



STAFF REPORT

Planning Commission

Case Z-946-17-19			
PC Date:	August 6, 2019	Case Planner:	Robin Kerns
CC Date:	August 19, 2019		
Location:	Unincorporated Adams County (NEC of E. 104th Ave. & E-470)		
Applicant:	Cowley Companies 1242 E. Jackson St. Phoenix, AZ 85034	Owner: Address:	Same as applicant

Case Summary	
Request:	Annexation zoning of 234 acres of property from ADCO A-3 (Agricultural) to PUD (Planned Unit Development) to allow for residential, mixed-use and commercial development.
Project Description:	The applicant wishes to comprehensively develop a residential & commercial land area that is within the City of Commerce City future growth boundary.
Discussion Topics:	• Allowed Land Uses • Planning Areas • Road connectivity • Relationship to existing ADCO Residential
Key Approval Criteria:	• Compliance with the Comprehensive Plan • Compliance with the requirements for zoning annexed land
Staff Recommendation:	Approval
Current Zone District:	Adams County A-3 Agricultural
Comp Plan Designation:	Commercial, Mixed Use, Mixed Use E-470, Residential Medium

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

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|--|--|
| ☒ Applicant's Narrative | ☒ Vicinity Map |
| ☒ PUD Zone Document | ☒ Traffic Study |
| ☒ Neighborhood Meeting Notes | ☒ Drainage Agreement |

Background Information

Site Information

Site Size:	234 +/- acres
Current Conditions:	Vacant w/ Oil & Gas Operations, Overhead Transmission Lines
Existing Right-of-Way:	E. 104th Ave., Himalaya Rd. & E. 108 th Ave. (Unimproved)
Existing Roads:	E. 104th Ave. & Himalaya Rd. (unimproved), E. 108 th Ave. (unimproved)
Existing Buildings:	Oil & Gas operations
Site in Floodplain	Yes (North-East Corner, associated with Drainage Facility)

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Residential	Private Residences	ADCO
South	N/A	Vacant	ADCO
East	N/A	Vacant	ADCO
West	ROW	E-470	N/A

Case History

The relevant case history for the property is provided below.

Case	Date	Request	Action
Z-917-14	3/16/2017	Review of a PUD Concept Schematic for future entitlement of the subject property.	Withdrawn
Z-946-17	5/1/2018	Review of a PUD Concept Schematic for future entitlement of the subject property.	Recommendation move to PUD Zoning

Z-917-14:

- In October of 2014, the applicant requested the review of a PUD Concept Schematic for the future entitlement of 1,352 +/- acres generally located north of E. 96th Avenue, south of E. 112th Avenue, west of the future Picadilly alignment, and along the Himalaya Road alignment (3rd Creek). On March 16, 2017, the application was withdrawn.

Z-946-17:

- In October of 2017, the applicant requested the review of a PUD Concept Schematic for the future entitlement of 234 +/- acres located at the north-east corner of E-470 & E. 104th Ave. On May 1st, 2018, the Planning Commission reviewed and discussed the subject case, generally supporting the proposed concept schematic and recommended that it move forward to the formal PUD Zone Document process.

Applicant's Request

The planned community of Third Creek West is an approximately 234 +/- acre mixed-use development envisioned to bring a dynamic mix of residential and commercial uses to northeastern Commerce City. The property is currently zoned A-3 in unincorporated Adams County and is surrounded by agricultural and low density residential land uses, but also adjacent to the Reunion planned community on the west side of E-470 and south of 104th Avenue. Third Creek West will act as a catalyst for commercial and residential development to the area between E-470 and the western boundary of Denver International Airport (DEN) in Commerce City.

Consistent with the land use plan presented on May 1, 2018, to Planning Commission and Staff with the PUD Concept/Schematic application, a mix of potential neighborhood and regional level commercial uses and a variety of residential types and densities are proposed. Local and regional level commercial uses are proposed

within approximately 49.7 acres located along the E. 104th Avenue frontage. The proposed commercial location has a minimum depth of 1,000 feet, which allows flexibility for a variety of uses. Commercial, office, retail, and potential mixed-use retail/multi-family uses are permitted in this area.

Central to the Third Creek West property and accessed by proposed collector roadways spurring from both E. 104th Avenue and Himalaya Road, is approximately 22.7 acres of mixed-use development. Medium to high density residential land uses are planned in this area to provide a transition from the higher intensity commercial land uses to the south, to the lower density residential neighborhoods to the north. Neighborhood level commercial is also planned within this area at key locations. The northern 111.6 acres of the Third Creek West property is proposed for residential uses. This area is envisioned to provide a mix of densities and housing types that transition from higher densities on the south to lower densities to the north.

