



STAFF REPORT

Planning Commission

CASE #Z-964-21-22			
PC Date:	May 3, 2022	Case Planner:	Andrew Baker
CC Date:	May 16, 2022		
Location:	Southwest corner of E. 112 th Ave. & US 85		
Applicant:	QuikTrip Corporation	Owner:	Same as applicant
Address:	1499 W. 120 th 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), and Rezoning from Commerce City I-1 to Commerce City PUD
Project Description:	QuikTrip Corporation owns two properties located on the southwest corner of the E. 112 th Ave. & US 85 intersection (PINs 172110109002 & 172110100002). Both properties are proposed to be rezoned to a Planned Unit Development (PUD). One parcel (PIN 172110109002) must also annex into the City of Commerce City, and is considered an Annexation Zoning. The other parcel (172110100002) has already been annexed into the City and zoned I-1, and is considered a Rezoning. Four planning areas have been proposed with the CanAm PUD, one located on the corner of E. 112 th Ave & US 85 would allow the QuikTrip gas station and convenience store, along with other commercial uses. The other three planning areas would allow residential uses including apartments, townhomes, and patio homes. This case is in conjunction with AN-259-21-22 and NIGID-180-22.
Issues/Concerns:	<ul style="list-style-type: none"> Allowed uses Access and street improvements Phasing and drainage
Key Approval Criteria:	<ul style="list-style-type: none"> Land Development Code (LDC) Zoning of Newly Annexed Land Land Development Code (LDC) PUD Zone Document Criteria
Staff Recommendation:	Approval
Current Zone District:	I-1 (Light Intensity Industrial District) ADCO and Commerce City
Comp Plan Designation:	Residential – High & Local Commercial Center

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

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

Background Information

Site Information

Site Size:	37.9 acres
Current Conditions:	Existing single-family residential home and agriculture
Existing Right-of-Way:	E. 112 th Ave to the north., Belle Creek Blvd to the west., US 85 to the east
Neighborhood:	Belle Creek to the south & The Dunes to the north
Existing Buildings:	Single-family detached home and accessory structures (now demolished)
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
East	Industrial	US 85 and Railroad ROW, Reep-Brennan Commerce City JV LLC	PUBLIC / I-1/I-2
South	Residential	Belle Creek	PUD
West	Public/Utility	City and County of Denver Water Board	ADCO

Case History

-	<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
	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 yet to be annexed. In 2021, this annexation and zoning request were brought to Planning Commission and City Council. After the input received during these hearings, and during intermittent neighborhood meetings held between hearings, the applicant chose to make substantial changes to the proposed PUD zone district. The annexation and zoning cases were withdrawn and resubmitted, so that the DRT, Planning Commission, and City Council could review the proposed changes under the typical review processes. The final plat and PUD development permit applications which were under review were put on hold, until the new annexation and zoning cases could be heard by Planning Commission and City Council. The cases which were initially submitted are listed below:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-259-21	Withdrawn	Annexation into Commerce City	CC Public Hearing: October 4, 2021 (Continued)
Z-964-20-21	Withdrawn	Annexation zoning to PUD	CC Public Hearing: October 4, 2021 (Continued)
S-787-21	TBD	Final plat creating tracts for future development	Under Review
D-506-21	TBD	Development plan for QuikTrip site	Under Review

Applicant's Request

QuikTrip Corporation requests approval of a PUD Zone Document to allow for commercial and residential uses. QuikTrip currently owns the subject properties, and wishes to construct a gas station and convenience store on the corner of E. 112th Ave. & US 85. A similar proposal was brought before Planning Commission and City Council in 2021, under case Z-964-21. The feedback received at three neighborhood meetings held during that process, as well as at the public hearings, led the applicant to

withdraw that application. The applicant withdrew the application and resubmitted, starting the review process over.

