



Land Use Plan Amendment Report

Case #LUP-058-24

Planning Commission Date: June 4, 2024

City Council Date: August 5, 2024

GENERAL INFORMATION

PROJECT NAME	Tower Landfill
LOCATION	Southwest corner of East 88 th Avenue and E-470
SITE SIZE	110 Acres
CURRENT ZONING	Adams County A-3 (Agriculture-3)
APPLICANT	Allied Waste Services, LLC
OWNER	DIBC HQTS, LLC
CASE PLANNER	Dalton Guerra

REQUEST

The applicant is requesting approval of a Land Use Plan amendment to change the future land use designation for the subject property from DIA Technology to Utility.

Land Use Plan Amendment

A Land Use Plan Amendment is a request to make a change to the Future Land Use Plan within the Commerce City Comprehensive Plan. The Future Land Use Plan is a map that designates areas of the City for certain zoning and land uses. Land use designations are not regulatory nor are they parcel specific, but they help guide future development in the City. The common designations include low-density residential, high-density residential, commercial, industrial, park, and public. Some designations are more specific to cater to certain areas/interests of the City such as Mixed-Use (E-470), DIA Technology, DIA Reserve, and Utility. Requests to amend the Future Land Use Plan are typically made in order to allow for zoning/development that is not consistent with the existing land use designation for that property. Applicants may request to amend the land use plan designation for a property to better align with their proposed project. The approval criteria for a zone change includes the need for the proposed zoning to be in conformance with the Comprehensive Plan. This makes the future land use designation very important when considering a zone change.

BACKGROUND AND CASE HISTORY

There are five related applications being reviewed for this site:

- Annexation (AN-263-24)
- Zoning (Z-705-99-00-09-24)
- Vacation of Right-of-Way (V-93-24)
- Final Plat (S-840-24)
- PUD Permit (D-508-24)

The existing landfill property is not under consideration for any of the land use applications being reviewed. All applications are related to the subject property located at the southwest corner of East 88th Avenue and E-470. However, the existing landfill will be directly impacted by the decisions made.

Approval of this amendment would not allow the existing landfill footprint to expand by right. There are a number of processes and approvals that would be required from the State, County, and City if the footprint of the existing landfill were to expand. This amendment is being requested to allow for supporting landfill operations to be placed on the subject property including the main entrance, weigh stations, and offices. The Utility designation would allow for a future expansion of the landfill footprint but it would require approval by City Council.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The existing land use designation for the subject property is DIA Technology. DIA Technology is a designation that aims to provide light industrial, distribution, office, flex space, and employment land uses. Secondary uses can include open space, public facilities, retail, and hotels. The DIA Technology designation is appropriate along the E-470 corridor and DIA North.

The proposed land use designation for the subject property is Utility. The existing landfill directly adjacent to the west is within the Utility designation. The Utility designation is for land to be used for utilities, waste water facilities, electricity, and active/future landfills. The proposed zoning and development for the subject property is to allow for landfill operations in support of the existing landfill.

The current land use designation of DIA Technology is not appropriate for the proposed zoning and use of landfill operations. Utility would be the most appropriate designation for this property because it is the only designation in the Future Land Use Plan that speaks specifically to landfills. Therefore, this Land Use Plan Amendment is necessary for the proposed zoning to be approved in conformance with the Comprehensive Plan.

PROJECT ANALYSIS

Site Overview

The requested Land Use Plan Amendment is for approximately 110 acres, located at the southwest corner of East 88th Avenue and E-470. The subject property is proposed to have the main entrance to the landfill and other landfill operations on site.

This site is bordered by the existing landfill to the west which is not under consideration for this Land Use Plan Amendment request. East 88th Avenue is to the north while E-470 borders to the east. To the south is a vacant property that is within Adams County and owned by City and County of Denver. The nearest residential zoning is within the Legato subdivision 2,000 feet to the northwest of the subject property.

