



# STAFF REPORT

## Planning Commission

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### CASE #S-613-14

<b>PC Date:</b>	May 6, 2014	<b>Case Planner:</b>	Jared Draper
<b>CC Date:</b>	June 2, 2014		
<b>Location:</b>	10730 Potomac Street Commerce City, CO 80022		
<b>Applicant:</b>	Hitu Parmar	<b>Owner:</b>	Gurinder Randev
<b>Address:</b>	2981 S. Rosemary Street Denver, CO 80231	<b>Address:</b>	10730 Potomac Street Commerce City, CO 80022

### Case Summary

<b>Request:</b>	Subdivide existing property into 2 lots zoned R-1 and AG.
<b>Project Description:</b>	The applicant is requesting to subdivide the existing lot into 2 lots that meet the bulk standards of the proposed zone districts (AG and R-1). The northern lot has a proposed zone district of AG and is 1.007 acres. The southern lot has a proposed zone district of R-1 and is 0.605 acres. There are concurrent zoning and annexation cases for the subject property (Z-909-14 and AN-231-14)
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>▪ Right-of-Way dedication</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>▪ Subdivision Approval Criteria</li><li>▪ Lot area and lot frontage</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	ADCO (Unincorporated Adams County)
<b>Comp Plan Designation:</b>	Residential - Medium

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

- |                                                                 |                                                     |
|-----------------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Applicant's Narrative Summary          | <input checked="" type="checkbox"/> Vicinity Map    |
| <input type="checkbox"/> Development Review Team Recommendation | <input type="checkbox"/> Neighborhood Meeting Notes |
| <input checked="" type="checkbox"/> Site Plan                   | <input type="checkbox"/>                            |
| <input type="checkbox"/> Subdivision Plat                       | <input type="checkbox"/>                            |

## Background Information

### Site Information

<b>Site Size:</b>	2.5 acres
<b>Current Conditions:</b>	Existing single family detached house
<b>Existing Right-of-Way:</b>	Potomac Street to the West
<b>Neighborhood:</b>	North Range Village
<b>Existing Buildings:</b>	Single family detached house
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Undeveloped	Future Reunion Development Area	PUD
<b>South</b>	Residential	Single Family Detached	PUD
<b>East</b>	Residential	Single Family Detached	PUD
<b>West</b>	Residential	Single Family Detached	PUD

### Case History

*The cases below were proposed for the use of the subject property as a church. All cases were denied based upon the increased potential traffic generated by commercial uses along this section of Potomac Street.*

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-204-07	May, 2007	Annex into the City from Unincorporated Adams County	<b>Denial</b>
Z-856-07	May, 2007	Rezone from A-3 in ADCO to C-1 in Commerce City	<b>Denial</b>
S-512-07	May, 2007	Subdivide	<b>Denial</b>

## Applicant's Request

The applicant is requesting a final subdivision plat that would create 2 lots from a single existing lot that is currently in Unincorporated Adams County. The existing lot is 2.5 acres and is zoned A-3 in the County and there is an existing single family residential house on the property. The subject property is located on the southeast corner of Potomac Street and the future designated E. 108<sup>th</sup> Avenue.

According to the applicant, the subdivision of the existing lot creates two legal and conforming lots and allows for development in accordance with the standards within the City's Land Development Code. Concurrently with the subdivision plat request, the applicant is requesting to annex into Commerce City (AN-231-14) and to zone the newly annexed land R-1 for the proposed southern lot and AG for the proposed northern lot (Z-909-14). Both of the lots meet the criteria for the respective zone districts.

# Development Review Team Analysis

## Comprehensive Plan

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

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	Future Land Use Plan 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).
<u>Analysis:</u>	The rezoning keeps the subject property in alignment with the Future Land Use Plan. Furthermore, the subdivision plat creates legal and conforming lots that do not require additional variances and meet all bulk standards.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1.3	Positive Benefit of Annexation: The city will consider annexation of areas on a case-by-case basis, ensuring positive social, economic, fiscal, and environmental benefits associated with the potential annexation
<u>Analysis:</u>	The annexation, zoning and subdivision of the subject property brings this area of the city into further compliance with the future land use established by the comprehensive plan.	

The subject property is located on the southeast corner of Potomac Street and the future E. 108<sup>th</sup> Avenue. The DRT has reviewed the requests with the approval criteria for final plats within Article III of the city's Land Development Code. The following analysis addresses the existing lot configuration, proposed final plat, lot requirements for the subject properties, approval criteria for subdivisions, and the recommendation of city staff based upon the analysis.

