Commerce CITY

AN-253-19
AN-254-19
Z-946-17-19

Location: NEC of E. 104th Ave. & E-470
Applicant: Cowley Companies
Request: Annexations & Annexation Zoning

Purpose of Public Hearing

- Tonight's agenda only includes the public hearings on:
  - Eligibility of properties for annexation, required to be conducted pursuant to Annexation Act.
  - Annexation Zoning.
- No formal action tonight. City cannot annex or zone the property until an annexation agreement is reached, pursuant to the LDC.
- Future action is anticipated if agreement on annexation conditions can be reached.

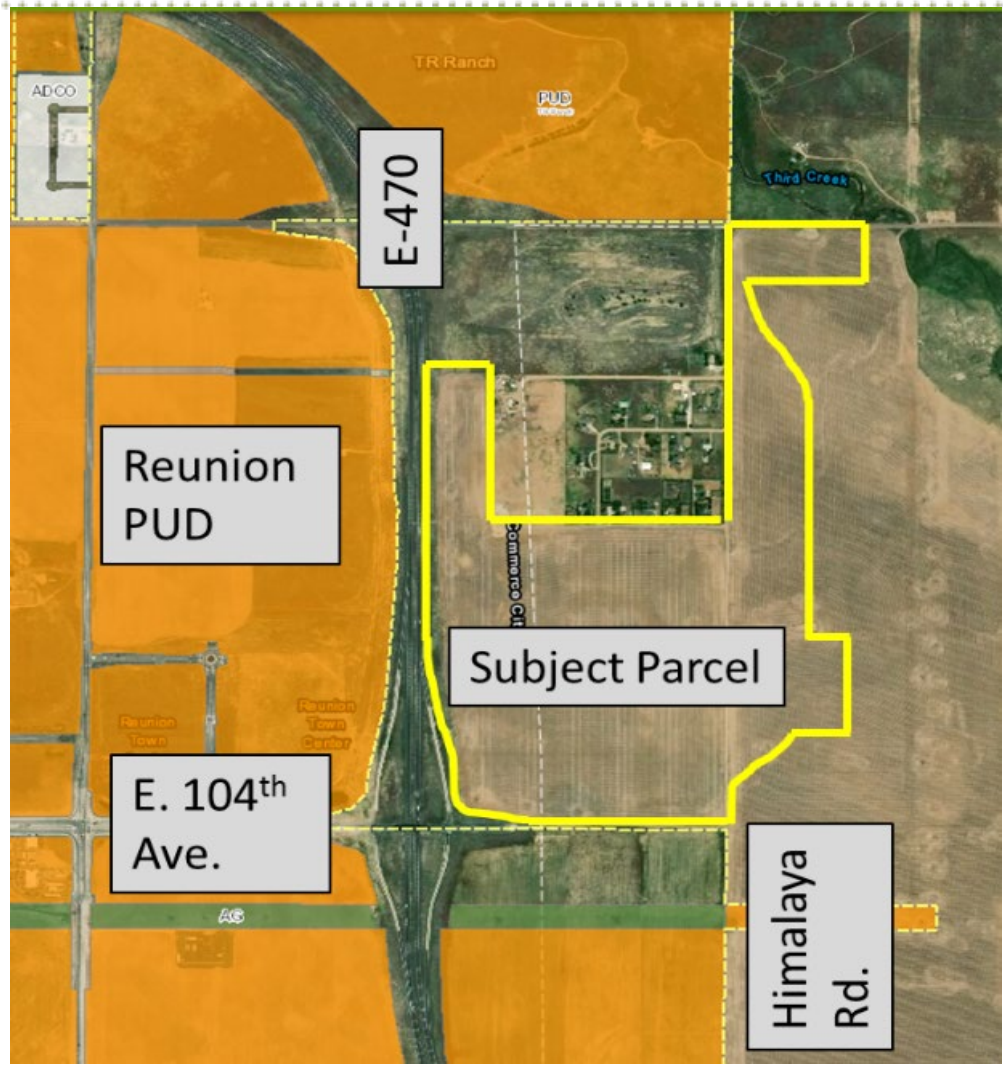
Current Requests

- The applicant is requesting the following:

1# - Annexations from ADCO

2# - Annexation Zoning to 3rd Creek West PUD

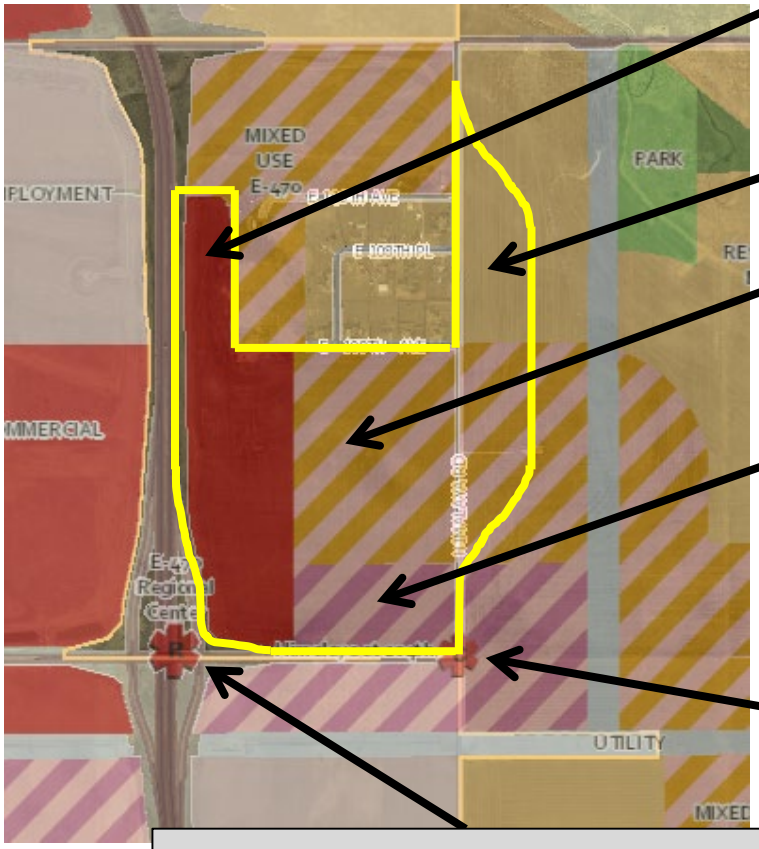
Vicinity Map



Current Zoning:
Unincorporated ADCO A-3

Site Size:
234 acres +/-

Comprehensive Plan



Commercial: 1.0 FAR, High Density Res. allowed (8 to 40 du/ac) w/ Mixed Use

Residential Medium: Min. 4 du/ac, up to 8 du/ac

Mixed Use E-470: Min. 4 du/ac (max. 75% res.), mix comm./office with med./high res

