

### Z-964-21-22 CanAm Annexation Zoning

Location:

Applicant:

Request:

Southwest corner E. 112<sup>th</sup> Ave. & US 85

Mike Talcott, QuikTrip Corporation

Annexation zoning to PUD

#### Disclaimer

- •Staff enters into the public record the contents of the case file, the annexation zoning regulations, and this digital presentation.
- Additionally, the property is located within the City of Commerce City. All required notification and posting requirements have been met. Therefore, the Planning Commission has jurisdiction to hear this case.



### Public Hearing Summary

- In accordance with Sections 21-3232(4), 21-3251(3), and 21-3350(2) of the Land
  Development Code (LDC) zone change and
  Planned Unit Development (PUD) applications
  are reviewed by the Development Review
  Team (DRT) and the Director of Community
  Development
- Planning Commission holds a public hearing and provides a recommendation to the City Council
- City Council holds a public hearing and makes a final decision to approve, approve with conditions, or deny the application based on the approval criteria from Section 21-3232(4), 21-3251(3), and 21-3350(2)

#### Request

Annexation zoning of Adams County property from ADCO I-1 to Commerce City PUD (Planned Unit Development) and rezoning Commerce City I-1 (Light Intensity Industrial) to PUD

- Project size: 37.9 acres
- Comprehensive Plan Designation: Residential High (8-40 DU/ac) and Local
   Commercial Center
- Two properties to be re-subdivided into tracts for future subdivisions
- Four planning areas proposed, one commercial and three residential
- Applicant is also applying for annexation and NIGID inclusion (to be approved by Council and NIGID Board)

#### **Aerial**





#### **Comprehensive Plan**



#### Future Land Use



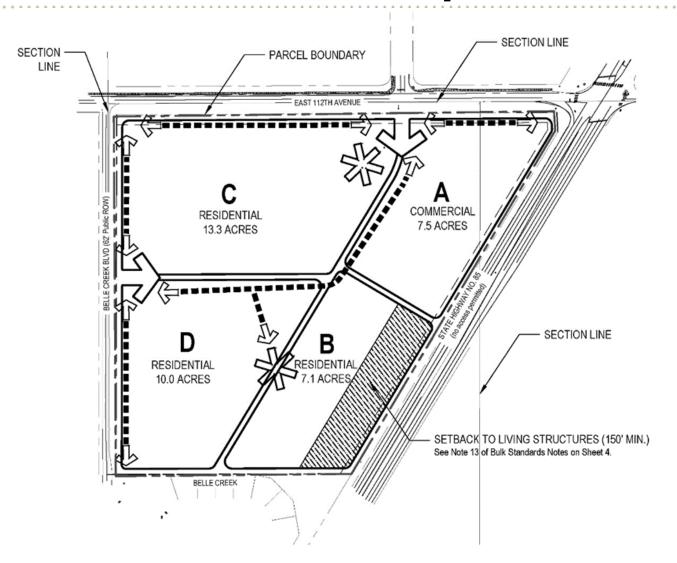
### **Case History**

- A Concept Plan (Z-964-20) was reviewed in 2020
- Old railroad right-of-way splitting the property has already been annexed, but would be part of the proposed PUD (no railroad exists there today)
- Property is now vacant, single family home and outbuildings have been demolished
- Annexation and PUD applications were brought before Planning Commission and City Council in 2021
- Substantial changes to the PUD took place after DRT and PC review, so applications were withdrawn and resubmitted
- Final plat currently under review has also been revised to only plat tracts which will require future subdivision amendments, development agreements, and PUD development permits
- QuikTrip also has a PUD development permit application for the development of a convenience store and gas station on the corner of E. 112<sup>th</sup> Ave. & US 85
- No large truck fueling is permitted by this PUD application

- o Pages 1 & 2
- Cover Sheet and Legal Description
- Legal description describes two parcels- one of the subject properties has already been annexed, both are subject to this PUD rezone



- o Page 3
- Provides a project summary and describes community character and design elements, design guidelines, lighting, landscape design, and site furnishings
- Discusses the transition from commercial uses near the intersection, higher densities along 112<sup>th</sup> Ave., transitioning to lower density adjacent to Belle Creek
- Proposes two private parks and an integrated pedestrian network connecting them
- Two proposed main entrances to the site, with additional landscaping and signage conditions