### Existing Lot Configuration

The existing lot is 2.5 acres and is currently within Unincorporated Adams County. The lot is zoned A-3 within the county and is used for a single family residence. The property is on the corner of Potomac Street and future E. 108<sup>th</sup> Avenue. Currently the property lines of the subject property extend into the future build out of Potomac and E. 108<sup>th</sup> Avenue.

### Final Plat and Lot Requirements

The proposed final plat subdivides the existing lot into Lot 1 and Lot 2 as seen in Figure 1.1. The proposed Lot 1 is the southern lot of the proposed subdivision and is approximately 0.605 acres with a requested zone district of R-1. The proposed Lot 2 is the northern lot of the proposed subdivision and is approximately 1.007 acres with a requested zone district of AG. The applicant has indicated that they intend to construct a new single family detached structure on the northern lot with a requested AG zoning classification at some time in the future. The AG zone district allows for single family development according to the LDC. Each of the proposed lots meets the bulk standards for the requested zone districts as seen in Table 1.1 below.

Figure 1.1

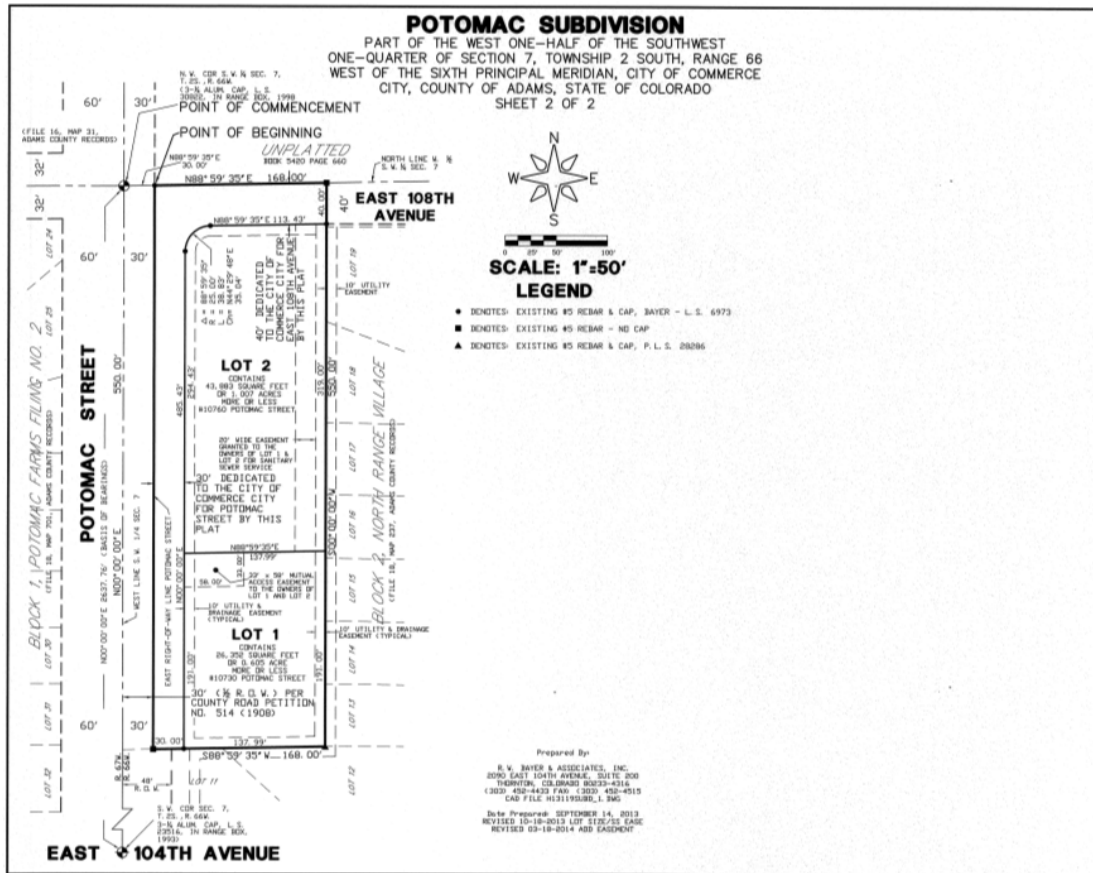


Table 1.1

R-1	Standards		Proposed	
	Minimum Lot Area	7,000 sf.	Lot 1	26,352 sf.
	Maximum Lot Area	43,560 sf. (1 acre)		
	Minimum Lot Frontage	60-feet		191-feet
AG	Standards		Proposed	
	Minimum Lot Area	43,560 sf. (1 acre)	Lot 2	43,883 sf. 1.007 acres
	Maximum Lot Area	N/A		
	Minimum Lot Frontage	100-feet		294-feet