A system of trails, pocket parks and open spaces will be integrated throughout the Planning Areas and will connect residents to key points within the community, as well as adjacent existing and future amenities such as retail destinations and schools. Parks are proposed to be located in strategic areas of the community to maximize service areas, provide easy access for both pedestrians and vehicles, and provide central organizing features to the smaller neighborhoods within the larger community.

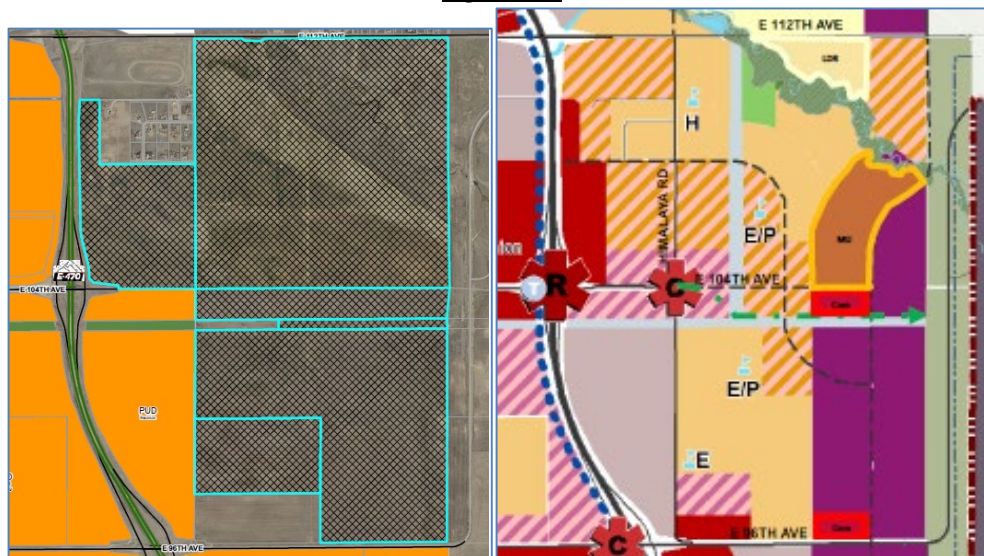
The Third Creek West community is anticipated to ingrate well with existing and proposed land uses. A variety of residential densities will provide additional residential opportunities to the area and will transition well from existing residential uses to the north. Proposed commercial uses along 104th Avenue are also consistent with the Commerce City C3 Vision Plan, as well as future plans for retail and commerce centers along 104th Avenue via the Reunion planned community.

Development Review Team (DRT) Analysis

Future Third Creek West Planning Area

The subject property is part of the larger land holdings, owned by the applicant, which constitute a total of approximately 1,352 acres generally located north of E. 96th Avenue, south of E. 112th Avenue, west of the future Picadilly alignment, and along the Himalaya Road alignment (see figure 1.1 – Left Side). This area as a whole was associated with the previous zoning case Z-917-14, which evaluated a proposed land use plan with the city's Future Land Use Plan (see Figure 1.1 – Right Side). The subject case Z-946-17-19 represents the begin phase of a larger expansion by the applicant into the eastern reaches of the City's future growth boundary area.

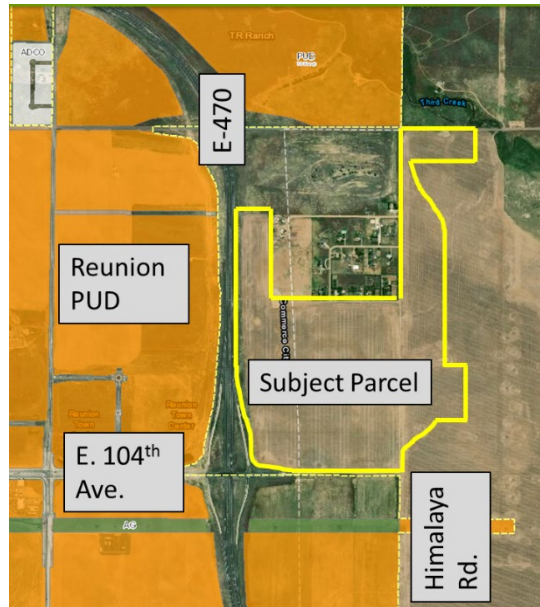
Figure 1.1



Project Overview

The initial phase of the planned community of Third Creek West is an approximately 234 +/- acre mixed-use development envisioned to bring a mix of residential and commercial uses to northeastern Commerce City. The project area (see Figure 1.2) is currently zoned A-3 within unincorporated Adams County and is surrounded by agricultural and low density residential land uses. Third Creek West will act as a catalyst for residential and commercial development to the area between E-470 and the western boundary of Denver International Airport.