- o Page 4
- Includes PUD Zoning Land Use Chart and PUD Zoning Map
- PUD splits the lots into four planning areas
- Planning Area A would be the QuikTrip site and room for additional commercial uses allowed by PUD
- Planning Areas B,C, & D allow multifamily (apartments), single-family attached, and patio homes, along with certain public and institutional uses

PLANNING AREA	USE	DESCRIPTION OF USES (1)	ACRES	% OF OVERALL DEVELOPMENT	PERMITTED GROSS DENSITY	MAX. DWELLING UNITS	
А	Commercial	Potentially includes a mix of commercial land uses such as neighborhood level commercial, retail and office uses.	uses such as neighborhood level 7.5 AC 19.7% N/A		N/A	N/A	
В	Residential	Potentially includes a mix of residential land uses such as Patio Home Type A and Type B (See Definitions on Sheet 7), single-family attached (triplex and quadplex), townhomes, apartments, and condominiums.	7.1 AC	18.8%	25 DU/AC Maximum, 8 DU/AC Minimum***		
С	Residential	Potentially includes a mix of residential land uses such as Patio Home Type A and Type B, single-family attached (triplex and quadplex), townhomes, apartments, and condominiums.	13.3 AC	35.2%	30 DU/AC Maximum, 8 DU/AC Minimum	600 (PAs, B, C & D) (5)	
D Residential		Potentially includes a mix of residential land uses such as Patio Home Type A and Type B, single-family attached (triplex and quadplex), townhomes, apartments, and condominiums.	10.0 AC	26.3%	25 DU/AC Maximum, 8 DU/AC Minimum***		
Parks and C	)pen Space	Parks, Open Space, and Trails*	B, C and D only.	3.0%**			
Total La	nd Area	-	37.9 AC				



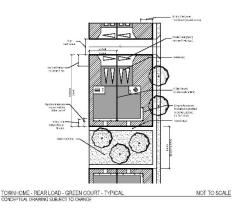
- o Page 5
- Bulk standards (lot size, lot width, setbacks, etc.)
- Separate setbacks designated for fueling plaza uses (no large truck fueling allowed)
- Multi-family residential developments will be required 15% open space
- Parking standards

U	JSES	LOT SIZE (MIN.)	LOT WIDTH (MIN.)	MIN. GROSS FLOOR AREA	ALL STI ADJA	K (MIN.) FOR RUCTURES CENT TO: 5, 6, 8)	SETBACK (MIN.) FOR ALL LIVING STRUCTURES ADJACENT TO:	FRONT YARD SETBACK (MIN.)	SIDE YARD SETBACK (MIN.) (1. 5. 6. 8. 9)	REAR YARD SETBACK (MIN.) (5, 6, 8, 9)	BUILDING HEIGHT (MAX.) (4)							
			(2)	30 40	ARTERIAL	COLLECTOR	HIGHWAY 85											
								SETBACK	SETBACK	SETBACK								
								20' to living (public local street)	20' to living (public local street)									
Patio H (12) (15)				1-Bedroom: 550 sf		20'	150' (13)	5' to living (private street) (4' to living with 1' encroachments. See Note 5 for list of encroachments.)	5' side corner to living (private street)	5' to living (private street)								
	Patio Homes (12) (15)	N/A	N/A	2-Bedroom: 700 sf 3-Bedroom: 850 sf	25'				15' to living (property line)	15' to living (property line)	35', 40' (16)							
				4-Bedroom: 1,000 sf					0' common wall									
Multi-Family Residential																BUILDING SEPARATION	BUILDING SEPARATION	BUILDING SEPARATION
Uses								10' (8' with encroachments. See Note 5 for list of encroachments.)	10'	10'								
	Townhomes	1,800 sf	20 (interior unit)	800 sf (1-STORY)/ 1,250 sf (2-STORY)	25' (r)	20' (7)	150' (13)	6' to porch 10' to living 20' to garage	5' exterior wall 0' common wall 10' side corner (3)	15' (front loaded) 6' (rear loaded- no parking) 20' (parking allowed)	40'							
	Apartments & Condominiums	N/A	N/A	N/A	25' (7)	20' (7)	150' (13)	15' (7, 10)	15' (20' min. building separation) (10)	15' (10)	40', 50' (17)							
Non-Residen	ntial Uses	N/A	30'	N/A	25'	20' (7)	N/A (14)	10' (7, 10) O' (20' min. building separation) (10)		15' (10)	50'							

