



Council Communication File Number: Z-964-21-22

Agenda Date: 5/16/2022

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Zoning Ordinances

FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS CANAM FROM ADAMS COUNTY I-1 AND COMMERCE CITY I-1 TO COMMERCE CITY PUD (PLANNED UNIT DEVELOPMENT) AND APPROVING A ZONE DOCUMENT

Summary & Background

QuikTrip Corporation is requesting the approval of two properties for a Planned Unit Development zone district in the City of Commerce City. The combined parcels are approximately 37.9 acres in size and are currently vacant. The subject properties are located on the southwest corner of the E. 112th Ave. & US 85 intersection (PINs 172110109002 & 172110100002). 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. 112th 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 the annexation zoning case AN-259-21-22, and inclusion into the Northern Infrastructure General Improvement District case NIGID-180-22.

Approval Criteria

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-964-21-22.

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-964-21-22, 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.

Staff Responsible (Department Head): Jim Tolbert, Director of Community Development

Staff Presenting: Andrew Baker, City Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: On May 3rd, 2022, the Planning Commission held a public hearing, took testimony, and voted (4 to 1) to forward the annexation zoning request to City Council with a recommendation for approval with conditions, that condition being the removal of automobile fueling as an allowed use.

Suggested Motion: I move that the City Council enter a finding that the requested annexation zoning for the subject Adams County property contained in case Z-964-21-22 meets the criteria of the Land Development Code and, based upon such finding, approve the Planned Unit Development.

-and-

I move that the City Council enter a finding that the requested rezoning for the subject Commerce City property contained in case Z-964-21-22 meets the criteria of the Land Development Code and, based upon such finding, approve the Planned Unit Development.

Alternative:

One option would be for City Council to approve the request as submitted by the applicant; a second option would be to approve the request subject to conditions; a third option would be for City Council to deny the request.