Figure 1.2



Site Constraints

The subject Third Creek West planning area has a variety of constraints and unique challenges that are present and impact development planning. These issues were considered as part of the PUD Concept Schematic review, case Z-946-17, and are outlined as follows.

Neighborhood Meeting: A Neighborhood Meeting was held on January 11, 2019. Attached are the Meeting Notes provided by the applicant and confirmed as accurate by staff. The project is adjacent to existing large lot single family homes in unincorporated Adams County. Neighbors from these existing homes were in attendance and provided the critical feedback at his meeting which led to impacts on the Third Creek West project design. The most significant concerns to arise from these neighbors were regarding buffering of the existing homes and agricultural uses from the potential for complaints by new smaller lot residential properties, and the potential impacts of developing the existing E. 108th Avenue and Himalaya Road (currently unimproved gravel/road base). To respond to these concerns, the PUD Zone Document includes an Existing Development Residential Transition Zone that will keep the rear of large lots abutting the existing homes, and that the existing E. 108th Avenue and Himalaya Road will not be developed, nor will direct neighborhood connections be provided until a future time when the existing homes area is redeveloping.

Existing Oil & Gas Operations: Oil and gas operations currently exist in the north-west area of the site, however the surface use agreements for these locations are currently being renegotiated. The existing sites will be capped and abandoned and relocated to an area east of Himalaya Parkway. A 50-foot setback to livable structures is required with these capped and abandoned locations per this PUD Zone Document.

Topography: The project area slopes gently down from the south-west to the north-east towards the existing Third Creek drainage. The western edge of the property is significantly higher than the E-470 roadway. DRT believes that this is a significant planning issue when evaluating the appropriate location of Commercial

development, as those users typically depend on high visibility for advertising and ease of customer connection from rights-of-way. Thus, the topography adjacent to E-470 is not conducive for high quality commercial.

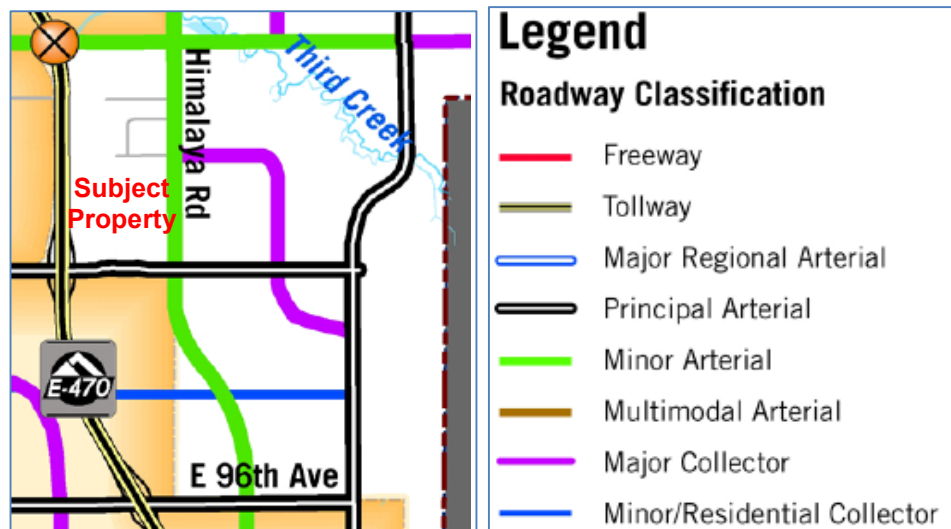
Easements: The project site has existing easements that have implications for development by restricting the ability to develop in those easements. As these easements parallel E-470, they, like the existing topography, significantly diminish the benefit of placing commercial along the E-470 corridor.

- 1) E-470 Multi-Use Easement - This easement fronting along the E-470 Right-of-Way (ROW) does not allow for development, but can allow for parking lots, trails, and roads.
- 2) 75' Transmission Line & Access Easement – This easement adjacent to the E-470 ROW does not allow for development, but can allow for parking lots, trails, and roads.

Roadway Network: Given the lack of existing infrastructure and development east of E-470, the project area must incorporate both the future roadway network as envisioned in the Commerce City Transportation Plan, as well as the immediately adjacent existing large lot single family homes in unincorporated Adams County (see Neighborhood Meeting notes above).