The proposed PUD divides the site into four planning areas, one for commercial use and three for residential. Access is proposed of E. 112th Ave. via Florence St., which is extended from the north. Florence St. then veers westward, becoming E. 111th Ave., which is proposed to connect to Belle Creek Blvd. Entry features are proposed at each proposed access point.

Planning Area A lies between US 85 and Florence St., south of E. 112th Ave., and allows commercial uses which are intended to match the Local Commercial Center designation in the Commerce City Comprehensive Plan. These uses include food and beverage establishments, such as restaurants, breweries, and distilleries, personal services, retail stores, and auto-related uses. The QuikTrip gas station and convenience store would occupy the northern portion of that 7.5-acre area, with room for additional, future commercial uses. No semi-truck fueling is proposed (both presently and in the future) with the QuikTrip development.

Planning Area B is a 7.1 acres and located further south along the US 85 frontage, between Planning Area A and the Belle Creek neighborhood. Planning Areas C & D are located directly to the west, adjacent to Belle Creek Blvd., these areas are 13.3 and 10 acres, respectively.

Planning Areas B and D allow residential uses such as patio homes, single-family attached, and multi-family at a density between 8-25 dwelling units per acre. Planning Area C allows the same uses, but a slightly higher maximum density of 30 dwelling units per acre. A maximum of 600 units is proposed in the three planning areas combined. A 150-foot setback for residential uses is proposed from the US 85 right-of-way in order to buffer from the highway. These planning areas also allow certain public and institutional uses such as

Planning Areas B, C, and D will construct private parks to cover at least 3% of the development area. The PUD proposes one park in Planning Area C, and another park shared between Planning Areas B and D. Any multifamily development must also include at least 15% open space. This proposal also includes a regional drainage pond which is currently proposed in Planning Area D, adjacent to the entrance on Belle Creek Blvd. Pedestrian connections are proposed along all rights-of-way and internally connecting the private parks.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is approval of a PUD Zone Document. This PUD Zone Document will include both Annexation Zoning and Rezoning of an existing Commerce City property. The Land Development Code (LDC) sets out the specific criteria for review of a PUD Zone Document, along with Zoning of Newly Annexed Land and Rezoning. The default process for an amended PUD Zone Document is to be reviewed by the Development Review Team (DRT) and provide Planning Commission a report. Planning Commission will make a recommendation to City Council, which will hold a public hearing for a final decision in accordance with the City's Land Development Code (LDC). As it relates to PUD Zone Documents, the LDC sets out the specific criteria upon which such an application can be approved or denied. Therefore, the analysis and evaluation must be limited to those criteria; no outside considerations may be the basis of a decision of approval or denial.

Public Hearing Background:

In accordance with Section 21-3251(2) of the Land Development Code (LDC), Planned Unit Developments are reviewed by the Development Review Team (DRT) and the Director of Community Development. Then the 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 21-3251(3).

Site Overview:

The subject site is comprised of two properties. One property (PIN 172110109002) is zoned I-1 in unincorporated Adams County, and is proposed for annexation, as well. The other property (PIN 172110100002) was previously annexed to the City of Commerce City as railroad right-of-way (now vacated), and is zoned I-1. Both properties are located off of the southwest corner of the E. 112th Ave. & US 85 intersection. This site is approximately 37.9 acres, and there is currently a single-family residence and accessory outbuildings on the mostly vacant site. The existing access to this site is gained from E. 112th Ave. To the north is the Dunes PUD, which includes single-family and multi-family residential uses. To the south is the Belle Creek PUD, which allows single-family detached uses, as well as some commercial uses adjacent to E. 104th Ave. To the west is a property owned by the City and County of Denver Water Board, and to the east lies US 85 and railroad right-of-way.