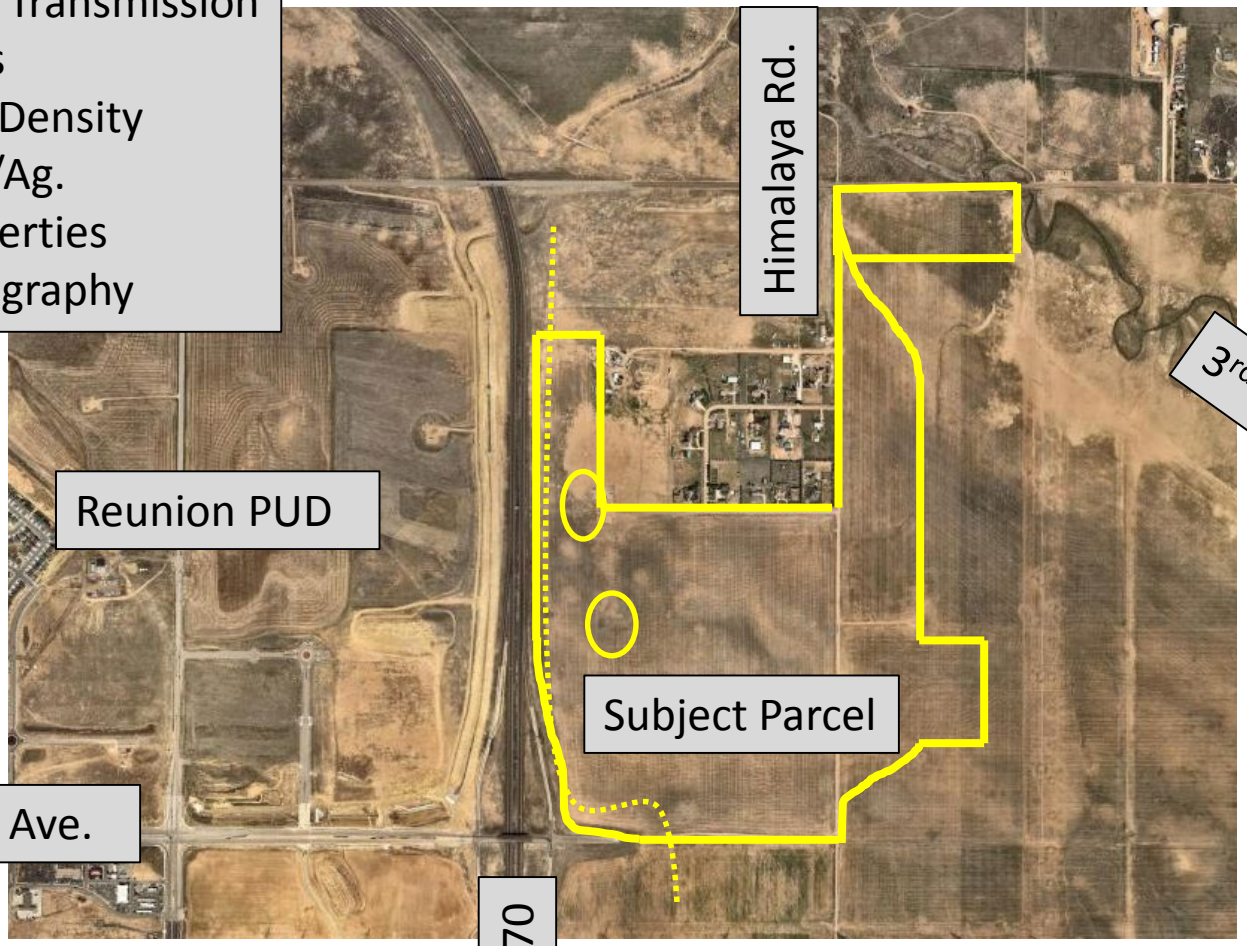
Mixed Use: Up to 40 du/ac & 2.0 FAR w/ quality design

Comp Plan: Community Commercial Center

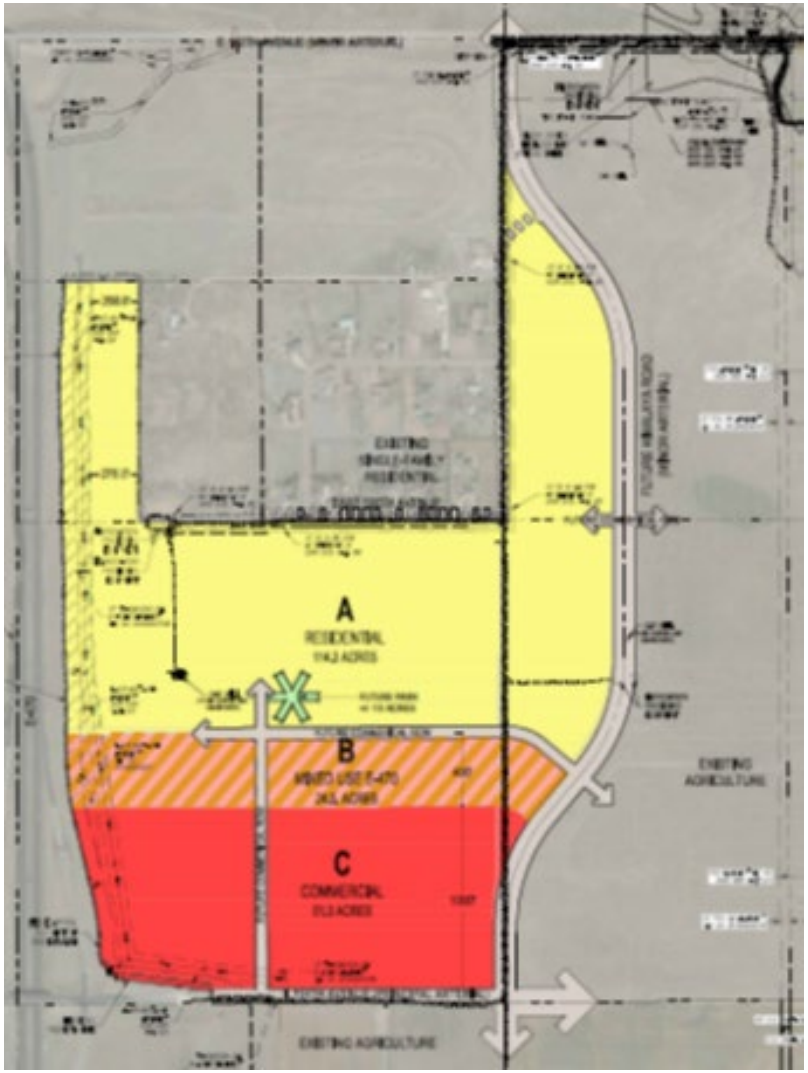
Comp Plan:
Regional Commercial Center

Aerial & Location

Existing Constraints:
- Oil/Gas Well Site
- Elec. Transmission Lines
- Low Density Res./Ag. Properties
- Topography

