



STAFF REPORT

Planning Commission

CASE #Z-965-20

PC Date:	October 6, 2020	Case Planner:	Andrew Baker
CC Date:	November 16, 2020		
Location:	15500 Brighton Road, Henderson, CO 80640 (PINs 172109400015 and 0172109400016)		
Applicant:	Daniel R. Sheldon UDC Miller, LLC	Owner:	Patricia Spencer
Address:	6900 E. Belleview Ave., Ste. 300 Greenwood Village, CO 80111	Address:	12141 E. 116th Cir., Henderson, CO 80640

Case Summary

Request:	Annexation zoning from Adams County R-1-C to Commerce City R-1 (Single-Family Residential)
Project Description:	The applicant proposes to annex and zone two properties, re-subdivide into 48 lots and 4 tracts, and construct 48 single family residential homes. This case is in conjunction with cases AN-257-20, S-770-20, D-471-20, and NIGID-177-20.
Issues/Concerns:	<ul style="list-style-type: none">• Access onto Brighton Road
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Compliance with the Land Development Code
Staff Recommendation:	Approval
Current Zone District:	Adams County R-1-C
Proposed Zone District:	Commerce City R-1
Comp Plan Designation:	Residential - Low

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Proposed Site Plan | |

Background Information

Site Information

Site Size:	13.36 acres
Current Conditions:	Former mobile home site - currently vacant
Existing Right-of-Way:	Brighton Road to the west, Yosemite Way to the south
Neighborhood:	Hazeltine
Existing Buildings:	None
Buildings to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Residential	Large Lot Residential /Belle Creek Drainage	PUD and AG
South	Residential	Hazeltine Village Subdivision	ADCO
East	Residential	Belle Creek Subdivision	PUD
West	Residential	Hazeltine Heights Subdivision	ADCO

Case History

Since this is an annexation zoning, there is no previous City case history for these properties. The cases currently under review are listed below:

Case	Date	Request	Action
AN-257-20	TBD	Annexation of two properties into Commerce City	CC Public Hearing: November 16
Z-965-20	TBD	Annexation zoning to R-1	CC Public Hearing: November 16
S-770-20	TBD	Final plat creating 48 lots and 4 tracts	Under Review.
D-471-20	TBD	Development plan for 48 homes	Under Review

Applicant's Request

The applicant states: *"UDC Miller, LLC is seeking approval through a concurrent application for annexation, zoning, and plat for the property located at 10550 Brighton Road to be annexed into Commerce City with a zoning designation of R-1. The intent of the zoning request will allow the applicant to subdivide the approximately 13.36 acre property into approximately 48 residential lots, along with multiple tracts of land for parks and open space."*

Development Review Team Analysis

Request:

The subject properties are currently undeveloped and zoned R-1-C in Adams County. The applicant proposes to annex and zone them to R-1 Single Family Detached Residential District in order to accommodate their 48 single family home development, which is currently under administrative review. This request for annexation zoning is being made in conjunction with cases AN-257-20 in accordance with state law to zone newly annexed property within 60 days of annexation.

Current Adams County Zoning and Requested Commerce City Zoning:

The subject properties are currently zoned for residential uses in Adams County, no change in use is proposed. The property previously consisted of a mobile home park for a number of years. The mobile

homes have all been removed from the property several years ago. The requested R-1 zoning is consistent with the future plans for the properties.

Comprehensive Plan:

The Comprehensive Plan identifies the future land use for the subject properties as Residential - Low, which includes single family detached residential at 1-4 dwelling units per acre, as shown in the map below:



The requested R-1 zoning and the proposed development are compatible with the Comprehensive Plan, as detailed in the analysis below:

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 (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 Future Land Use Plan identifies the area in which the subject property lies to be designated low density residential. The requested annexation zoning to R-1 and the proposed development align with that vision.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 2.1	Infill Development Promoted: Promote infill development and redevelopment to use utilities and services efficiently, to support multi-modal transportation, to revitalize neighborhoods, and to maintain prosperous businesses. Infill means development on vacant unplatted parcels scattered throughout the city or in county enclave areas.
Analysis:	As a county vacant parcel, this property is a great opportunity for successful infill development, without disrupting the current density of the surrounding neighborhoods.	

Compatibility with the Area:

Currently, the property is surrounded by single family neighborhoods. Belle Creek lies to the east (zoned Residential PUD), Hazeltine lies to the south and west (zoned Adams County R-1-C), and a few larger residential lots scattered between including to the north. This proposal is consistent and compatible with the existing development in the area. There is already a stubbed roadway connection to the south.