Image A: CanAm PUD Zone Document

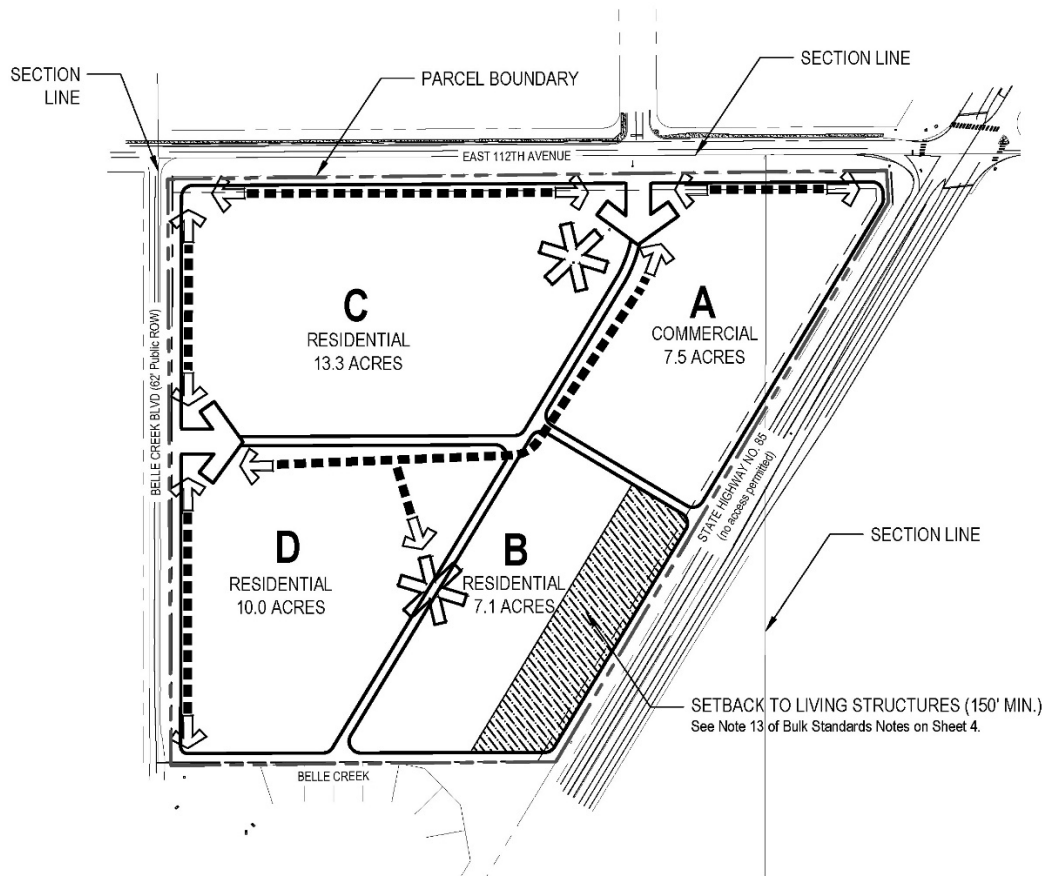
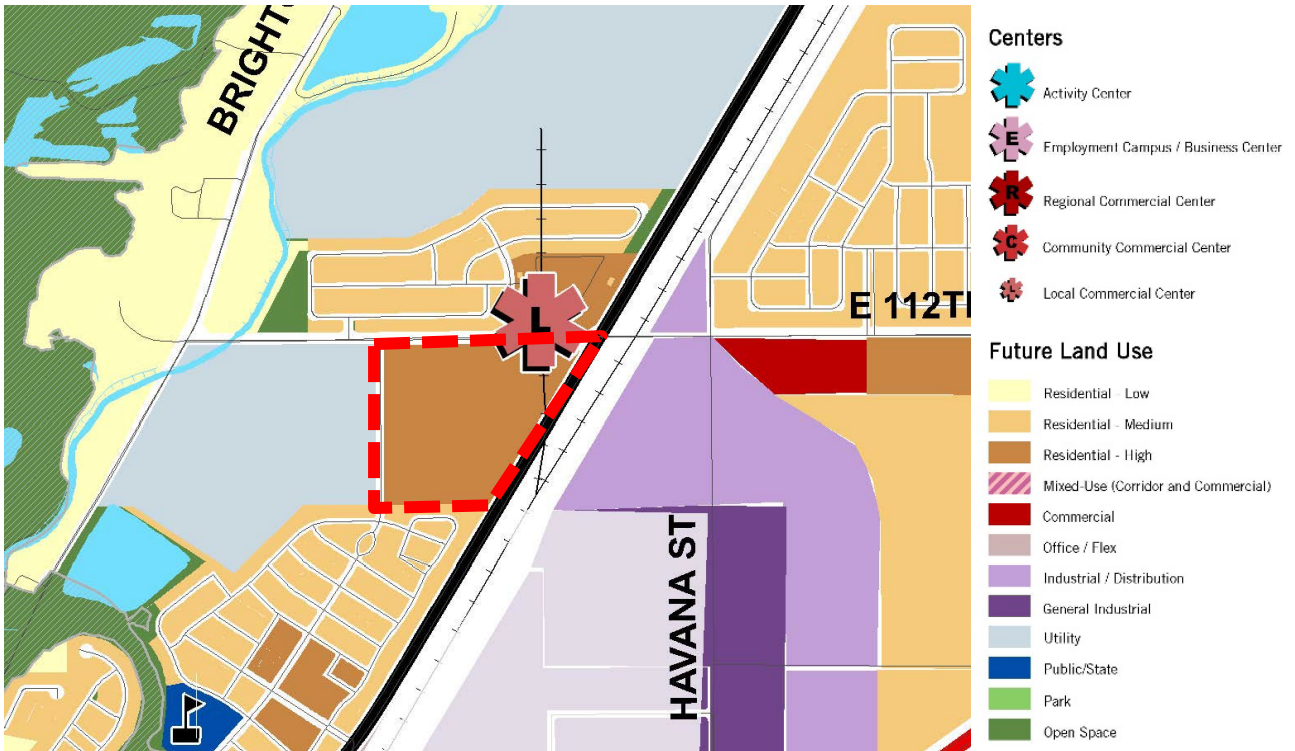