- 1) E. 108th Avenue: This ROW fronts several existing large lot residential properties with individual driveways which would negatively impact developing this ROW as a major collector. The DRT notes that to the east of Himalaya Road, E. 108th Avenue is designated as future Major Collector.
- 2) E. 104th Ave. & Himalaya Road: The spacing of proposed collectors from the intersection of these two arterials will be dictated by existing constraints associated with E-470 ramps & transmission lines, applicable city engineering standards and a supporting traffic study (attached).
- 3) A ROW plan will need to be able to connect areas south of E. 108th Avenue, and west of Himalaya Road up north towards E. 112th Avenue when future development dictates these improvements.
- 4) Himalaya Road: Given that this ROW is planned (see City Transportation Plan, Figure 1.3) to make numerous alignment shifts as it moves south from E. 112th Avenue to E. 88th Avenue, the DRT supports an alignment shift along the east side of the subject property.

Figure 1.3

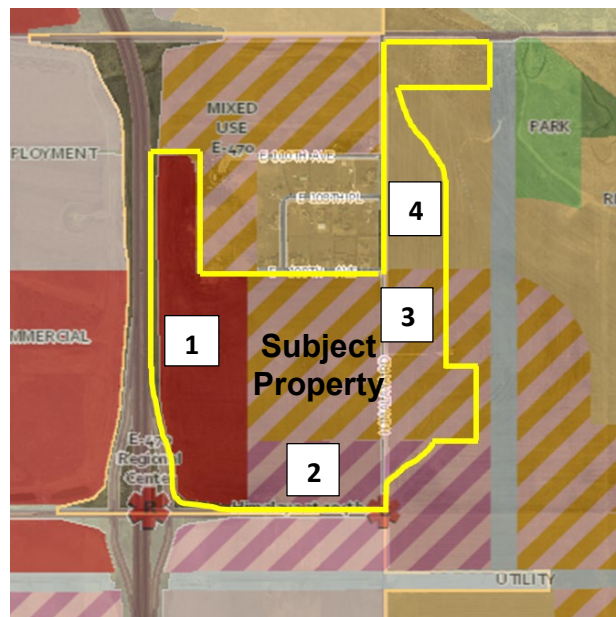


Comprehensive Plan – Future Land Use Plan Designations

The Future Land Use Plan (FLUP), a component of the City of Commerce City Comprehensive Plan, depicts the subject property area as designated for Commercial, Mixed Use, Mixed Use E-470, and Residential-Medium uses (see Figure 1.4). These classifications include the following development details:

- 1) **Commercial:** The Comp. Plan dictates a 1.0 FAR, allows for High Density Residential (8 to 40 du/ac) with Mixed Use development. The incorporation of Residential - High in these areas shall only be allowed as part of Vertical Mixed Use Development.
- 2) **Mixed Use:** The Comp. Plan dictates a minimum of 2.0 FAR with horizontal or vertical mixed-use, and allows for a mix of residential, retail, commercial, office & other services.
- 3) **Mixed Use E-470:** The Comp. Plan dictates a mix of commercial and office uses with medium & high density residential types. A minimum of 4 du/ac and a maximum of 40 du/ac. The incorporation of Residential - High & - Medium in these planning areas shall be allowed as part of either Horizontal or Vertical Mixed Use Development. These planning areas can develop up to a maximum amount of 75% as residential. Generally, this type of mixed use development is accessed directly from collectors and convenient to transit access.
- 4) **Residential – Medium:** The Comp. Plan dictates a minimum of 4 du/ac and up to 8 du/ac.

Figure 1.4



Comprehensive Plan - E-470 Influence Planning Area

In accordance with Comprehensive Plan, the E-470 Influence Planning Area is located mostly east of Tower Road and west of Picadilly Road following the E-470 corridor. It generally consists of vast undeveloped lands, although a few properties have entitlements for mixed-use development. This is the area of potential long-term growth for Commerce City (up to 30+ years), due to its proximity to E-470, Denver International Airport, and vast vacant lands. The E-470 Influence Area provides the following policy direction:

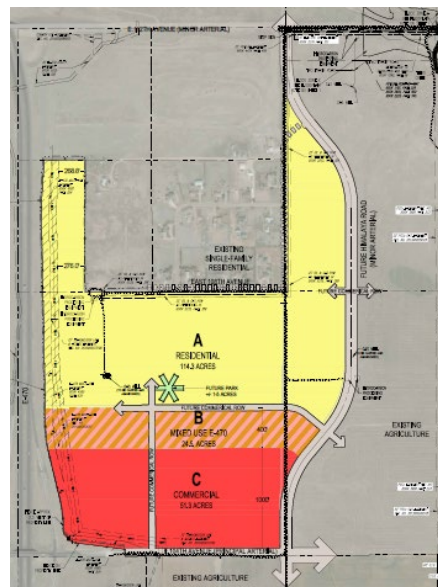
- ✓ **Cohesive Mix of Uses:** Plan for a cohesive mix of uses to maintain the city's jobs-to-housing balance and provide a more balanced total community. The mix should be a compatible extension of existing residential areas in the Northern Range and provide civic uses, master planned development, and round-the-clock activity;
- ✓ **Phased Development/Infrastructure/Utilities:** Phase development as utilities and services can be provided;
- ✓ **Land Use Patterns/Airport Compatibility:** Ensure that all land use patterns are compatible with present and future airport operations, including noise, safety, and access. Require that residential properties have extra protections in place to mitigate noise from the airport;
- ✓ **Economic Development:** Reserve appropriate land in strategic locations for economic development and jobs;

- ✓ Transition of Employment Uses: Transition land uses in the area, with technology and employment uses near the DIA boundary, and residential uses away from E-470, the airport boundary, and noise contours;
- ✓ Flexibility/Mix of Uses: Allow some flexibility for future development to meet market demands, while still accomplishing the goals of this Plan;
- ✓ Connected Roads: Plan a connected system of arterial and collector roads (including bicycle and pedestrian facilities and opportunities for future transit), and reserve future right-of-way.
- ✓ Facilities: Plan for future public facilities, such as schools and parks, to serve new growth;
- ✓ Open Space/Conservation: Conserve land along creeks/floodplains and utility corridors for open space, as part of a connected system;
- ✓ E-470 Views: Provide landscaping along E-470 to maintain views of the mountains and plains, and retain some of the area in its natural state with opening and closing of the view shed to provide interest.
- ✓ Quality: Promote high-quality design for all structures, including residential and employment; and
- ✓ Landfill Buffering: Provide buffering of Tower Road landfill from residential development.

PUD Concept Schematic

The Planning Commission previously reviewed the PUD Concept Schematic (Figure 1.5) for the subject site on May 1, 2018. Feedback from Planning Commission on the concept schematic helped to inform the final PUD Zone Document currently under consideration. Specifically, the Planning Commission recognized the Site Constraints (cited above) and the associated layout adjustments made which moved the FLUP designated land use areas of Commercial, Mixed Use, Mixed Use E-470, and Residential-Medium to the revised alignment depicted in this PUD Concept Schematic.

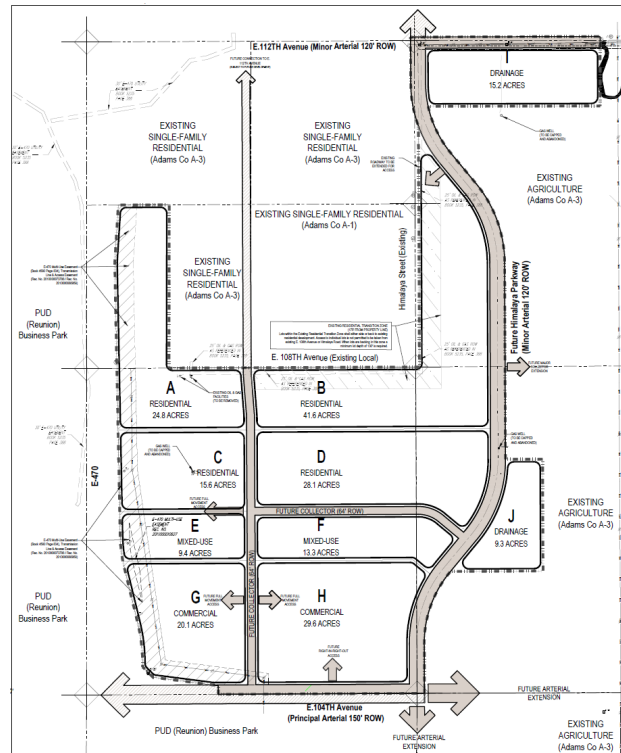
Figure 1.5



Project Analysis – PUD Zone Document

The applicant is proposing the following Third Creek West PUD Zone Document to support a development that will promote the City's Goals for the E-470 Influence Planning Area through a similar, but site-focused strategy that will best promote this property for commercial and mixed use development, while also maintaining a strong residential foundation. In an effort to maintain a level of consistency with the current Commerce City Comprehensive Plan, the land uses proposed in the Third Creek West PUD Zoning application utilize similar descriptions, proposed densities, and intent. However, due to Site Constraints (see discussion above) these land uses have been shifted (as shown in Figure 1.6) from a more intensive commercial / mixed use program primarily fronting E-470, to better utilize the access and frontage potential of the adjacent arterials streets (E. 104th Avenue and Himalaya Road).