### Subdivision Approval Criteria

Through the applicant's requested subdivision plat, the proposed lots will be legal and conforming based upon the standards within the Land Development Code. The plat is consistent with the proposed zone change requests. By rezoning the properties to R-1 and AG, the properties meets all of the bulk standards and there are no variances needed for the property. Furthermore, the dedication of right-of-way along Potomac Street and E. 108<sup>th</sup> Avenue is beneficial for the future expansion of each of these corridors. The plat is creating legal and conforming lots and changing the overall area of the properties due to the dedication of right-of-way. Additionally, the subject property will be annexed into the City (AN-231-14) and will be connected to utilities through South Adams County Water and Sanitation

District (SACWSD). The SACWSD has provided information that there is the ability to provide adequate services to both of the proposed lots. The requested zone districts are in alignment with the future land use plan that calls this area out for Residential Medium use, which would allow for single family residential development.

### **Summary and Recommendation**

The DRT has concluded that the subdivision request meets the final plat approval criteria. Through the review it is clear that the proposed use will be compatible with the adopted city plans. By platting the subject properties into 2 lots, the applicant is creating legal and conforming lots that meet the city's standards. The proposed plat and concurrent zone changes will not create substantial undue adverse effects to the surrounding properties. Based on the analysis above, the DRT is recommending approval of the final subdivision plat for the subject property.

<b>Criteria Met?</b>	<b>Sec. 21-3241. Final Plats or Consolidation Plats</b>	<b>Rationale</b>
<input checked="" type="checkbox"/>	The plat is consistent with any approved land use document;	The proposed plat is consistent with the Comprehensive Plan for the subject property. This plan identifies the subject property for Residential Medium which would allow for single family detached housing, which is the existing use of the subject property.
<input checked="" type="checkbox"/>	The plat is consistent with and implements the intent of the specific zoning district in which it is located;	The plat is consistent with the proposed zone districts in the concurrent zoning case (Z-909-14). Each of the proposed lots meets the standards for lot area and lot frontage for its respective zone district.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	There is no evidence, based upon the review of staff and outside agencies that the plat violates any laws, regulations or requirements.
<input checked="" type="checkbox"/>	The general layout of the plat minimizes land disturbance, maximizes open space, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC;	The general layout of the plat minimizes land disturbances and maximizes open space while allowing for the existing single family development and the future development of the northern lot (proposed AG zone district) in accordance with the standards in the LDC.
<input checked="" type="checkbox"/>	The plat complies with all applicable city standards and does not unnecessarily create lots that make compliance with such standards difficult or infeasible;	The plat satisfies all applicable city standards. Both of the proposed lots are in compliance and do not create any lots that will make compliance infeasible in the future.
<input checked="" type="checkbox"/>	The plat will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;	The plat will not result in a substantial or undue adverse effect on adjacent properties, traffic, parking or public improvements. Rather, the plat dedicates right-of-way for the future expansions of Potomac Street and E. 108 <sup>th</sup> Avenue that are envisioned by the City.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	Currently the subject property is not connected to utilities offered by South Adams County Water and Sanitation District, however, the applicant is in the process of joining the General Improvement District and has been informed that adequate services are available for the proposed lots on the subject property.
<input checked="" type="checkbox"/>	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	A public improvement agreement is being finalized between the city and the applicant. the agreement shall be completed and recorded prior to the final subdivision plat being recorded.
<input checked="" type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	The proposed improvements to right-of-way and future development have been addressed through the Public Improvement Agreement.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Final Plat set forth in the Land Development Code and recommends that the Planning Commission forward the Final Plat 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 Final Plat for the property located at **10730 Potomac Street** contained in case **S-613-14** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat.

### 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 Final Plat for the property located at **10730 Potomac Street** contained in case **S-613-14** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat subject to the following conditions:

*Insert Condition(s)*

#### *To recommend denial:*

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **10730 Potomac Street** contained in case **S-613-14** 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 Final Plat.