Image B: Aerial Site Image



Image C: Future Land Use Plan



Proposed PUD:

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.

Page 4 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. Commercial uses are only 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. Additional commercial uses allowed by the PUD include animal services such as veterinary offices and animal boarding, eating and drinking establishments, grocery and convenience stores, personal services, recreation facilities, food and beverage manufacturing such as breweries and distilleries, and other public and institutional uses. Planning Areas B, C, and D only allow residential uses. 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.

Neighborhood Meetings:

During the initial application review process for this development three neighborhood meetings were held. One of which was required as part of the review process, held on May 12, 2021. The applicant presented a PUD Zone Document which had similar Planning Areas, but allowed large truck fueling and a mix of commercial and residential uses in Planning Areas B, C, and D. Neighbors were generally very unsupportive, especially of the large truck fueling, and the amount of traffic that would be created by

the project. Some were supportive of commercial uses, but not high-density residential, and some vice-versa. Existing traffic issues on both E. 112th and Belle Creek Blvd. were raised, as well as improvements to the E. 112th Ave. & US 85 intersection. Environmental concerns related to prairie dog populations and mosquito mitigation were also discussed. Another large part of the meeting covered overall compatibility with the surrounding neighborhoods. Some felt that the commercial uses were appropriate, some did not. The same can be said about high-density residential. Building height and architecture were also brought up in the context of compatibility.

These issues were raised again at the Planning Commission hearing which followed DRT approval a few months later. The applicant then chose to revise their plan to prohibit large truck traffic, as well as restricting other commercial uses that had received negative feedback, such as hotels. These changes were brought to a 2nd neighborhood meeting which took place on September 28, 2021. Some were happy about the removal of large truck fueling from the allowed uses, but many felt the revisions did not go far enough.