Overall Analysis

The proposed Future Land Use Plan Amendment has been reviewed by the Development Review Team (DRT) including Planning, Public Works, Engineering, Economic Development, Environmental, South Adams County Fire District, and South Adams County Water and Sanitation District. The DRT has reviewed the proposal against all relevant City standards and Land Development Code (LDC) requirements.

LAND USE PLAN AMENDMENT APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-2110(3) of the Land Development Code. An application may be approved when the proposed amendment:

Criteria (a): Is consistent with the overall intent of the comprehensive plan;

The goal for this area of the city is to develop the E-470 corridor with employment, commercial, and mixed-use. The existing designation of DIA Technology would allow for distribution, employment, and other uses that are supported along the E-470 corridor. The proposed amendment to Utility would allow for landfill operations on the subject property and limit the potential for other uses to develop.

Criteria (b): Is consistent with the purposes set forth in Section 21-2100;

The proposed amendment will limit the uses allowed on the subject property and not support development along the E-470 corridor. Amending the land use plan to Utility is not necessarily in line with the comprehensive plan goals and policies. However, there is no evidence to suggest that this amendment would have a negative impact on the surrounding area.

Criteria (c): Is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions;

The proposed amendment to Utility in conjunction with approval of the corresponding applications will allow the existing landfill to extend the life of its operations. The current landfill is projected to be in operation for another 20 years even if the applications are not approved. With approval, the landfill could continue operations for an extended period of time beyond the projected 20 years.

Criteria (d): Will not have a negative effect on the immediate area;

The subject property is bordered by the existing landfill to the west which has a designation of Utility. To the east is E-470 and to the south is a vacant parcel of land. 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.

Criteria (e): Will not have a negative effect on the future development of the area; and

The property to the west is an existing landfill and the property to the south is a vacant parcel within Adams County. Land to the north of East 88th Avenue has been zoned for office/flex space and single-family homes within Legato. The future development of the subject property would be limited by the Utility designation as there would be less opportunity for the DIA Technology uses.

Criteria (f): Will promote the public health, safety, and general welfare of the people of the city.

The existing landfill and any future operations are subject to regulations from the state, county, and city levels. The proposed amendment to Utility would allow uses that support the existing landfill and could potentially extend the life of the landfill. However, it would not line up with the goals of the comprehensive plan for this area of the city.

CONSIDERATIONS FOR REQUESTED LAND USE PLAN AMENDMENT

1. The proposed zoning and development are not compatible with the existing land use plan designation of DIA Technology.
2. The proposed zoning and development would be compatible with the land use designation of Utility.
3. The proposed amendment would not allow the landfill footprint to expand by right.
4. Any expansion of the landfill footprint in the future would require City Council approval.
5. The proposed amendment would allow landfill operations.
6. This property is highly visible from E-470.
7. The existing landfill sits at approximately 385 acres.
8. There is a projected 20 years of life remaining within the existing entitled footprint.
9. The Utility designation would limit this site from developing with commercial, distribution, and employment uses.

POTENTIAL MOTIONS

1. Approval
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Future Land Use Plan Amendment** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **LUP-058-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **Future Land Use Plan Amendment**.
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Future Land Use Plan Amendment** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **LUP-058-24** meets the criteria of the Land

Development Code and based upon such finding, approve the **Future Land Use Plan Amendment**.

2. Denial

a. Planning Commission

- i. I move that the Planning Commission enter a finding that the requested **Future Land Use Plan Amendment** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **LUP-058-24** fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the **Future Land Use Plan Amendment**.

b. City Council

- i. I move that the City Council enter a finding that the requested **Future Land Use Plan Amendment** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **LUP-058-24** fails to meet the criteria of the Land Development Code and based upon such finding, deny the **Future Land Use Plan Amendment**.

