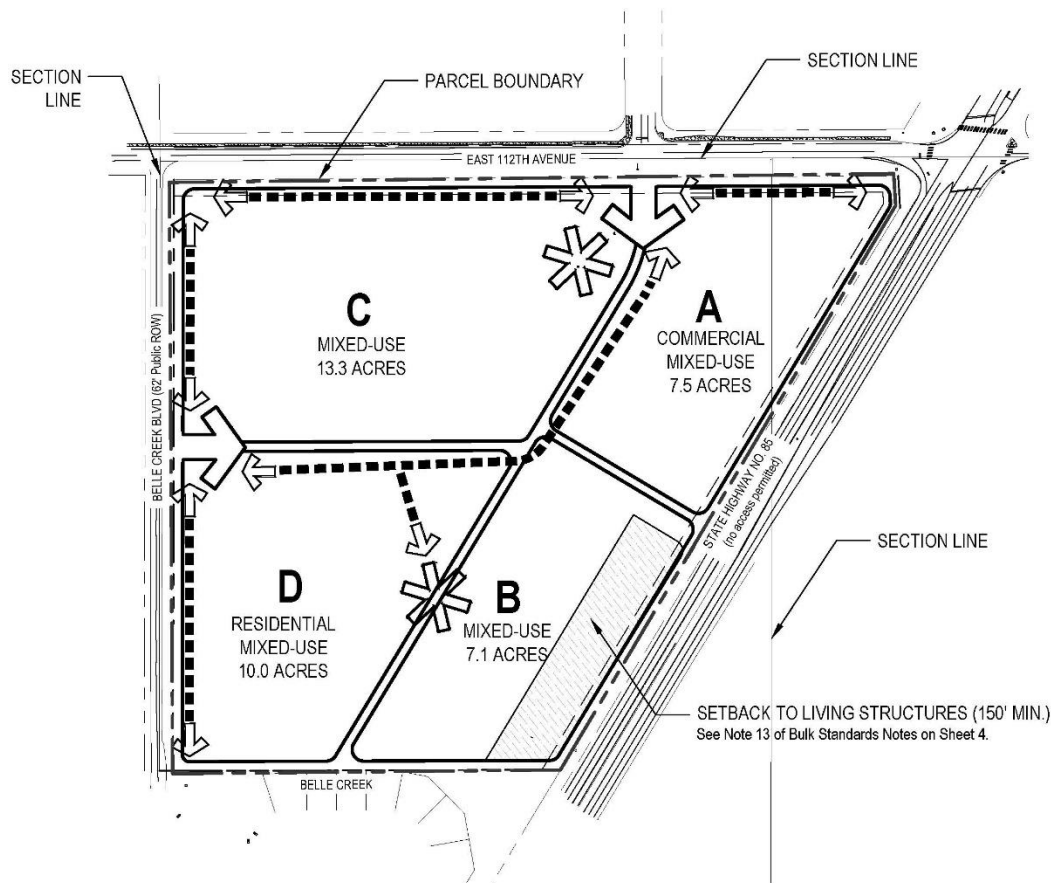
Pages 8 and 9 provide graphics showing the proposed street sections for all perimeter street, internal streets, and alleys. The last page of the PUD provides a signage plan for the proposed QuikTrip development, and refers to Commerce City LDC for all residential developments.

During a Concept Plan application review that took place in 2020, the applicant proposed two commercial lots to the west and south of the QuikTrip site, along with areas zoned R-3 and R-4. Other than the fueling plaza use, proposed uses were requested to be further defined, and planning areas evaluated for feasibility. Staff was generally supportive of the fueling plaza and surrounding residential uses. However, instead of straight zoning, the applicant wished to rezone to PUD. This resulted in the current proposal of a Planned Unit Development splitting the property into one commercial lot and three tracts. Tracts B and C will be replatted at a later time for multi-family residential and Tract A will contain the drainage detention pond. The proposed PUD would allow a fueling plaza and convenience store to be constructed in Lot 1, while Tracts B and C would allow certain commercial uses along with apartments, townhomes, single-family attached (tri- and quadplexes), and patio homes.

The development proposes a right-in, right-out access point off E. 112th Ave., this will be dedicated as a 75' wide modified collector road which runs southwest (Florence St.) and then curves west and will

be dedicated as a 54' wide local road (E. 111th Ave.). An additional foot of right-of-way will be dedicated to the east side of Belle Creek Blvd., as well as an additional ten feet of right-of-way dedicated along E. 112th Ave. Future internal access points to each lot/tract have yet to be determined. The applicant has agreed to enter into a pre-annexation agreement which will require these dedications along with constructing the south half of E. 112th Ave. as a multimodal arterial, the east half of Belle Creek Blvd. as a minor collector, Florence Ave. as a modified minor collector, and E. 111th Ave. as a local residential with detached sidewalks.

Proposed Plan:



Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed Annexation Zoning would not create conflicts with their regulations.

Neighborhood Meeting

The required neighborhood meeting to accompany this annexation zoning was held virtually on May 12, 2021. Many neighbors attended the meeting and provided a lively discussion. Some of the issues that were raised were concerning traffic and infrastructure. It was explained that perimeter and interior roads would be improved and constructed to Commerce City standards based on the findings of the applicant's traffic impact study. The higher density of multifamily residential and building height was also brought up, and while the proposed density is supported by the Commerce City Comprehensive Plan, staff included a comment on the next round of review to reduce the maximum building height from 75 feet to 50 feet. After discussion with the applicant, it was determined that a maximum building

height of 60 feet was appropriate. Several off-site infrastructure issues were also raised, which staff determined were not significantly impacted by this proposal. While staff and the applicant's team did not have answers to every question raised at the meeting, a follow up response was sent out to the attendees on July 22nd after the proper research was performed. For a complete list of neighbor concerns, that response letter has been included in this packet.

Citizen Comment:

One citizen comment was received on August 31st and has been included in this staff report. The project was referred to the Tri-County Health Department and no environmental contamination was cited in their response.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for Annexation Zoning outlined in the LDC and the goals of the Comprehensive Plan. The proposal meets one criteria found in Sec. 21-3350 of the LDC, listed below, the minimum required for annexation. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for approval to City Council.

Criteria Met?	Sec. 21-3350. Zoning of Newly Annexed Land	Rationale
<input checked="" type="checkbox"/>	The zoning is most compatible with the city's comprehensive plan designation for the property;	The request for the Commerce City PUD with high density residential and commercial uses is the most compatible with the Comprehensive Plan designation for future high density residential and supporting commercial uses.
<input type="checkbox"/>	The zoning is most comparable to the county zoning classification on the subject property at the time of acceptance of the annexation petition; or	The current Adams County I-1 allows light industrial uses, which are not compatible with the residential uses to the north and south.
<input type="checkbox"/>	The zoning is the most comparable to the present use(s) on the subject property.	Not applicable.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for an Annexation Zoning set forth in the Land Development Code and recommends that the Planning Commission forward the Annexation Zoning request to the City Council with a recommendation for **approval**.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the property located at **PINs 172110109002 & 172110100002** contained in case **Z-964-21** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Annexation Zoning.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Annexation Zoning for the property located at **PINs 172110109002 & 172110100002** contained in case **Z-964-21** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Annexation Zoning subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the property located at **PINs 172110109002 & 172110100002** contained in case **Z-964-21** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Annexation Zoning.

To continue the case:

I move that the Planning Commission continue the requested Annexation Zoning for the property located at **PINs 172110109002 & 172110100002** contained in case **Z-964-21** to a future Planning Commission agenda.