After the City Council hearing, staff requested another neighborhood meeting to take place. The applicant increased the notification radius from 500 ft. to 600 ft. in order to get more feedback from nearby residents. At this time, maximum building heights were reduced to match those found in the Dunes and Belle Creek neighborhoods. Spanish interpretation was also included.

At this point, it was decided that the proposed PUD was much different than what the DRT and Planning Commission had reviewed, so the project was withdrawn and resubmitted on November 11, 2021.

As part of the new annexation and PUD application review process, another required neighborhood meeting took place on December 15, 2021. The overall tone was much more supportive of the project, and most of the 35 attendees were receptive to the changes that had been made, and appreciated the efforts made by the applicant. Some were still wary of high-density residential and commercial uses, but staff explained that this vision was created through an extensive public outreach process when drafting the Comprehensive Plan, and is the only option for a property owner who wishes to develop the site. And considering the light industrial uses currently allowed by the Adams County and existing Commerce City zoning, this proposal is clearly more compatible with the area.

Comprehensive Plan Analysis

In reviewing the requested amended PUD Zone Document, the DRT reviewed the request's compatibility with the City's Comprehensive Plan. That analysis is provided in the following table.

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

Section	Goal	Description
Land Use and Growth Strategies	LU 1a	<u>Future Land Use Plan (FLUP) as a Guide:</u> 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.

Section	Goal	Description
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Section	Goal	Description
Land Use and Growth Strategies	LU 2.1	<u>Infill Development Promoted:</u> 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 which will create a high-density residential area and supporting commercial uses.	

Land Development Code Approval Criteria Analysis

Section 21-3350 of the Commerce City Land Development Code (LDC) outlines the criteria use when evaluating zoning of newly annexed land, pertaining to PIN 172110109002.

1. **“Generally. Zoning of newly-annexed land or land in the process of annexation shall be considered an initial zoning and should represent good planning principles and be consistent with the goals and land use designations of the comprehensive plan.”**

Staff Analysis: Staff finds this application to meet this criterion. The commercial uses proposed by QuikTrip are intended to serve the surrounding residents and provide a walkable commercial center, described in the Local Community Center designation. The residential product types and densities are consistent with those found in the Residential – High land use category, as well.

2. **“Criteria for Zoning. After passage on first reading of an ordinance annexing property to the city, the subject property shall be given the zoning classification:**
 - (a) Most compatible with the city's comprehensive plan designation of the property;**
 - (b) Most comparable to the county zoning classification existing on the subject property at the time of acceptance by the city of the annexation petition for the subject property; or**
 - (c) Most comparable to the present use(s) of the property.**

Staff Analysis: Staff finds this application to meet this criterion. This application meets criteria “a” as the proposed uses are most compatible with the Comprehensive Plan Future Land Use Plan. The Commerce City Comprehensive Plan states “Local commercial centers provide opportunities for convenience shopping and service needs of a small trade area within, or directly adjacent to, a neighborhood.” The proposed uses will benefit those within walking distance of the area, as well as convenient access from US 85.

The Residential – High land use category states, “This category allows for higher-density multi-family residential and is appropriate near commercial centers and along major corridors or arterial streets. It also should be located near supporting nonresidential uses or within mixed-use developments. Generally, this type of residential is accessed directly off arterial streets or collectors, and should be convenient to transit access.” Primary uses for this category include, Townhomes, patio homes, condos, lofts, apartment buildings, and senior housing. Small commercial centers are also allowed, up to 40,000 square feet. Residential densities must be between 8-40 dwelling units per acre.

Both the commercial and residential components of this development are consistent with the intent and description found in the Comprehensive Plan.

3. **“Land Use Approvals. In the event it is determined by the city or the applicant that development approvals for the land to be annexed should be obtained concurrently with the annexation application and initiation of zoning, the applicant may initiate the development approval process required elsewhere in this land development code for such development approval along with the annexation process and the city council may consider the proposed development application, including any concept plan, development plan, and any applicable comprehensive plan amendment(s) when the annexation ordinance is considered under first reading.”**

Staff Analysis: Staff finds this application to meet this criterion. An annexation application for the Adams County property has been included with this zoning application. A concept plan has been provided for the overall development. Subdivision and PUD Development Permit applications will be processed following the annexation and zoning hearings.