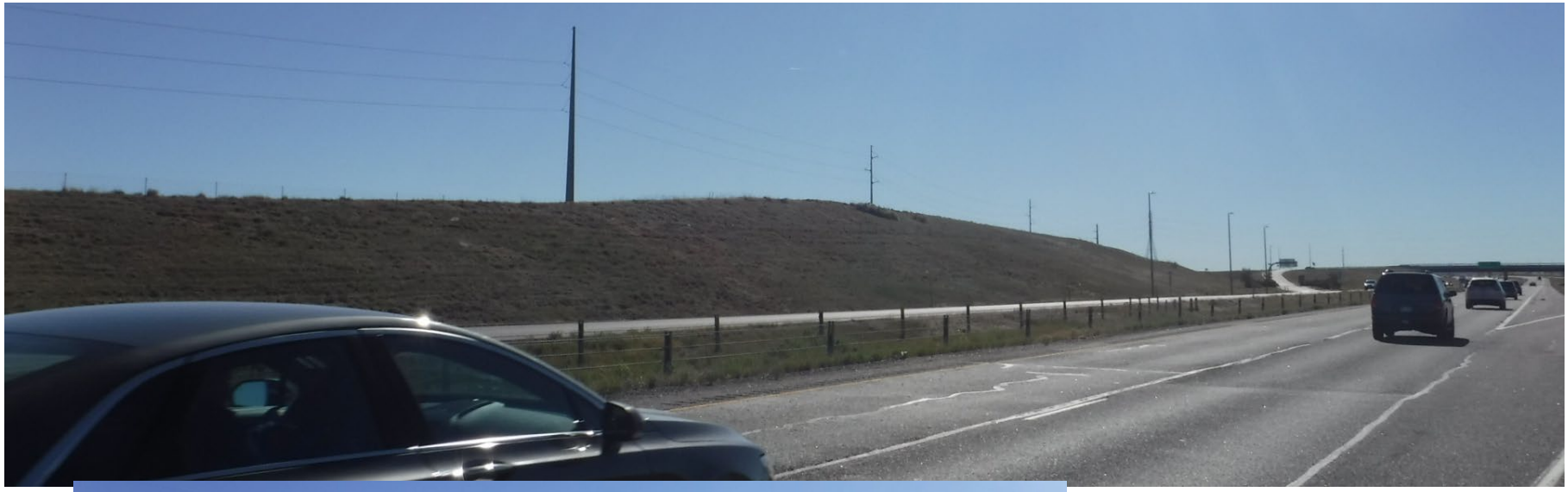


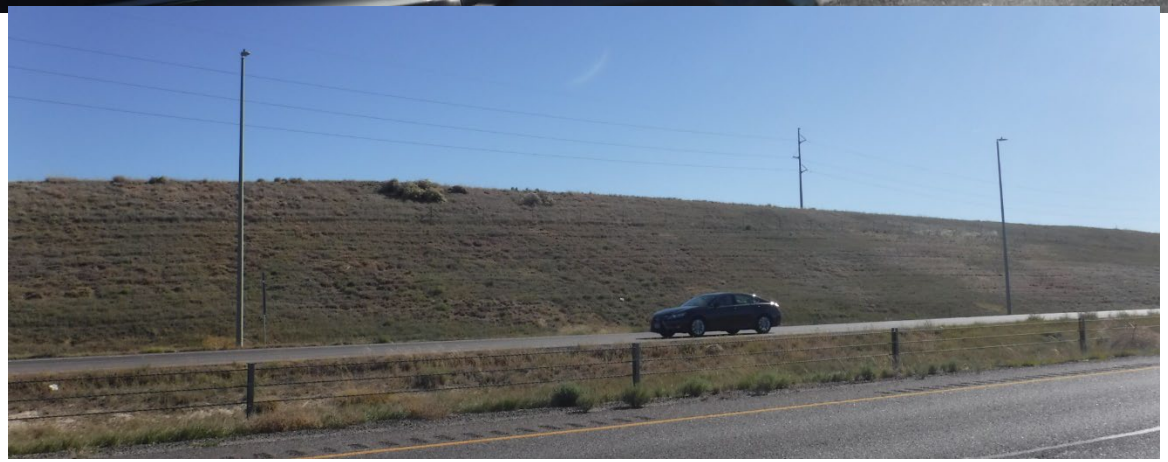
Case History



- PUD Concept Plan
  - Reviewed by PC, May of 2018

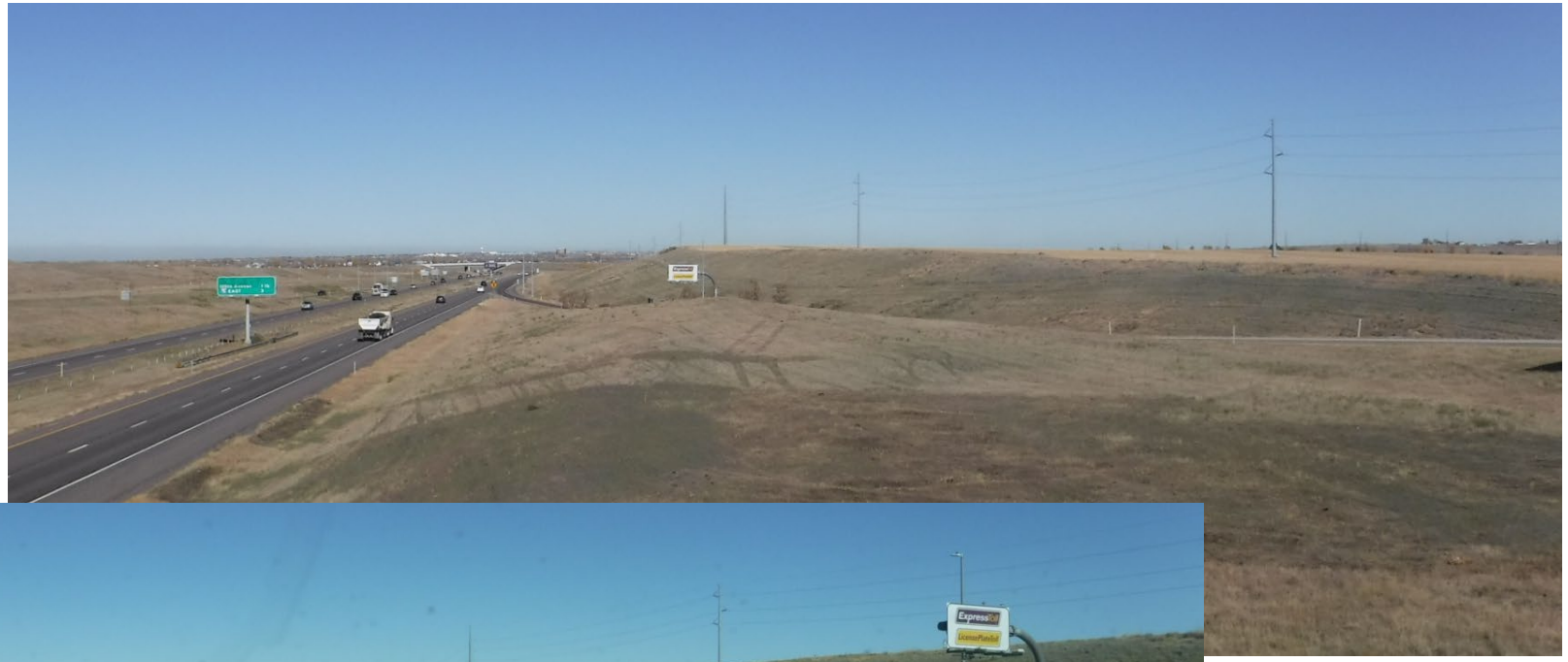
Pictures: Southbound

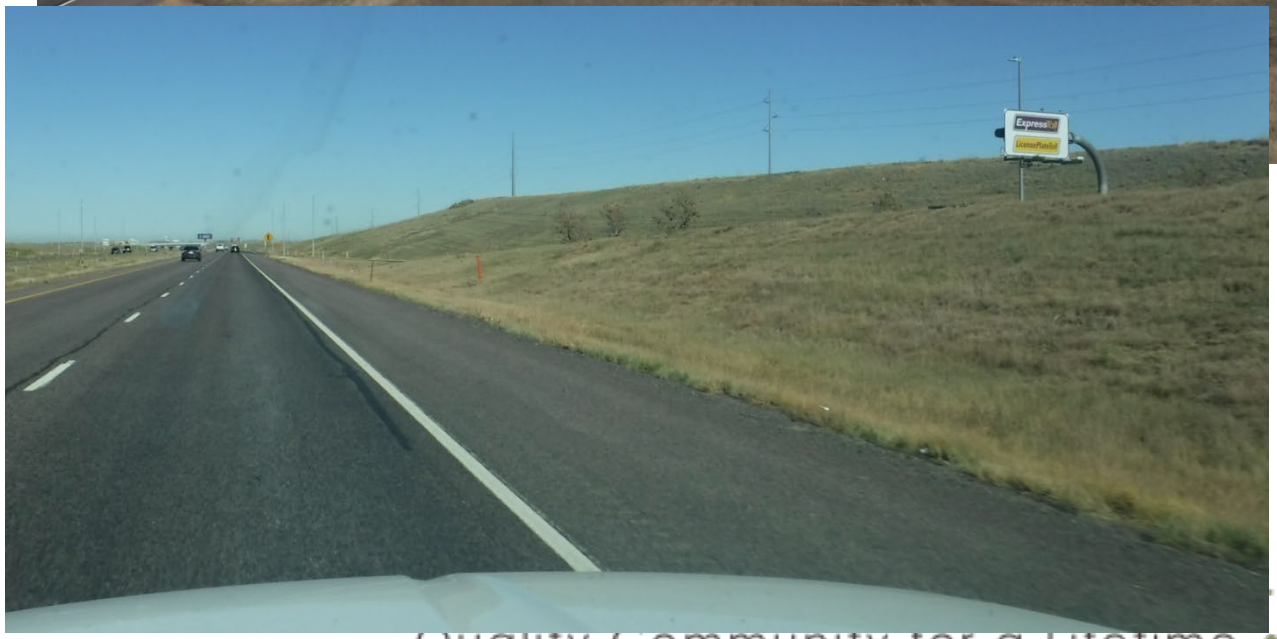




Limited visibility from E-470

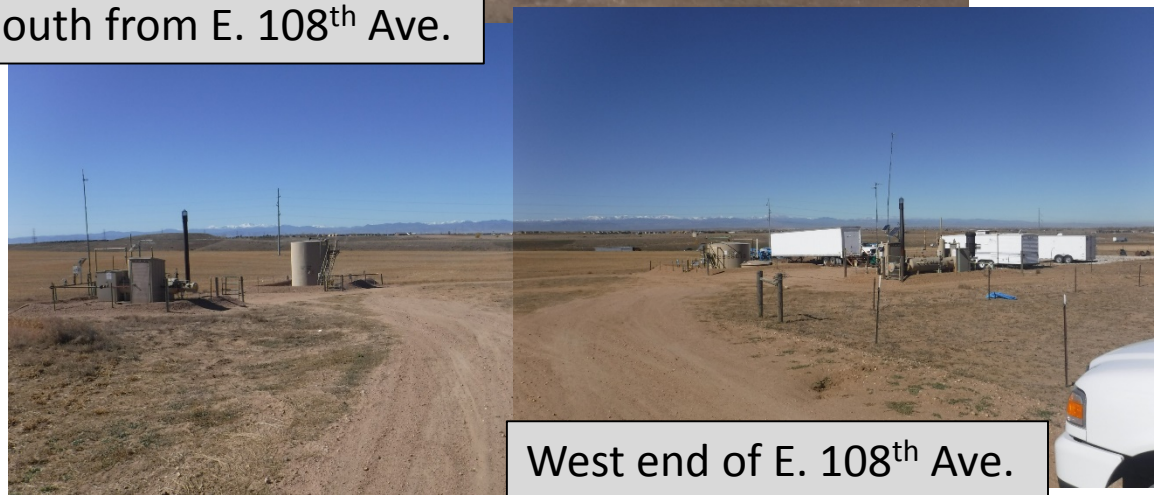
Pictures: Northbound





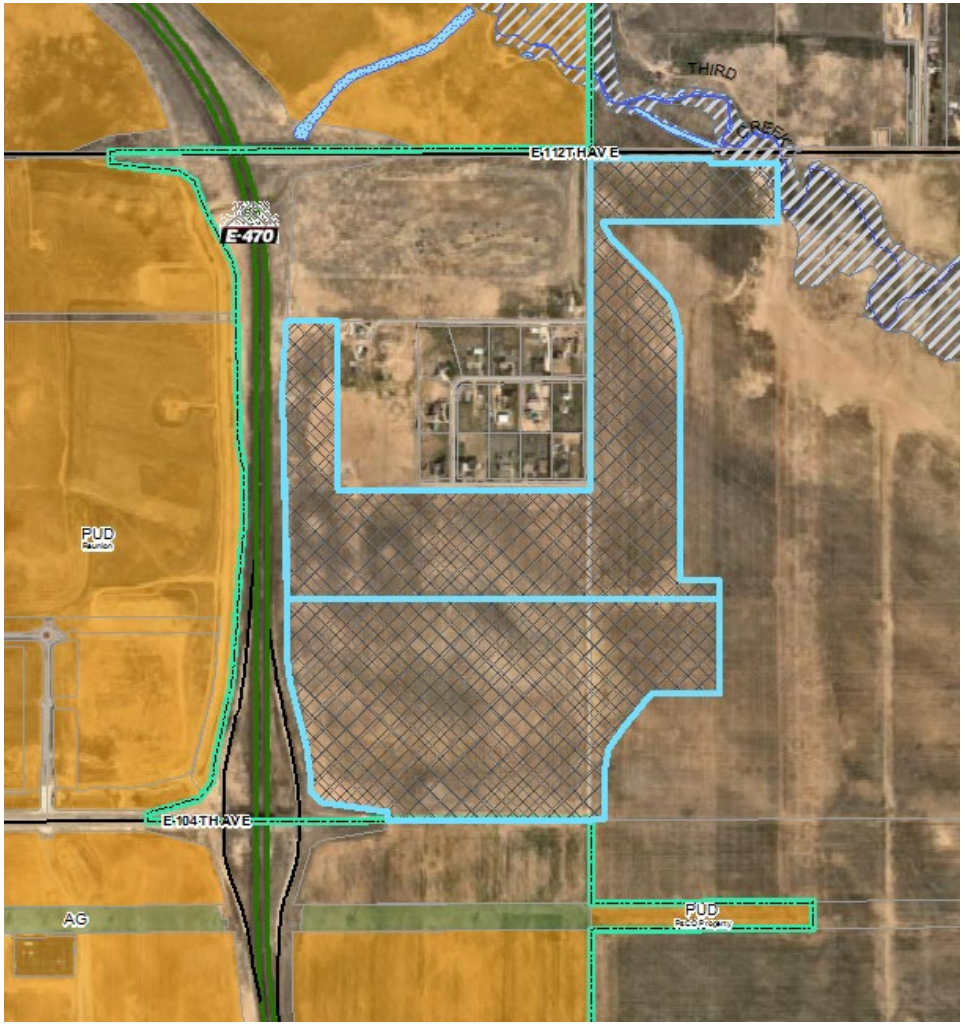
Pictures: Site & Oil/Gas

Looking South from E. 108th Ave.



West end of E. 108th Ave.