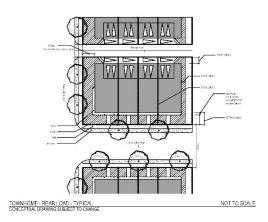


### o Page 6 – Lot Typicals

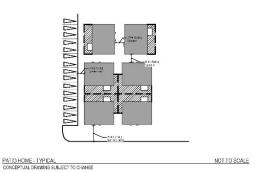
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NOT TO SCALE



#### PATIO HOME LOT TYPICALS



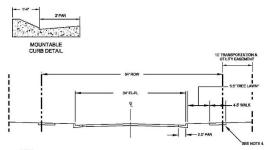


#### Page 7 – Use Table

USE CLASSIFICATION	SPECIFIC USE TYPE	PLANNING AREA			
USE CLASSIFICATION	SPECIFIC USE TYPE	Α	В	С	C
INDUSTRIAL USES	Name				
Artisan/Handcrafted	Artisan/handcrafted manufacturing				
Manufacturing		R			
Manufacturing, Oil and Gas	Support activities for oil and gas operations (pipelines, etc.)	С			
Research and Development Services	Scientific R & D services	R			
	Testing laboratories, non-medical	R			
PUBLIC, INSTITUTIONAL & CIVIC USES					
Ambulance Service	Garage and office for ambulance service	R			
Arts and Cultural Uses	Arts and cultural uses	R			
Clubs and Lodges	Private lodge or club	R			
	Gun club (indoor)	R			
Community Services	Events center (< 15,000 sf)	R			
	Events center (> 15,000 sf and < 40,000 sf)	R			
Day Care Facilities, Adult or Child	Child care center	R			
•	Adult day care center	R			
	Outpatient surgical centers	R			
	Library	R			
D. I. I. D. I.	Public administrative office or service building	R			
Public Lands, Parks, and Buildings	Public park or recreational facilities	R			
	Police or fire station	R			
Religious Institutions	Church or religious institution	R			
ŭ	Elementary and secondary education schools	R			
E1 - C - 1E - 22	Private business, trade, and vocation schools	R			Т
Educational Facilities	Post secondary colleges and universities	R			
	Schools of special instruction	R			
Transportation Facilities (See Allowed	Parking garage	R			
Use Note 4)	Public parking lot	R			
Utilities	Public utility office	R			
RESIDENTIAL USES					
	Foster care home		R	R	П
	Apartments & Condominiums		R	R	F
	Patio Homes Type A (See Multi-Family Residential Definition)		R		F
Household Living	Patio Homes Type B (See Multi-Family Residential Definition)		R	R	F
-	Single-family attached townhomes		R	R	F
	Boarding or rooming house		R	R	
	Home occupation		R	R	F
Senior Housing	Assisted living facility		R	R	F
•	Nursing homes		R	R	

USE CLASSIFICATION	SPECIFIC USE TYPE	PLANNING AREA			
	SPECIFIC OSE TIPE	Α	В	С	$\perp$
AGRICULTURAL USES	I		_	_	
Horticulture & Nurseries	Community garden	R	R	R	+
	Greenhouse/nursery/tree production (with no outdoor storage)	R	R	R	L
COMMERCIAL USES	Animal boarding (indoor/outdoor kennels) and training	R	_	Т	F
Animal Services	Doggie day care centers	R			+
Animai Services	Veterinary offices or clinics	R			+
	Antennas for commercial/industrial use accessory to principal	I.			H
	use	R			
Antennas	Antenna and support structure for amateur radio communications	R			+
	Radio or television broadcasting offices	R			t
	All other similar uses (plumbing, electrical, lumber & building	IX			t
Building Materials & Services (Retail)	equipment-without outdoor storage)	R			
	Bar, tavern, night club	R			÷
	Brewpub	R			t
	Catering services	R			t
Eating and Drinking Establishments	Restaurant with drive-thru/up	R			t
	Restaurant without drive-thru/up	R			t
	Tasting Room	R			t
Financial Institutions	Bank or financial institution	R			t
manolar motitations	Convenience store/grocery store (< 10,000 sf)	R			t
	Grocery store (> 5,000 sf and < 40,000 sf)	R			t
Food and Beverage Sales	Liquor store	R			t
ou and botolage calco	All other similar uses (e.g., delicatessen, retail bakery, specialty	- '`			t
	food market, coffee shop)	R			
	Fuel sales with no vehicle repair	R			t
	Fuel sales with minor vehicle repair	R			t
Fuel Sales (see Allowed Use Note 1)	Natural gas fuel sales	R			t
	Natural gas fuel sales for trucks	R			t
Funeral and Internment Services	Funeral home	R			t
	Business or professional (including medical/dental office/clinics)	R			t
Office	Courier services	R			t
	Massage therapy office/clinics	R			t
Personal Services	Instructional services, studios	R			t
orderial dervices	Bingo establishments/social gaming outlet/performance centers	R			t
Recreation or Amusement Facilities,	Bowling, billiards, movie theaters & similar uses	R			t
Private	Health clubs	R			t
	Outdoor recreation	R			t
Repair Services (Not Including Vehicles)					t
		R			
	Retail business store (< 25,000 square feet)	R			İ
	Retail business store (> 25,000 square feet and < 40,000 sf)	R			İ
Retail Establishments	Tattoo parlor	R			Ť
	Thrift/consignment store	R			İ
	Automobile rentals	R			İ
	Automobile washing facility	R			İ
Vehicle/Equipment Sales and Services	Tire shop	R			Ť
	Vehicle repair, minor	R			Ť
Visitor Accommodations	Bed and breakfast establishments	R			İ
	Brewery	R			İ
Manufacturian Food	Distillery	R			Ī
Manufacturing, Food	Microbrewery	R			T
	Micro-winery	R			Ι
OFFICE FLEX					I
Office Flex	Office Flex	R			ĺ