3. Continuance

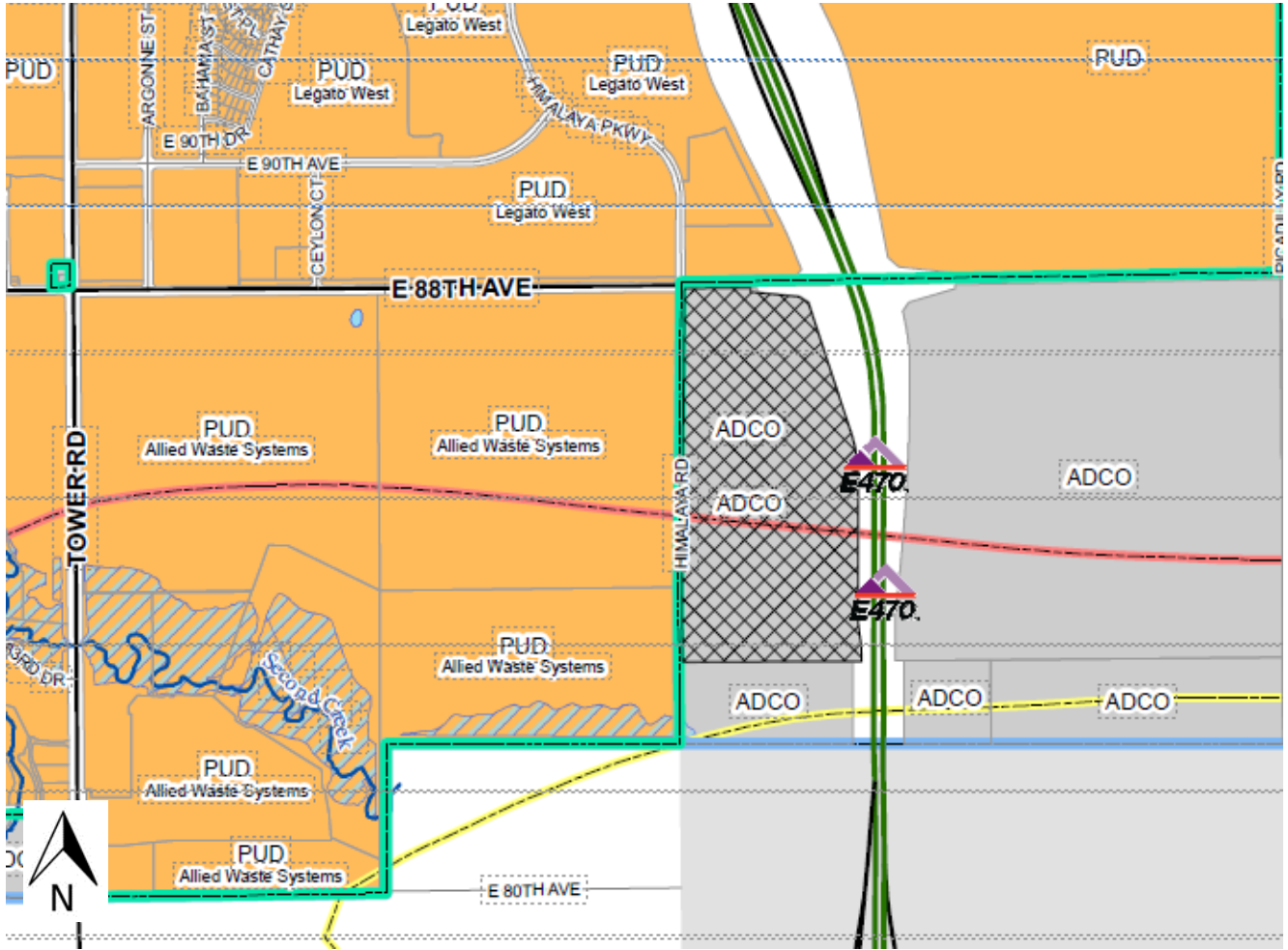
a. Planning Commission

- i. I move that the Planning Commission continue the public hearing of the requested **Future Land Use Plan Amendment** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **LUP-058-24** to:
 1. The next regularly scheduled Planning Commission hearing; or
 2. A date certain.

