



Case #Z-705-99-00-09-24

Tower Landfill

Location: Southwest corner of E 88th Ave and E-470

Applicant: Allied Waste Systems of Colorado LLC.

Request: Annexation Zoning

Associated Cases

Being heard tonight:

- Land Use Plan Amendment (LUP-058-24)
- Annexation (AN-263-24)
- Annexation Zoning (Z-705-99-00-09-24)
- Vacation of Right-of-Way (V-093-24)



Procedure

- The associated annexation case (AN-263-24) will need to be approved by Council prior to this zoning request being approved by Council.
- This zoning request is largely dependent upon approval of the associated land use plan amendment and annexation.



Case Summary

- Location: Southwest corner of East 88th Avenue and E-470
- Site size: 110 acres
- Request: Approval of a zone change to Commerce City PUD (Planned Unit Development)
- Current zoning: Adams County A-3 (Agricultural-3)
- Existing future land use designation: DIA Technology
- Proposed future land use designation: Utility



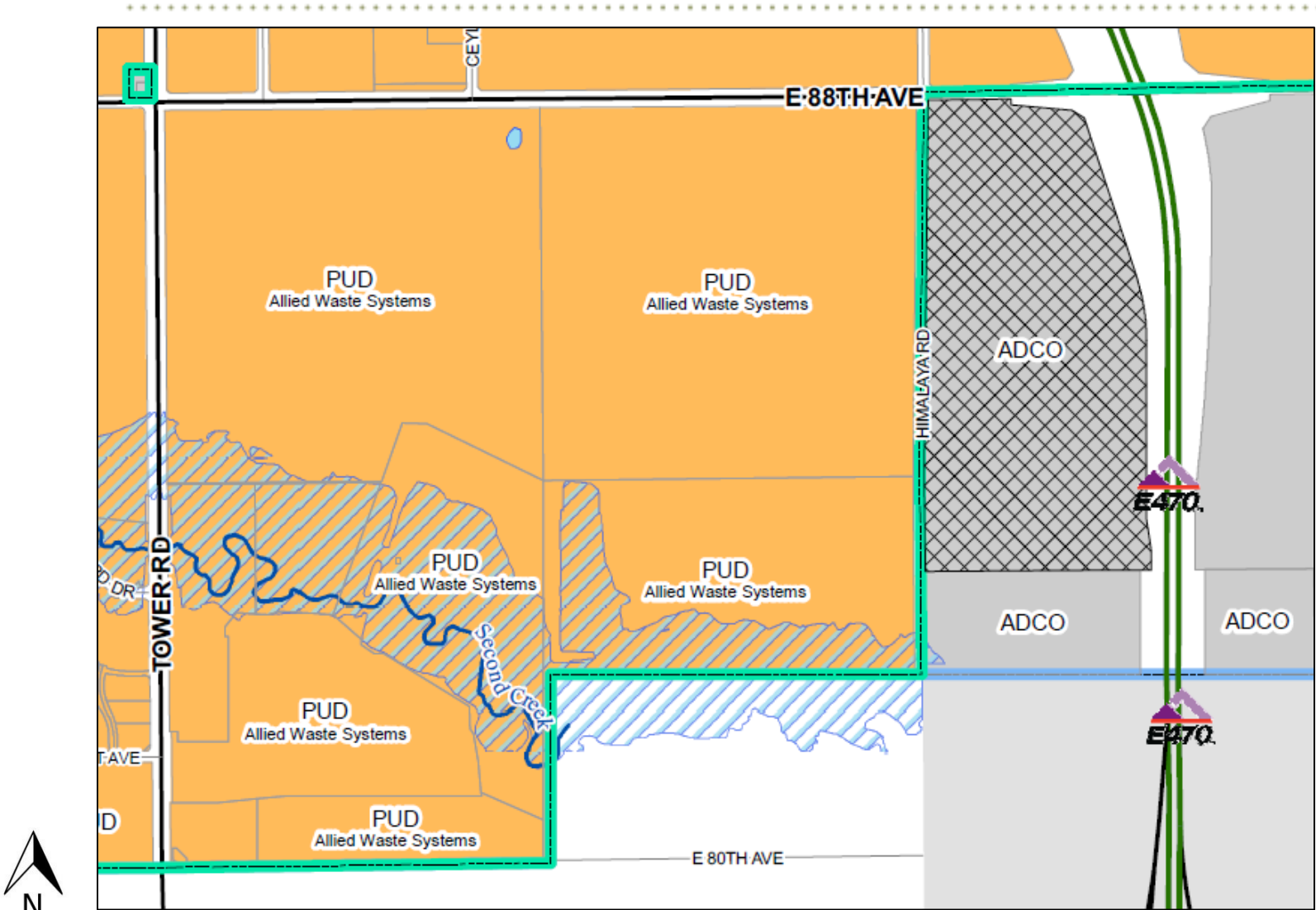
Background

- The existing landfill was annexed into the City in 1998 with a zoning of Planned Unit Development (PUD).
- The existing landfill footprint is expected to have about 20 years of life remaining.
- The requested zoning would allow the main entrance and supporting operations for the existing landfill on the subject property.
- The landfill footprint cannot expand without a separate approval by City Council.