#### Page 8 – Road Sections



#### NOTES

- STRIPING NOT REQUIRED.
- ON STREET PARKING ALLOWED BUT NOT PERMITTED WHEN NEEDED FOR FIREFIGHTING CAPABILITIES ADJACENT TO PA-C.
- IRRIGATED & UNIFORMLY LANDSCAPED TREE LAWN TO BE INSTALLED BY DEVELOPER. IF MOUNTABLE CURB IS USED, SIDEWALK WILL ENCROACH 1'-4" INTO TRANSPORTATION EASEMENT.

#### E. 111th AVENUE FROM BELLE CREEK BLVD TO FLORENCE STREET

(LOCAL RESIDENTIAL WITH DETACHED WALKS, NO ALLEY) (NOT TO SCALE)

EAST TREE LAWN DE-2 GUTTER

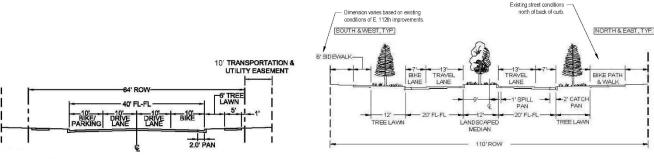
75' IODIFIED MINOR COLLECTOR

CENTER LINE STRIPE REQUIRED.

NO PARKING WILL BE PERMITTED IN THE MODIFIED MINOR COLLECTOR SECTION.

#### FLORENCE STREET FROM E. 112th AVENUE TO E. 111th AVENUE (MODIFIED MINOR COLLECTOR)

(NOT TO SCALE)



- CENTER LINE STRIPE REQUIRED.
- THIS SECTION FOR STREETS ADJACENT TO THE CANAM PROPERTY NO PARKING PERMITTED WHEN NEEDED FOR FIREFIGHTING CAPABILITIES

#### BELLE CREEK BOULEVARD

(MINOR COLLECTOR) (NOT TO SCALE)

- AUXILIARY LANES SHALL BE 12' WIDE EXCLUDING GUTTER PANS.
- EASEMENTS MAY BE DEDICATED AS ROW IF SETBACKS ARE NOT AN ISSUE. SIDEWALKS MAY MEANDER

#### E. 112TH AVENUE

(MULTIMODAL ARTERIAL)



- o Pages 9 & 10
- Alley sections and alley parking standards
- Signage regulations
  - Proposed sign plan for QuikTrip site
  - All other developments refer to Commerce City LDC