Request #1 : Annexations Aerial

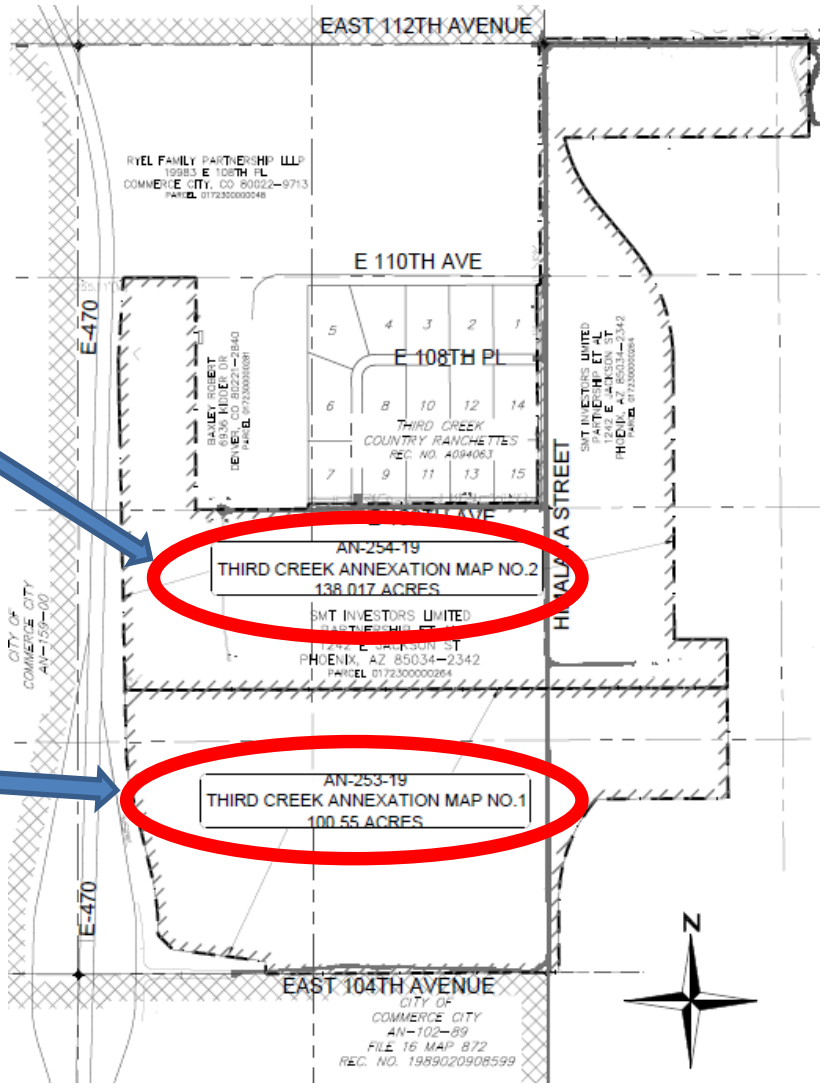


Annexations:
2 sequential cases due to limited contiguity with E. 104th Ave.

Site Size:
Total 238 acres +/-

Request #1 : Annexation Maps

- AN-254-19: 138.017 AC
- AN-253-19: 100.55 AC



Request #1 Staff Analysis - Annex. Act Eligibility

- The City Council adopted a plan for the area to be annexed pursuant to CRS 31-12-105(1)(e).
- At least 1/6 of the area to be annexed contiguous with the existing boundaries of the City of Commerce City (for AN-254-19, upon the annexation of AN-253-19).
- A community of interest exist between the areas proposed to be annexed and the City of Commerce City.
- The areas proposed to be annexed are urbanized, or will be urbanized, in the near future.
- The areas proposed to be annexed are integrated, or capable of being integrated, with the City of Commerce City.
- All of the owners of the lands to be annexed have signed the petition for annexation.