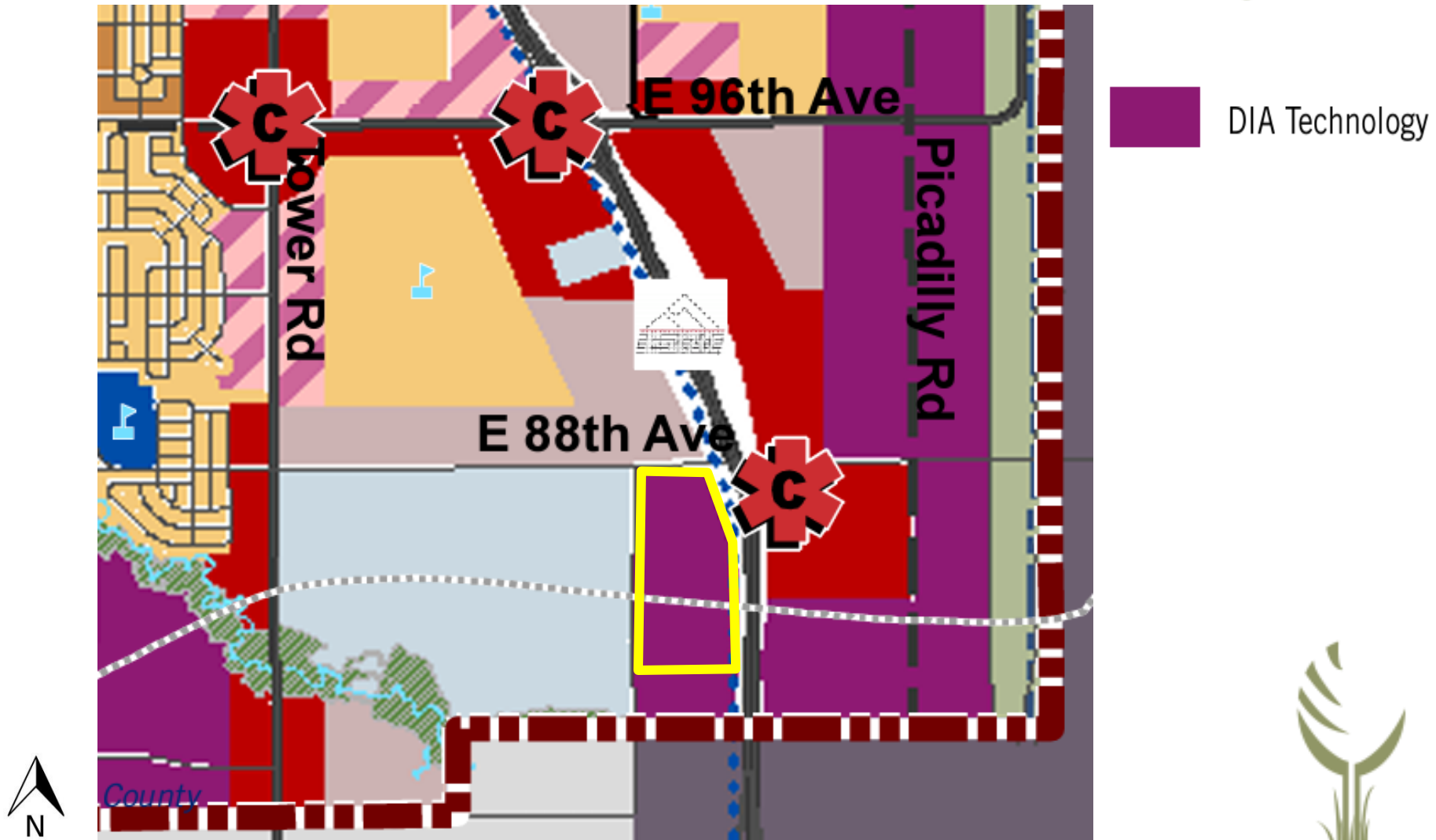
Aerial



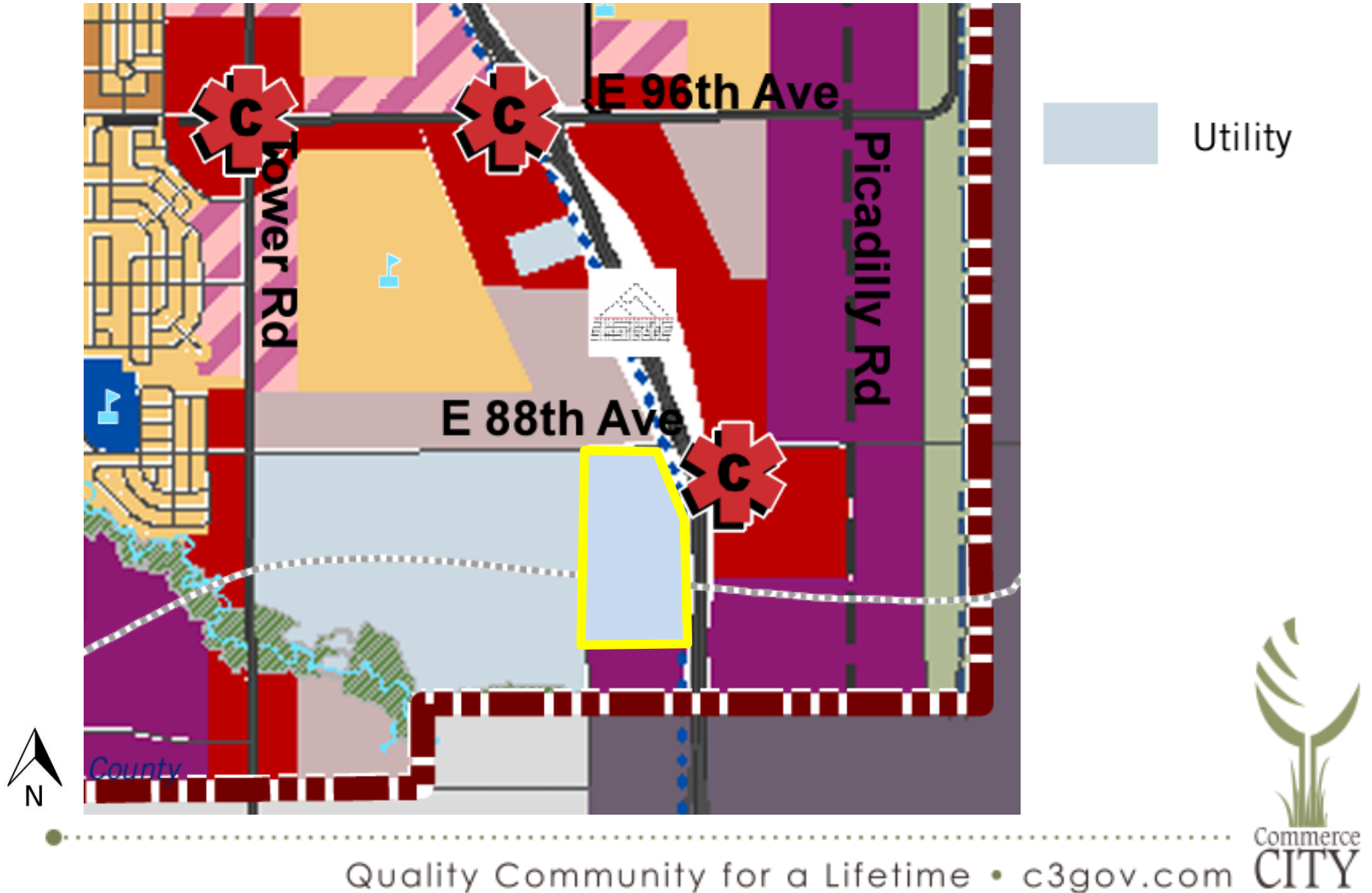
Zoning Map



Existing Future Land Use Plan



Proposed Future Land Use Plan



Zoning

- The zoning of a property determines what uses are allowed/not allowed and sets bulk development standards such as setbacks, lot size requirements, and maximum building heights.
- PUD Zoning is a zoning district that allows specific uses and standards that a straight zone district would not allow.
- The intent of the PUD Zoning is to support a unique development that would not be feasible within a straight zoning district.
- The requested PUD would allow for landfill operations.