Figure 1.6



Land Use/Development Parcels

The proposed development consists of 10 Planning Areas (PA)., which are identified as follows:

PA-A: 24.8-acres of residential allowing for single-family attached & detached residential between 3-8 dwelling units per acre (du/ac).

PA-B: 41.6-acres of residential allowing for single-family attached & detached residential between 3-8 dwelling units per acre (du/ac). This planning area does not allow for small lot (less than 5,500 sq.ft. lot size) single-family detached development.

PA-C: 15.6-acres of multi-family residential, and single-family attached & detached residential between 4-12 du/ac.

PA-D: 28.1-acres of multi-family residential, and single-family attached & detached residential between 4-12 du/ac.

PA-E: 9.4-acres of mixed-use allowing neighborhood commercial, office, retail, multi-family residential, single-family attached and detached residential between 6-20 du/ac. A maximum of 75% residential is permitted in PA-E & PA-F combined.

PA-F: 13.3-acres of mixed-use allowing neighborhood commercial, office, retail, multi-family residential, single-family attached and detached residential between 6-20 du/ac. A maximum of 75% residential is permitted in PA-E & PA-F combined.

PA-G: 20.1-acres of commercial, office, retail, and high-density residential (only as part of vertical mixed-use development) between 8-40 du/ac. A maximum of 50% land area is permitted for residential as part of vertical mix use in PA-G & PA-H combined.

PA-H: 29.6-acres of commercial, office, retail, and high-density residential (only as part of vertical mixed-use development) between 8-40 du/ac. A maximum of 50% land area is permitted for residential as part of vertical mix use in PA-G & PA-H combined.

PA-I: 15.2-acres of drainage infrastructure intended for detention facilities.

PA- J: 9.3-acres of drainage infrastructure intended for detention facilities. However, the DRT notes that a future phase of the Third Creek West community east of Himalaya Parkway will likely provide for additional drainage infrastructure rendering the proposed detention facility in this Planning Area obsolete. Therefore, at a future time, this Planning Area will probably be re-zoned to allow for development. In addition, the overall Cowley property of 1,352+/- acres must be able to accommodate the future drainage of the adjacent property to the immediate south. Thus, please see the Drainage Agreement attached to address this future planning and design issue.

Residential Planning Areas

Residential land uses are proposed in the northern half of the site, with the largest lots adjacent to the existing large agricultural lots in Adams County. This area will provide users for the commercial centers to the south and also provide a transitional land use from the existing low density residential homes to the north still in Adams County.

Mixed-Use Planning Areas

Mixed Use land uses are proposed within the Third Creek West PUD Zone Document as a transition between the commercial corridor along E. 104th and the suburban residential areas proposed in the northern portion of the site. These mixed use areas are envisioned as a horizontally mixed use land areas that facilitate higher density residential with potential pockets of non-residential uses, potentially including but not limited to neighborhood commercial, retail, and office.

Commercial Planning Areas

Commercial land uses will be mostly achieved via the proposed one thousand foot (1000') depth commercial areas proposed along E. 104th Avenue, between E-470 & Future Himalaya Parkway. These commercial areas provide high quality access and frontage for future users while also maintaining a similar development character as used on properties located to the west of E-470. The commercial land in general is envisioned as a mix of commercial, retail, office, and high density residential land uses (allowed only as part of vertical mixed use development which is similar to the intent proposed in the FLUP.

Bulk Standards

Maximum Total Number of Units Permitted:

Planning Area	Number
A	198
B	332
C	187
D	337
E & F (combined max. 75% res. permitted)	340
G & H (combined max. 50% res. permitted)	994
Total	2,398

Note: Maximum residential units allowed are defined in the "Permitted Gross Density" column of the PUD Zoning Land Use Chart. As the property within the subject PUD Zone Document develops over time, residential units will be defined at the PUD Permit level of approvals, but shall not exceed 1,050 total units (within Planning Areas A, B, C, D, E, and F). Residential unit development within Planning Areas G, H, I and J shall be separate from the 1,050 units and are subject to future PUD Permit and PUD Zoning Document applications as applicable (including the requirement for updated traffic, utility and drainage reports, as needed).

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)			

Note: The smaller Front & Rear Loaded Single-Family Detached lot sizes are somewhat smaller than traditional city zone districts, but they are in keeping with the greater intensities/densities associated and planned for along the E-470 corridor. The minimum lot sizes for commercial and multi-family properties will comply to the Commerce City Land Development Code (LDC) as amended at time of development application. Currently, the LDC dictates 8,000 sq.ft. minimum lot areas for commercial and no minimum lot size for multi-family residential.