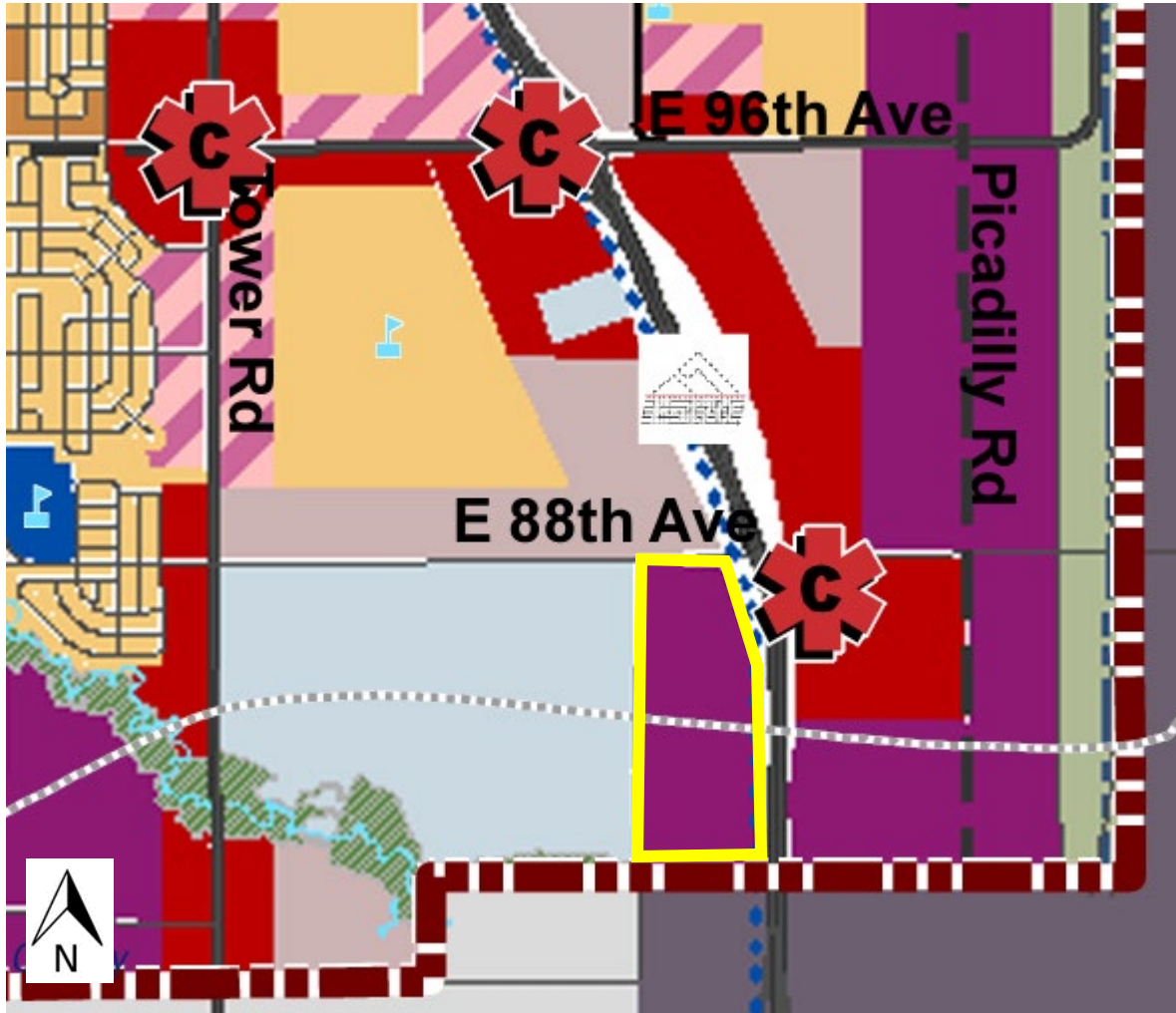
b. City Council

- i. I move that the City Council continue the public hearing of the requested **Future Land Use Plan Amendment** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **LUP-058-24** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