Neighborhood Meeting

- A neighborhood meeting was held on December 28, 2023 at the Bison Ridge Recreation Center
- There were ten members of the public in attendance
- Attendees expressed concern for the following issues:
 - Renewable energy
 - Post-closure plans for the landfill

Planning Commission

- Heard by Planning Commission on June 4th
- There was public comment in support of the request
- Planning Commission voted 4-0 to recommend approval to City Council



Considerations

- The subject property cannot be zoned unless it is first annexed.
- The proposed PUD is not compatible with the existing land use plan designation of DIA Technology.
- The proposed PUD would be compatible with the land use designation of Utility.
- The proposed PUD does not allow the landfill footprint to expand by right.
- Any expansion of the landfill footprint in the future would require City Council approval.
- The proposed PUD does allow landfill operations to support the existing landfill by right.
- This property is highly visible from E-470.
- The existing landfill is approximately 644 acres.
- There is a projected 20 years of life remaining within the existing entitled footprint.
- The proposed zoning would limit the developable area to be used for future commercial, distribution, and employment uses.

Zoning of Newly Annexed Land Approval Criteria (1)

Sec. 21-3350(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.



PUD Zone Document Approval Criteria (1)

Sec. 21-3251(3):

(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;

(b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;

(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
- (ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;



Commerce
CITY

PUD Zone Document Approval Criteria (2)

Sec. 21-3251(3):

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

(e)The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;

(f)To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;

(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;

(h)As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and

(i)The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.



Commerce
CITY



Staff is available to answer any questions.



Site Photos



Facing south

Facing southwest



Site Photos continued



Existing structures

Facing southwest from E-470



Zoning of Newly Annexed Land Approval Criteria (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.**
- The application meets criteria (a) only if the corresponding Land Use Plan Amendment is approved to change the designation from DIA Technology to Utility. Otherwise it would need to meet criteria (b) or (c). The land is currently zoned Adams County Agriculture-3 and has an Agriculture use on it.

PUD Zone Document Approval Criteria A

- **Criteria (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;**
- The proposed PUD Zone Document is not consistent with the current comprehensive plan land use designation of DIA Technology. The corresponding Land Use Plan Amendment to change the designation from DIA Technology to Utility must be approved for the proposed PUD Zone Document to be consistent with the comprehensive plan land use designation. The comprehensive plan goals for this area are to promote development that is in line with the DIA Technology land use designation along the E-470 corridor.

PUD Zone Document Approval Criteria B

- **Criteria (b): The PUD zone document is consistent with any previously reviewed PUD concept schematic;**
- Not applicable.



PUD Zone Document Approval Criteria C

- **Criteria (c): The PUD 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;**
- The existing landfill is within a PUD Zone Document and the proposed uses within the new PUD Zoning are intended to support the existing landfill. The proposed uses for supporting landfill operations are unique and better addressed through the use of a PUD Zone Document rather than straight zoning. The proposed PUD Zone Document would be in line with the existing landfill PUD.

PUD Zone Document Approval Criteria D

- **Criteria (d): The PUD complies with all applicable city standards not otherwise modified or waived by the city;**
- The proposed PUD has been reviewed by the Development Review Team and meets all applicable city standards.

PUD Zone Document Approval Criteria E

- **Criteria (e): The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;**
- The proposed PUD will provide access to the existing landfill to the west. There will also be a future trail on the east side of the subject property along E-470.



PUD Zone Document Approval Criteria F

- **Criteria (f): To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;**
- The subject property is adjacent to the existing landfill and is bordered by E-470 to the east and vacant land to the south. To the north, across East 88th Avenue, is a new development known as Legato. Legato is zoned to allow Office/Flex space along East 88th Avenue and single-family homes throughout the interior of the site.

PUD Zone Document Approval Criteria G

- **Criteria (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;**
- The property will need to be included into the South Adams County Water Sanitation District, South Adams County Fire District, and the E-470 Commercial Area General Improvement District. Commerce City Public Works, South Adams County Water Sanitation District, and South Adams County Fire Department were included in the review for this zoning request.



PUD Zone Document Approval Criteria H

- **Criteria (h): As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and**
- Not applicable.



PUD Zone Document Approval Criteria I

- **Criteria (i): The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.**
- The proposed uses and standards to support the existing landfill are more easily accomplished under a PUD rather than straight zoning or the use of other techniques. The proposed PUD would be in line with the existing PUD for the landfill property.