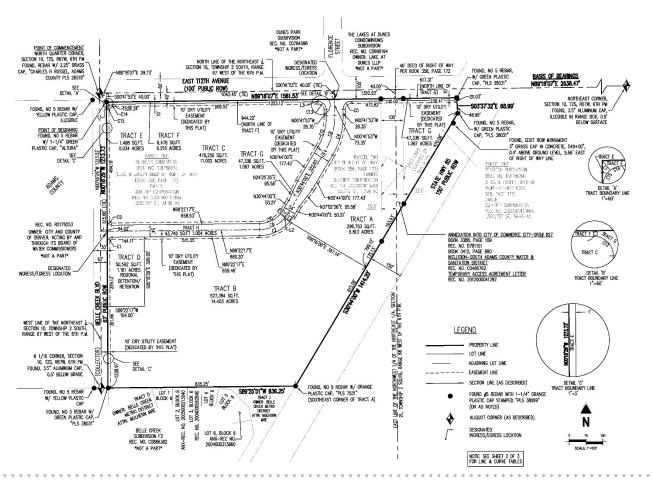


#### **Proposed Plat**

#### **CANAM FILING NO. 1**

A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN. CITY OF COMMERCE CITY, COUNTY OF ADAMS, STATE OF COLORADO SHEET 3 OF 3

TRACT AND EASEMENT LAYOUT





### **Proposed Concept Plan**



### **DRT Analysis**

- Staff distributed the requested zone change and annexation applications for review to all relevant referral agencies, including utility companies, SACFD, and internal City departments.
- The DRT did not have any concerns with the proposed zone change or annexation

### **DRT Analysis**

- Proposed PUD zoning is appropriate for this site:
- Proposal is consistent with the Commerce City
   Comprehensive Plan designation for the property
- Land uses, building heights, project character and compatibility were mostly worked out during previous application review
- Most discussion took place around traffic flow and public improvements, as well as project phasing
- Right-of-way dedication and improvements for 112<sup>th</sup> Ave., Belle Creek Blvd., and internal roads
- Worked with CDOT on planning improvements to 112<sup>th</sup> & US 85 intersection

### **DRT Analysis**

#### Project Benefits:

- The approval of the zone change will help implement the community vision for this area as established by the Comprehensive Plan by providing highdensity residential development near US 85 and 112<sup>th</sup> Ave.
- This vision is further established by the local community center located on the corner
- Project approval will also fund needed public improvements to the area

### **Neighborhood Meetings**

- Neighborhood meetings took place virtually on 5/12/21, 9/28/21, and 10/26/21 during previous application and PUD review process
- Main issues raised:
  - Truck access to QuikTrip, especially from Belle Creek Blvd.
  - Increased traffic on Belle Creek Blvd. and E. 112<sup>th</sup> Ave. and the need for improvements
  - Requirements for off-site improvements
  - Density and maximum building heights
  - Dust and mosquito control
  - Prairie dog population
  - Home values
  - Buffer from homes to the south
  - Allowed uses and compatibility



### **Neighborhood Meetings**

- After resubmittal, an additional neighborhood meeting took place virtually on 12/15/21
- 35 attendees, plus applicant and City representatives
- Updates on allowed land uses, building heights, and new application were discussed
- Main issues raised:
  - City land use process
  - Comprehensive Plan and other city plans/policies
  - Location of allowed uses
  - Connectivity and access



#### Required Public Notification

(Pursuant to LDC Sec. 21-3285)

Type of Notification	Code Required	Code Required Minimum Met	Notification Provided		
Mail/Postcard to Adjacent Property Owners	Mailed Notification to property owners within 500 feet	✓	291 Adjacent Property Owners Notified		
Publication/ Newspaper Notice	Notice in local newspaper	✓	Notice in Commerce City Sentinel		
Placard/Sign on Property	At least one sign on subject property	✓	3 Signs Posted		

 Fifteen public comments have been received by staff as of May 2<sup>nd</sup>, 2022



#### Sec. 21-3232. – Rezoning or Zone Changes.

- (5) Approval Criteria. An application may be approved if: (a)The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or
- Staff finds that this criterion is not applicable to this application. This zone change does not correct a technical mistake.
- (b) The zone change meets all of the following:
- (i) The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;
- Staff finds this application to meet this criterion. The proposed zone
  district and allowed uses are consistent with the policies and goals of the
  comprehensive plan, as described in the "Zoning of Newly Annexed
  Land" criteria above.

Sec. 21-3232. – Rezoning or Zone Changes.

(ii) The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;

• Staff finds this application to meet this criterion. This property was intended to include higher density residential uses, as well as a small commercial center, per the Comprehensive Plan. Lower densities found in Planning Areas B and D are meant to act as a transition to the single-family residences in the Belle Creek neighborhood. A higher maximum density, along with commercial uses, are allowed along E. 112th Ave., and both single-family detached and multi-family are located across the street in the Dunes neighborhood. The compatibility between this property and surrounding area will also be achieved through design and landscape standards, to create continuity between the neighborhoods.