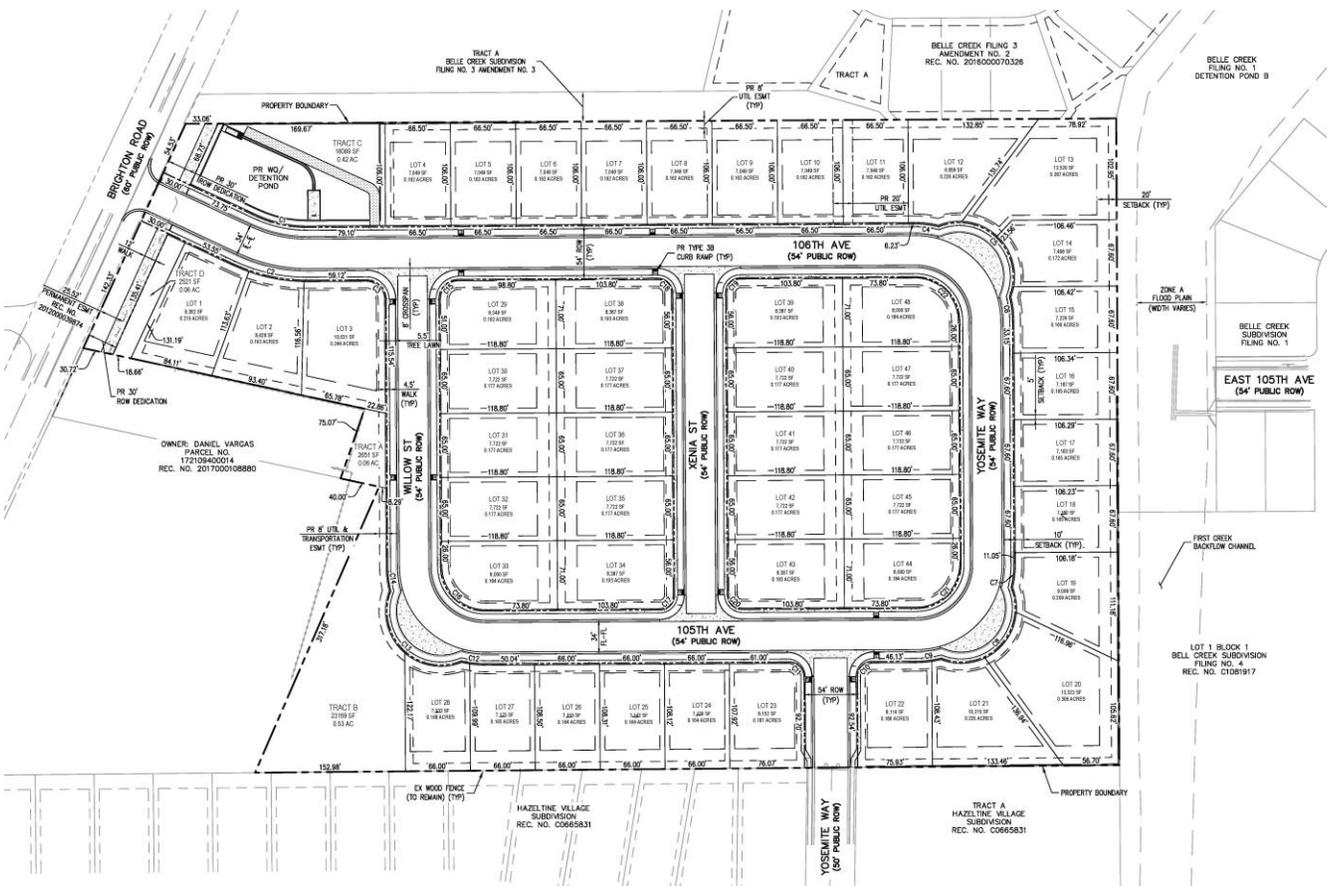
Proposed Development:

The applicant intends to subdivide the property into 48 single family residential lots and four tracts. Tracts A and D are open space areas, Tract D will contain the drainage detention pond, and Tract B is an approximately 23,000 square foot park.

The development proposes a right-in, right-out access point off Brighton Road, as well as a connection to Yosemite Way to the south in accordance with all Engineering and Fire requirements of two points of access. Internal access roads will be 54' of right-of-way dedicated to the City, and an additional 30 feet of right-of-way will be dedicated along the east side of Brighton Road. The applicant has agreed to enter into a pre-annexation agreement which will require these dedications along with:

- The design and construction of a right-turn lane on Brighton Road for future access to the development.
- A contribution of \$12,313.79 toward the construction of a traffic signal and right-turn lane at the intersection of Brighton Road and 104th Avenue.
- All other internal streets, including any right-of-way landscaping.

Proposed Site Plan:



Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed Annexation Zoning would not create conflicts with their regulations.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for Annexation Zoning outlined in the LDC and the goals of the Comprehensive Plan. The proposal meets two criteria, although only one is required for annexation. 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
<input checked="" type="checkbox"/>	The zoning is most compatible with the city's comprehensive plan designation for the property;	The request for the Commerce City R-1 designation is the most compatible with the Comprehensive Plan designation for future low density residential uses.
<input checked="" type="checkbox"/>	The zoning is most comparable to the county zoning classification on the subject property at the time of acceptance of the annexation petition; or	The current Adams County R-1-C allows a single family residential uses and is most similar to the Commerce City R-1 zone district.
<input type="checkbox"/>	The zoning is the most comparable to the present use(s) on the subject property.	Not applicable.

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 recommendation for **approval**.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the property located at **PINs 0172109400015 & 0172109400016** contained in case **Z-965-20** 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 **PINs 0172109400015 & 0172109400016** contained in case **Z-965-20** 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 **PINs 0172109400015 & 0172109400016** contained in case **Z-965-20** 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 **PINs 0172109400015 & 0172109400016** contained in case **Z-965-20** to a future Planning Commission agenda.