Maximum Height:

Planning Area	Single-Family Residential	Multi-Family Residential	Non-Residential
A	35'	N/A	N/A
B	35'	N/A	N/A
C	35'	75'	N/A
D	35'	75'	N/A
E	35'	75'	75'
F	35'	75'	75'
G	N/A	*As part of vertical mix use	150'
H	N/A	*As part of vertical mix use	150'

Note: The maximum heights for Multi-Family and Non-Residential are taller than traditional city zone districts, but they are in keeping with the greater intensities/densities associated and planned for along the E-470 corridor. In addition, these are similar to what has been approved for the Reunion development, which allows heights of 90-125 feet.

Land Uses:

The proposed uses for this development are found on Sheet 6 of the subject Third Creek West PUD Zone Document. These uses are typical uses found for residential and commercial areas in the LDC. Certain uses (for example sexually oriented businesses, major vehicle repair, industrial uses, etc.) are excluded from this development.

Connectivity:

Third Creek West is located adjacent to E-470 (toll road) to the west, East 104th Avenue (major arterial) to the south, future Himalaya Parkway (minor arterial) to the east, and existing East 112th Avenue (minor arterial) to the north. In addition, there are the existing E. 108th Avenue and Himalaya Road (currently unimproved gravel/road base) right of ways that separate the subject development from the existing large lot, agriculturally zoned Adams County lots. To accommodate these existing homes and unimproved roads (see Neighborhood Meeting notes above), this PUD Zone Document proposes to take Himalaya off-line for a significant stretch and create the future Himalaya Parkway.

Service into the site is planned to be facilitated from East 104th Avenue, future Himalaya Parkway, and E. 108th Avenue (east of future Himalaya Parkway), with the main access points anticipated from both E. 104th Avenue and future Himalaya Parkway. Collector roads are planned to provide connections for residents to the regional arterial road grid system. These collectors are envisioned as central organizing features and will provide a gateway for residents and visitors entering the community. A system of local public and private roads will provide internal organization and access for local residents. The location and alignments of these roadways shall be determined at the time of PUD Permit approval.

Pedestrian circulation is provided through a network of attached/detached sidewalks located within right-of-way corridors and off-street trails. These are designed to provide safe and convenient pedestrian access to key points of interest such as commercial uses and parks. The location and alignments of future pedestrian corridors shall be determined at the time of PUD Permit approval.

Infrastructure:

Existing development is limited adjacent to the Third Creek West property, therefore the extension of utilities under E-470 is required for full service of the site. In addition, the property will be required to be annexed into Commerce City and petition to join the service areas/districts in the region, such as South Adams Water and Sanitary District, fire, police, and others.

Water: Water lines serving this site will be provided by South Adams County Water and Sanitation District. Additional transmission/distribution lines will be required to accommodate the projected impact from this development. In addition, the applicant will need to join the two applicable General Improvement Districts prior to any final PUD Permit approval. These districts are the E-470 Commercial General Improvement District (ECAGID), and the E-470 Residential General Improvement District (ERAGID). The applicant, along with SACWSD, will be responsible for the cost of implementation of these lines.

Sewer: Sanitary sewer lines serving this site will be provided by South Adams County Water and Sanitation District. Additional transmission/distribution lines will be required to accommodate the projected impact from this development. The applicant, along with SACWSD will be responsible for the cost of implementation of these lines.

Fire Protection: Served by South Adams County Fire Protection District. Nearest station to site is: Fire Station #8 @ 10326 Walden Street

Police Protection: Served by Commerce City Police Department. Nearest station to site is: Commerce City Civic Center @ 7887 East 60th Avenue

Parks & Open Space:

Parks and open space will be provided, as appropriate, for the residents of Third Creek West. Trails and sidewalks will be provided to connect these new neighborhoods with the adjacent mixed use and commercial areas as the area build out over time. Proposed parks will offer neighborhood level amenities for residents within the community and surrounding areas. Future detail regarding park and trail amenities and dedications will be determined with future land use applications.

Public - In accordance with the Prairieways Action Plan and the City Comprehensive Plan, there is no public/city owned park envisioned or required for this development. The nearest public/city owned parks for this development would be the future community park/high school site at Landmark Drive and 96th Avenue or the future elementary school/park site at 88th Avenue and Second Creek. Future public park facilities will be dictated by future changes to the Prairieways Action Plan and the City Comprehensive Plan.