Sec. 21-3232. – Rezoning or Zone Changes.

(iii) The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;

• Staff finds this application to meet this criterion. All public services are available and have been provided in the proposed PUD application.

(iv) The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;

 Staff finds this application to meet this criterion. Parks and open space requirements of this PUD mimic those found in the Commerce City Land Development Code. The developer will pay a fee-in-lieu to the school district based on the number of homes proposed in future development plans.



Sec. 21-3232. – Rezoning or Zone Changes.

- (v) There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and
- Staff finds this application to meet this criterion. The Belle Creek neighborhood includes a small commercial area near E. 104th Ave., and more commercial is found north of this property along E. 120th. However, the adjacent, existing residents will now be able to walk to this commercial center, along with the new residential that is proposed. Commercial centers and high-density residential areas are in short supply in the Comprehensive Plan, and the community need for these uses at this area has been contemplated since the drafting of that Future Land Use Plan.
- (vi) The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.
- Staff finds that this criterion is not applicable to this application.

#### Sec. 21-3251. - PUD Zone Documents.

- (3) Approval Criteria. A PUD zone document may be approved only if:
- (a) The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;
- Staff finds this application to meet this criterion. This PUD accurately reflects the intent, uses, densities, descriptions, and policies contained within the Comprehensive Plan, as described in the criteria review above.
- (b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;
- Staff finds that this criterion is not applicable to this application. No PUD concept schematic was submitted prior to this application, though the land uses and design standards proposed are consistent with the vision that was presented during pre-application, as well as case Z-964-21.



#### Sec. 21-3251. - PUD Zone Documents. (cont'd)

#### (c)The PUD:

- (i) Addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments; or
- Staff finds this application to meet this criterion. The proposed PUD meets this criteria by providing a unique variety of high-density housing, along with a small commercial area to serve those nearby residents. This mix of uses could not be achieved by any existing Commerce City traditional zone district.
- (ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;

- (d) The PUD complies with all applicable city standards not otherwise modified or waived by the city;
- Staff finds that this criterion is not applicable to this application. No minor modifications or variances are proposed with this PUD. .
- (e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- Staff finds this application to meet this criterion. Sidewalks and trails
  connect all rights-of-way internally and externally, as well as providing
  access to private parks to be built in residential areas. Street
  connections match existing conditions found adjacent to the site.



- (f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
- Staff finds this application to meet this criterion. Building heights and residential densities are lower on the southern planning areas in order to mitigate impacts to the single-family residences in Belle Creek. Right-of-way dedication and improvements are proposed in order to mitigate traffic concerns. Commercial uses have been limited to only those appropriate within a residential context. Over the course of four neighborhood meetings, along with the previous PC and CC review of Z-964-21, this PUD has been modified at every step to further mitigate impacts and concerns.



- (g) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;
- Staff finds this application to meet this criterion. Sufficient services will be provided along with this proposal, including public safety, transportation, and utilities. A will serve letter from South Adams County Water and Sanitation District have been submitted with this application. The application was referred to both police and fire departments for review and neither opposed the proposal. The site is bordered by arterial and collector roadways, and further dedications and improvements will be required.
- (h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and;
- Staff finds this application to meet this criterion. The proposed phasing of the project is generally acceptable, though still in negotiation.

- (i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.
- Staff finds this application to meet this criterion. As mentioned above, the mix of uses described in this development could not be achieved in a single traditional zone district. In order for the properties to develop, it must be annexed into the City of Commerce City, and it may not be subdivided until it has been zoned. No zone district exists that would allow the commercial uses proposed on the northeast corner of the site, and the mix of housing types proposed throughout the rest of the site. The only way under the City's current zoning ordinance for this development to achieve every goal of the Future Land Use Plan for this site is under a PUD zone district.



In accordance with LDC, Sec. 21-3350. Zoning of Newly Annexed Land:

Criteria for Zoning Annexed Land (1 required to be met)	Rationale
The zoning is most compatible with the city's comprehensive plan designation for the property;	The comprehensive plan identifies the subject property for high-density residential uses, and a local commercial center. The proposed PUD reflects these uses.
The zoning is most compatible to the county zoning of the property at the time of annexation; or	The current county zoning of I-1 does not match our Comprehensive Plan.
The zoning is most comparable to the present use(s) on the property.	N/A

 DRT recommends that the Planning Commission vote to forward this request to City Council with a recommendation for approval.





## City staff and the applicant are available to answer questions.