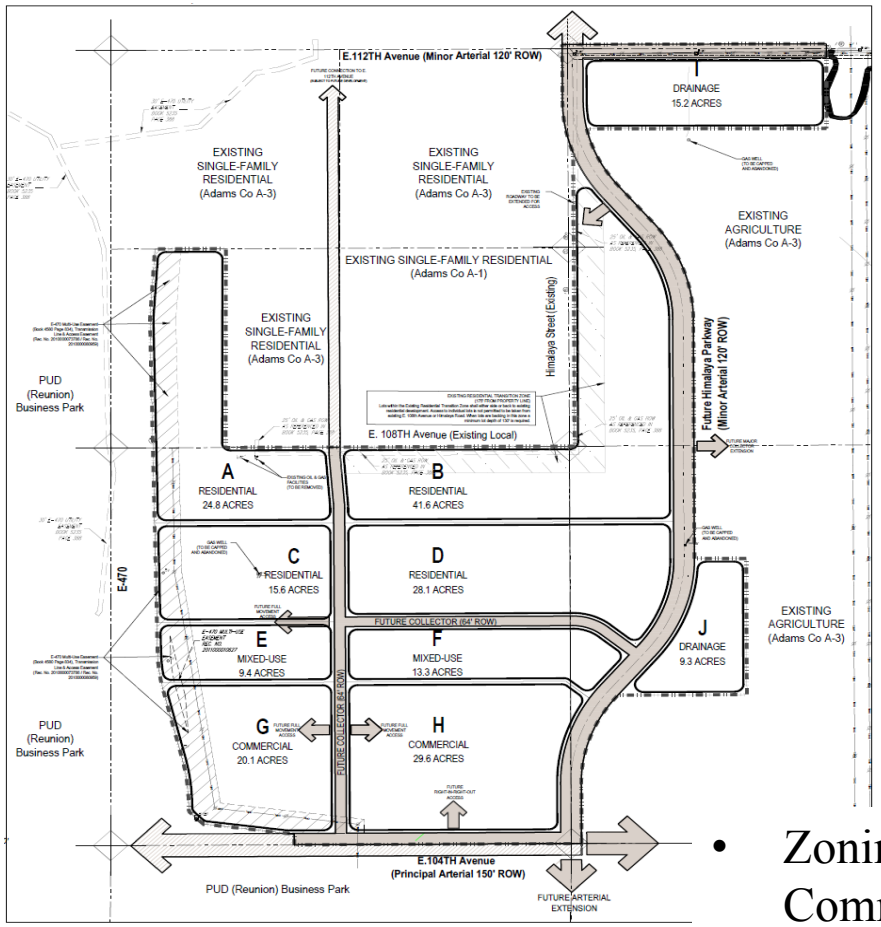
Request #1 Staff Analysis - Annex. Act Eligibility

- No annexation proceedings have been effectively commenced for any of the land proposed to be annexed to any other municipality.
- The proposed annexation will not result in the detachment of area from any school district and the attachment of such area to another school district.
- The annexation petitions meet the requirements of law*. *(*Pending submission of updated signature pages and proof of authority.*)*
- The proposed annexations will not have the effect of extending the boundaries of the City of Commerce City more than three miles in any direction from any point of such boundary in any one year.
- The entire width of any street or alley proposed to be annexed is included in the annexation.
- All requirements of CRS 31-12-104, CRS 31-12-105, and Section 30 of Article 2 of the state Constitution have been satisfied with respect to this annexation.

Request #2: Annex. Zoning

- The applicants intent is to create a mixed-use development Envisioned to bring a dynamic mix of residential and commercial uses
- Promote the City's Comprehensive Plan & E-470 Influence Planning Area Goals:
  - A site-focused strategy to promote commercial & mixed use, while keeping a strong residential foundation
  - Utilize similar land use descriptions, densities, and intent
  - Due to Site Constraints the land uses have been shifted from intense commercial fronting E-470, to utilize the access and frontage potential of the adjacent arterials streets (E. 104th Avenue and Himalaya Road).

Request #2 : Annex. Zoning



PUD ZONING LAND USE CHART

PLANNING AREA	USE	DESCRIPTION OF USES (1)	ACRES	% OF OVERALL DEVELOPMENT	PERMITTED GROSS DENSITY
A	Residential	Includes single-family detached and single-family attached (townhome/duplex) uses.	±24.8	10.6%	3-8 DU/AC
B	Residential	Includes single-family detached and single-family attached (townhome/duplex), uses. Small lots are not permitted within this Planning Area.	±41.6	17.8%	3-8 DU/AC
C	Residential	Includes single-family detached, single-family attached (townhome/duplex) and multifamily uses.	±15.6	6.7%	4-12 DU/AC
D	Residential	Includes single-family detached, single-family attached (townhome/duplex) and multifamily uses.	±28.1	12.0%	4-12 DU/AC
E	Mixed-Use	Includes a horizontal or vertical mix of land uses such as single-family detached, single-family attached (townhome/duplex), and multifamily residential, neighborhood level commercial, retail and office uses.	±9.4	4.0%	0.25 FAR (Non-Residential) / 6-20 DU/AC, (maximum 75% residential permitted in PA-E & PA-F combined)
F	Mixed-Use	Includes a horizontal or vertical mix of land uses such as single-family detached, single-family attached (townhome/duplex), and multifamily residential, neighborhood level commercial, retail and office uses.	±13.3	5.7%	
G	Commercial	Includes primarily commercial, retail, and office uses, but may also include high density residential as part of a vertical mixed-use development.	±20.1	8.6%	0.25 FAR (Non-Residential) / 8-40 DU/AC (Maximum 50% total land area permitted for residential as part of a vertical mix use)
H	Commercial	Includes primarily commercial, retail and office uses, but may also include high-density residential as part of a vertical mixed-use development.	±29.6	12.6%	
I*	Drainage	Detention (Intended for future development)	±15.2	6.5%	N/A
J*	Drainage	Detention (Intended for future development)	±9.3	4.0%	N/A
ROW to be dedicated		Arterial and Collector Right-of-Way	±29.3	12.4%	Maximum 1,050 Units Total (6)
Total Land Area			±234.3	100.0%	
Minus Planning Areas I & J			±24.5	10.5%	
Total Developable Land Area			±209.8		

- Zoning proposed from Adams County to Commerce City:
  - ADCO A-3 (Agricultural) to Third Creek West PUD

Analysis: Bulk Standards

Bulk Standards:

USES	LOT SIZE (MIN.)	LOT WIDTH (MIN.) (2)	MIN. GROSS FLOOR AREA (11)	SETBACK (MIN.) FOR ALL STRUCTURES ADJACENT TO: (5, 6, 8)		FRONT YARD SETBACK (MIN.) (5, 6, 8, 9)	SIDE YARD SETBACK (MIN.) (1, 5, 6, 8, 9)	REAR YARD SETBACK (MIN.) (5, 6, 8, 9)	BUILDING HEIGHT (MAX.) (4)
				ARTERIAL	COLLECTOR				
Small Lot Single-family Detached Residential with Front-Loaded Garage	2,800 SF	40' (13)	1,300 SF (13)	25'	20'	6' to porch/ 10' to living/ 20' to garage	0'/5' side to living 10' to living corner lot condition/ (1, 3)	10'	35'
Standard Lot Single-family Detached Residential with Front-Loaded Garage	5,500 SF	50'	1,080 SF (1-STORY)/ 1,600 SF (2-STORY)	25'	20'	10' to living/porch / 20' to garage	5'/ 10' side corner lot condition (3)	15' (12)	35'
Single-family Detached Residential with Rear-Loaded Garage	2,700 SF	30'	800 SF (1-STORY)/ 1,400 SF (2-STORY)	25'	20'	6' to porch/ 10' to living	5' /10' side corner lot condition (3)	6' (no parking)/ 20' (parking allowed)	35'
Single-Family Attached Residential	1,800 SF	20' (interior unit)	800 SF (1-STORY)/ 1,250 SF (2-STORY)	25'	20'	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)	35'
Multi-family Residential	N/A	N/A	N/A	25'	20' (7)	15' (7, 10)	15' (20' min. building separation) (10)	15' (10)	75'
Non-Residential Uses	N/A	30'	N/A	25'	20' (7)	10' (7, 10)	0' (20' min. building separation) (10)	15' (10)	75' (PA-E & F) / 150' (PA-G & F)

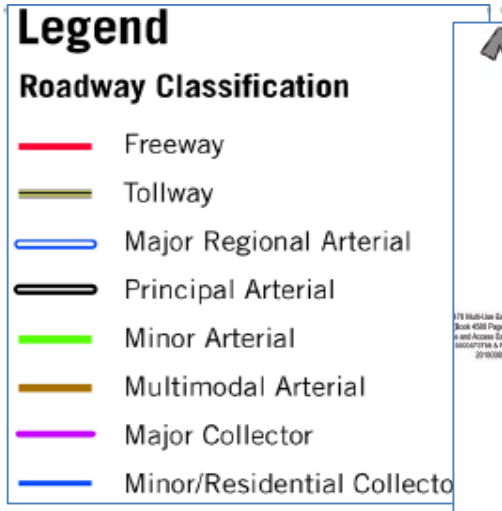
Analysis: Bulk Standards

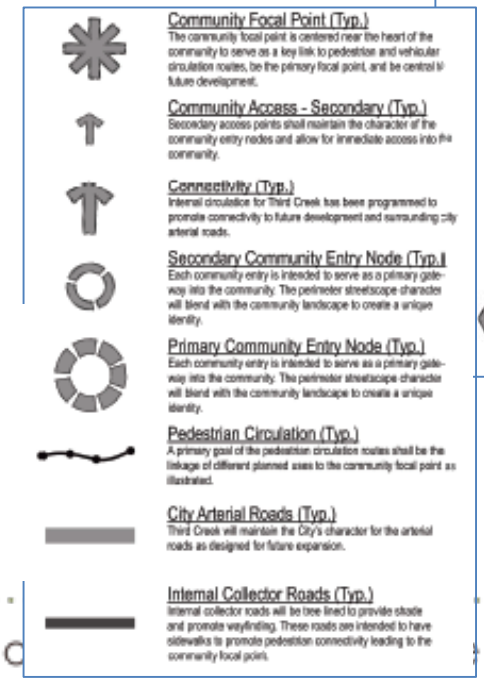
Minimum Lot Sizes & Floor Areas (Residential):

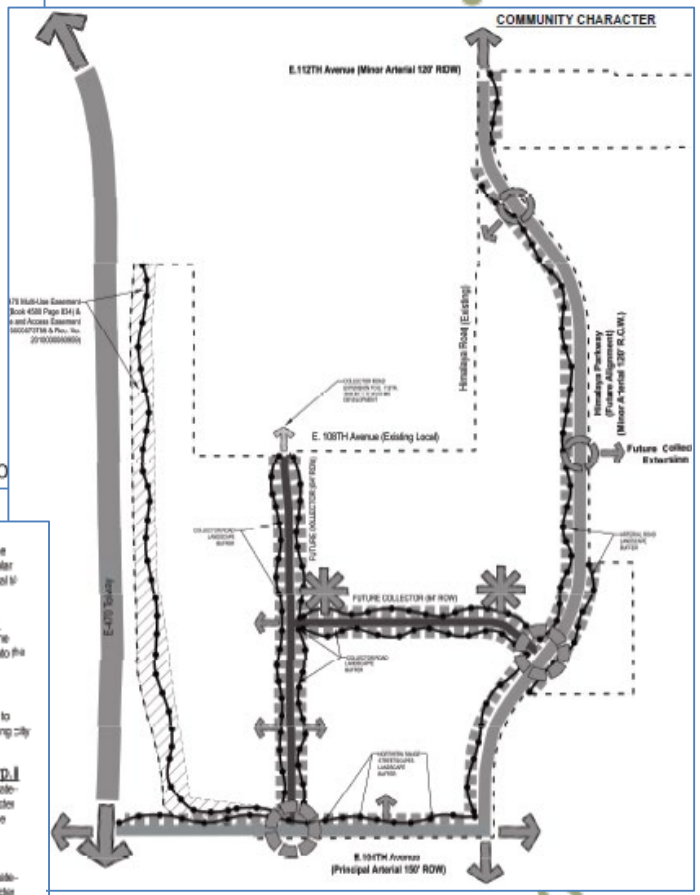
Planning Area	Single-Family Attached (sq.ft.) Lot Sizes*	Single-Family Detached (sq.ft.) Lot Sizes	Min. Gross Floor Area (sq.ft., does not include garage)
A	1,800 (per Unit)	2,700 Rear-Loaded 2,800 Front-Loaded (Small Lot) 5,500 Standard Lot	800 (1-Story) / 1,400 (2-Story) 1,300 (2-Story only) 1,080 (1-Story) / 1,600 (2-Story)
B	1,800 (per Unit)	2,700 Rear-Loaded 5,500 Standard Lot	800 (1-Story) / 1,400 (2-Story) 1,080 (1-Story) / 1,600 (2-Story)
C	1,800 (per Unit)	2,700 Rear-Loaded 2,800 Front-Loaded (Small Lot) 5,500 Standard Lot	800 (1-Story) / 1,400 (2-Story) 1,300 (2-Story only) 1,080 (1-Story) / 1,600 (2-Story)
D	1,800 (per Unit)	2,700 Rear-Loaded 2,800 Front-Loaded (Small Lot) 5,500 Standard Lot	800 (1-Story) / 1,400 (2-Story) 1,300 (2-Story only) 1,080 (1-Story) / 1,600 (2-Story)
E	1,800 (per Unit)	2,700 Rear-Loaded 2,800 Front-Loaded (Small Lot) 5,500 Standard Lot	800 (1-Story) / 1,400 (2-Story) 1,300 (2-Story only) 1,080 (1-Story) / 1,600 (2-Story)
F	1,800 (per Unit)	2,700 Rear-Loaded 2,800 Front-Loaded (Small Lot) 5,500 Standard Lot	800 (1-Story) / 1,400 (2-Story) 1,300 (2-Story only) 1,080 (1-Story) / 1,600 (2-Story)
	* All Single Family Attached Min. Floor Areas = 800 sq.ft. (1-Story) / 1,250 sq.ft. (2-Story)		