Private – The applicant would dedicate a minimum of 3% of the total usable acreage for the residential development areas for a private HOA parks. That minimum is expected to change as minimum dwelling unit densities increase. This provision will be dictated as part of Third Creek West Design Standards and Guidelines. Specific amenities contained within a private HOA park would be specified during the PUD Permit application.

Floodplain: Currently, none of the developable property is within the 100-year floodplain. It is noted that the Planning Area I drainage facility will be adjacent to the 100-year floodplain.

Civic Uses & Institutions:

No civic uses, such as post offices, police stations, fire stations, or schools are proposed for the Third Creek West development at this time. Land dedication for schools is anticipated to be accommodated through cash-in-lieu of land dedication. Students from the Third Creek West PUD property will attend existing nearby schools. Future school locations are likely to be planned east of Himalaya Parkway. However specific locations and dedication requirements will be determined with future applications and coordination with the 27J School District.

Design Standards and Landscaping:

The applicant is proposing through a separate document, design standards and guidelines, which would include architecture & landscape standards, public art, site amenities, monument signage, neighborhood character elements, etc. The proposed Third Creek West Design Standards and Guidelines are authorized through the PUD Zone Document but the Community Development Director will have the approving authority.

Existing Oil & Gas Operations:

Oil and gas operations currently exist on site, however the surface use agreements for these locations are currently being renegotiated. The existing sites will be capped and abandoned and relocated to an area east of Himalaya Parkway. A 50-foot setback to livable structures is required with these capped and abandoned locations per this PUD Zone Document.

DIA Compatibility:

This project is not contained within the DEN Noise Contours for aircraft takeoffs and landings. The proposed heights within this PUD do not conflict with these FAA maximums. DEN reviewed this application and has no objection to it.

Phasing:

Phasing shall occur in a systematic and logical pattern, largely driven by the extension of available infrastructure and market conditions. Development within the Third Creek West property will likely occur in multiple phases,

based on market conditions. It is anticipated that development is likely to begin with the residential areas of the PUD, followed by non-residential development in the future, though this may change as platting and build-out occur.

Summary:

This project is completely contained within the E-470 influence area and because of this location near this regional highway, the mixture of uses, densities, and intensities are higher than what has been traditionally been approved elsewhere in the northern range. In summary, the DRT has determined that the request meets the approval criteria for an annexation zoning outlined in the LDC as provided below, the proposal meets the Comprehensive Plan and the E-470 Influence Area goals, and the proposal is appropriate given the surrounding area. 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
☒	The zoning is most compatible with the city's comprehensive plan designation for the property;	The applicant's intent is to create a mixed-use development that is envisioned to bring a dynamic mix of residential and commercial uses to northeastern Commerce City. By creating custom zoning regulations through a PUD, it is the best way to achieve that goal while still meeting the intent of the Comprehensive Plan by allowing for a broader range of housing options not otherwise achievable through a straight zoning designation.
☐	The zoning is most comparable to the county zoning classification on the subject property at the time of acceptance of the annexation petition; or	Not applicable.
☐	The zoning is the most comparable to the present use(s) on the subject property.	Not applicable.

Comprehensive Plan

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

Section	Goal	Description
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 FLUP identifies the subject property for Commercial, Mixed Use, Mixed Use E-470, and Residential-Medium uses. The proposed PUD Zoning is compatible with these identified land use types and development.	

Section	Goal	Description
Land Use	LU 6a	New Centers with Emphasis on Commercial: Focus new commercial and retail into the designated centers as shown on the FLUP. The types of centers at different scales will provide for retail and other needs ranging from neighborhood to regional markets.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
<u>Analysis:</u>		In addition to having a major portion of the PUD Zoning area designated for future commercial and mixed-use development, the area surrounding the E-470 and E. 104th Ave. interchange is identified as a future regional commercial center. Furthermore, the intersection of E. 104 th Ave. and Himalaya Road is identified as a future community commercial center. This PUD Zoning allows for the highest intensity and larger scale commercial uses associated with a regional and multiple neighborhood market area.

The Comprehensive Plan supports the type of development proposed for this site because it adheres to the Future Land Use Plan, the E-470 Influence Area and supports residential and commercial uses as appropriately designated.

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 favorable recommendation.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the property located **at the northeast corner of E. 104th Avenue and E-470**, contained in case **Z-946-17-19** 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 the northeast corner of E. 104th Avenue and E-470**, contained in case **Z-946-17-19** 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 **the northeast corner of E. 104th Avenue and E-470**, contained in case **Z-946-17-19** 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 **the northeast corner of E. 104th Avenue and E-470**, contained in case **Z-946-17-19** to a future Planning Commission agenda.