Zoning Map

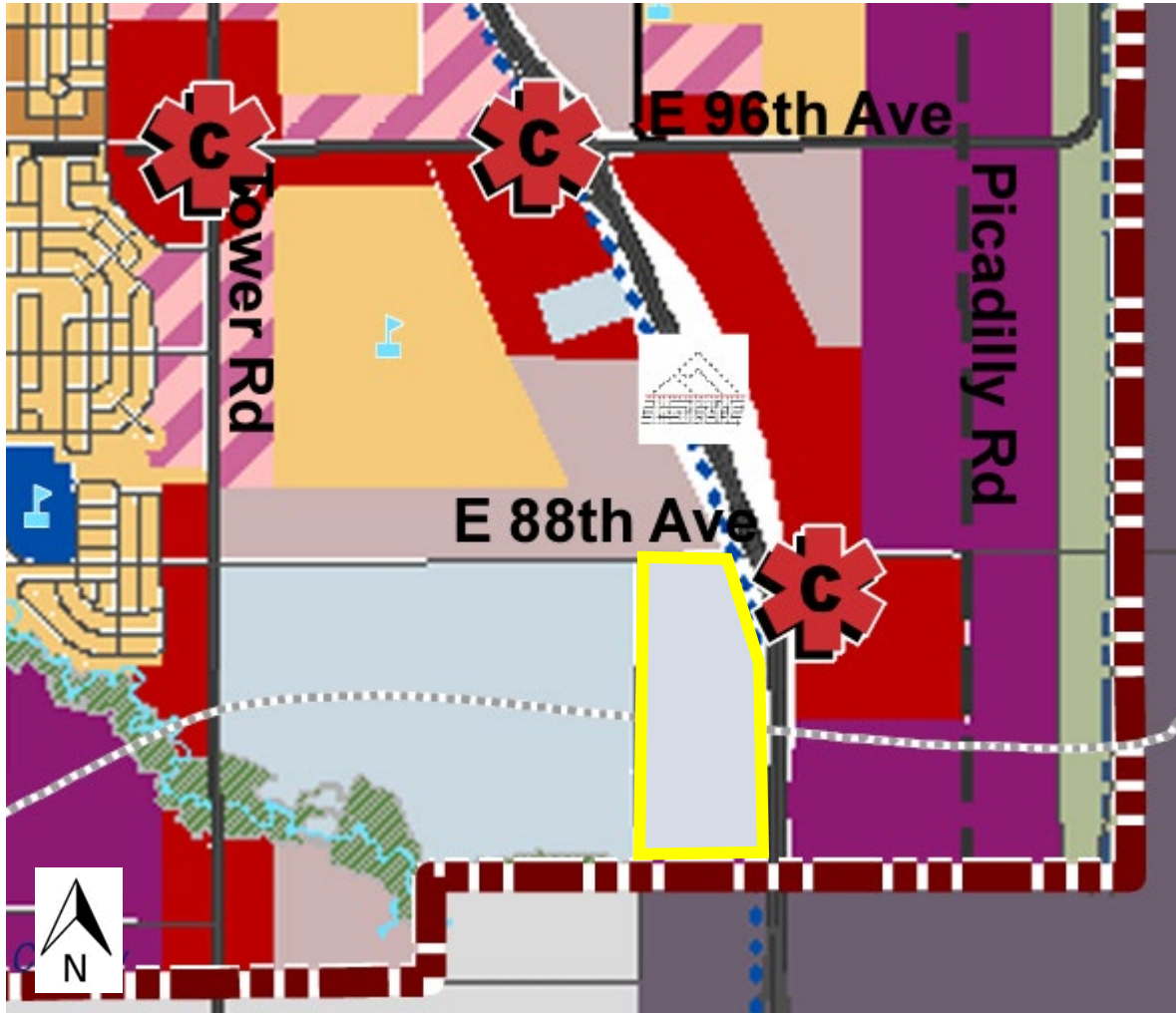


Future Land Use Plan (existing)



 DIA Technology

Future Land Use Plan (proposed)



Utility

Aerial Map