- Large Commercial Planning Areas (G & H) allows potential for large commercial & mixed use projects (supports Regional Commercial Center)

Analysis: Connectivity





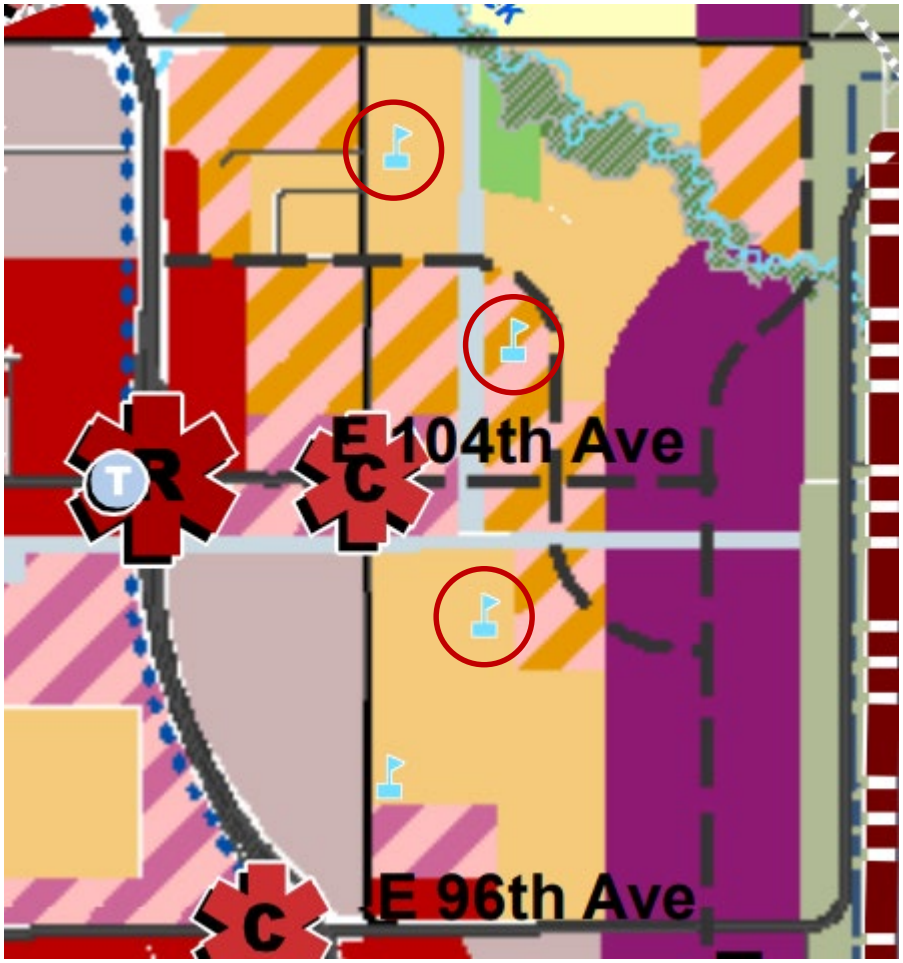


- Modified Street Grid Network
  - Shift Himalaya
  - Future Collector connect to 112th
  - Buffers existing ADCO homes

Analysis: Other

- Infrastructure
  - Water & Sewer: extend under E-470, & join the GIDs (Res. & Comm.)
  - Fire: South Adams County Fire Protection District
  - Police: Commerce City PD
- Parks & Open Space
  - Public: Prairieways Action Plan dictates none with this development
  - Private: Min. of 3%, scale up with density
  - Floodplain: 3rd Creek adj. to north detention pond

Analysis: Other



- Civic Uses & Institutions
  - None proposed.
  - Schools coordinated with 27J, to be in area to east & south
  - FLUP Identifies approx. future school locations

Analysis: Other

- Design Standards and Landscaping
  - separate document in conjunction with Platting and PUD Permit processes
- Existing Oil & Gas Operations
  - Surface use agreements being renegotiated
  - Existing sites will be capped and abandoned
  - A 50-foot setback to livable structures is required for capped and abandoned locations
- DIA Compatibility
  - Not within the DEN Noise Contours
  - Does not conflict with FAA height maximums
- Phasing
  - Multiple phases, based on market conditions
  - Likely to begin with the residential areas

PC Analysis – Annexation Zoning Approval Criteria

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 requested zoning to Third Creek West PUD designation is most compatible with the future land use designations.
The zoning is most compatible to the county zoning of the property at the time of annexation; or	N/A
The zoning is most comparable to the present use(s) on the property.	N/A

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	✓	28 Adjacent Property Owners Notified
Publication/ Newspaper Notice	Notice in local newspaper	✓	Notice in Commerce City Sentinel-Express
Placard/Sign on Property	At least one sign on subject property	✓	Two Signs Posted

Public Comment

- As of this date, staff has received 2 requests for additional information, and 4 comment letters in support

Referral Agency Comments

- The following referral agencies provided comments with no objections regarding the Annexation & Annexation Zoning requests:
- Urban Drainage requires this site to accommodate future drainage on property to south. Applicant & adjacent property owner have a Drainage Agreement (see Packet)
- Building Division
- Public Works Department
- Parks Planning
- Police Dept.
- South Adams County Water and Sanitation District (SACWSD)
- South Adams County Fire District (SACFD)
- Tri-County Health Department (TCHD)
- Xcel
- Adams County

Recommendation

- Annexations: The Development Review Team recommends that the City Council find that the properties are eligible for annexation and annex the properties, upon completion of an acceptable annexation agreement.
- Annexation Zoning: On August 6, 2019, the Planning Commission held a public hearing voted 5 to 0 to recommend approval to City Council regarding this request.

Commerce CITY

City staff and the applicant are available to answer questions.