4. **“Sequence of Events. Neither an ordinance proposing zoning of land to be annexed or proposing development approvals for the land to be annexed shall be finally adopted by the city council prior to the date of final adoption of the annexation ordinance.”**

Staff Analysis: Staff finds this application to meet this criterion. The zoning ordinance is proposed concurrently with the annexation ordinance.

Section 21-3350 of the Commerce City LDC outlines the criteria use when evaluating rezoning or zone changes, and pertains to PIN 172110100002.

“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 Analysis: 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:**

Staff Analysis: Staff finds this application to meet this criterion. This zone change meets criteria “b” as described below:

1. **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 Analysis: 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.

- 2. The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;**

Staff Analysis: 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.

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

- 4. 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 Analysis: 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.

- 5. 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 Analysis: 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.

- 6. 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 Analysis: Staff finds that this criterion is not applicable to this application. The surrounding area has not changed recently, but the densities and uses proposed have been desired by the City since the last Comprehensive Plan adoption.

Section 21-3251 of the Commerce City LDC outlines the criteria use when evaluating PUD Zone Documents, and pertains to the entire site.

“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 Analysis: 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 Analysis: 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.

- 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 Analysis: 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;**

Staff Analysis: Staff finds that this criterion is not applicable to this application. The Future Land Use Plan intends this site to develop with both commercial and residential uses. The only way to allow this mix in a single zone district is through a PUD zoning.

- d) **The PUD complies with all applicable city standards not otherwise modified or waived by the city;**

Staff Analysis: 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 Analysis: 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 Analysis: 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 Analysis: 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 Analysis: 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 Analysis: 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.

Development Review Team Recommendation

This application was brought before the Development Review Team during the regularly scheduled DRT Meeting on January 20, 2022. Though many aspects of the proposal had changed from the original application, most of the major concerns had already been addressed.

The largest issue brought up in the review process pertained to the Traffic Impact Study. The applicant worked extensively with Public Works and CDOT to ensure the traffic flow would maintain acceptable levels. Public improvements to Belle Creek Blvd., E. 112th Ave., and the intersection of E.

112th Ave. & US 85 were negotiated as part of this process in order to mitigate any impacts the development may cause.

27J School District has reviewed this application and has no objection to the proposal. They have requested a fee-in-lieu of school land dedication, and an additional elementary school is planned in the Murray Farms development to the east.

The Commerce City Park Department is also requesting a fee-in-lieu for public parks, though no new parks are planned west of Highway 85 at this time. The nearest parks are located in both the Dunes and Belle Creek neighborhoods, though those are privately owned and maintained.

In summary, the Development Review Team recommends that the Planning Commission forward the requested Planned Unit Development rezone to City Council with a favorable recommendation. The applicant is developing a County enclave that must be included into the City due to an IGA with Adams County. These properties are currently zoned for light industrial, which does not meet the goals of the Comprehensive Plan, and is not compatible with the adjacent neighborhoods. Higher density residential and commercial space are in increasingly lower supply within the City, and this infill development will create a greater unity within the area.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located at **the southwest corner of 112th Avenue and US 85** contained in case **Z-964-21-22** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment.

Alternative Motions

To recommend approval with conditions:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located at the **southwest corner of 112th Avenue and US 85** contained in case **Z-964-21-22** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment, subject to the following conditions:

Insert conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located at the **southwest corner of 112th Avenue and US 85** contained in case **Z-964-21-22** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that based upon this finding that the Planning Commission recommend that the City Council deny the PUD Zone Document.

To continue the case:

I move that the Planning Commission continue the requested PUD Zone Document for the property located at **southwest corner of 112th Avenue and US 85** contained in case **Z-964-21-22** to a future Planning Commission agenda.