



# AN-259-21-22 & Z-964-21-22

## CanAm Annexation & Planned Unit Development

Location: • Southwest corner E. 112<sup>th</sup> Ave. & US 85

Applicant: Mike Talcott, QuikTrip Corporation

Request: Annexation and zoning to PUD

# Disclaimer

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- Staff enters into the public record the contents of the case file, the annexation zoning regulations, and this digital presentation.
- Additionally, the property is located within the City of Commerce City. All required notification and posting requirements have been met. Therefore, the City Council has jurisdiction to hear this case.



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# Public Hearing Summary

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- In accordance with Sections 21-3232(4), 21-3251(3), and 21-3350(2) of the Land Development Code (LDC) zone change and Planned Unit Development (PUD) applications are reviewed by the Development Review Team (DRT) and the Director of Community Development
- Planning Commission holds a public hearing and provides a recommendation to the City Council
- City Council holds a public hearing and makes a final decision to approve, approve with conditions, or deny the application based on the approval criteria from Section 21-3232(4), 21-3251(3), and 21-3350(2)



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# Annexation Act Eligibility

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- The City Council adopted a plan for the area to be annexed pursuant to CRS 31-12-105(1)(e).
- At least 1/6 of the area to be annexed contiguous with the existing boundaries of the City of Commerce City.
- A community of interest exist between the areas proposed to be annexed and the City of Commerce City.
- The areas proposed to be annexed are urbanized, or will be urbanized, in the near future.
- The areas proposed to be annexed are integrated, or capable of being integrated, with the City of Commerce City.
- All of the owners of the lands to be annexed have signed the petition for annexation.



# Annexation Act Eligibility

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- The proposed annexation will not result in the detachment of area from any school district and the attachment of such area to another school district.
- The annexation petitions meet the requirements of law.
- The proposed annexations will not have the effect of extending the boundaries of the City of Commerce City more than three miles in any direction from any point of such boundary in any one year.
- The entire width of any street or alley proposed to be annexed is included in the annexation.
- All requirements of CRS 31-12-104, CRS 31-12-105, and Section 30 of Article 2 of the state Constitution have been satisfied with respect to this annexation.
- No annexation proceedings have been effectively commenced for any of the land proposed to be annexed to any other municipality.



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# Request

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Annexation zoning of Adams County property from ADCO I-1 to Commerce City PUD (Planned Unit Development)

-and-

Rezoning Commerce City I-1 (Light Intensity Industrial) to Commerce City PUD

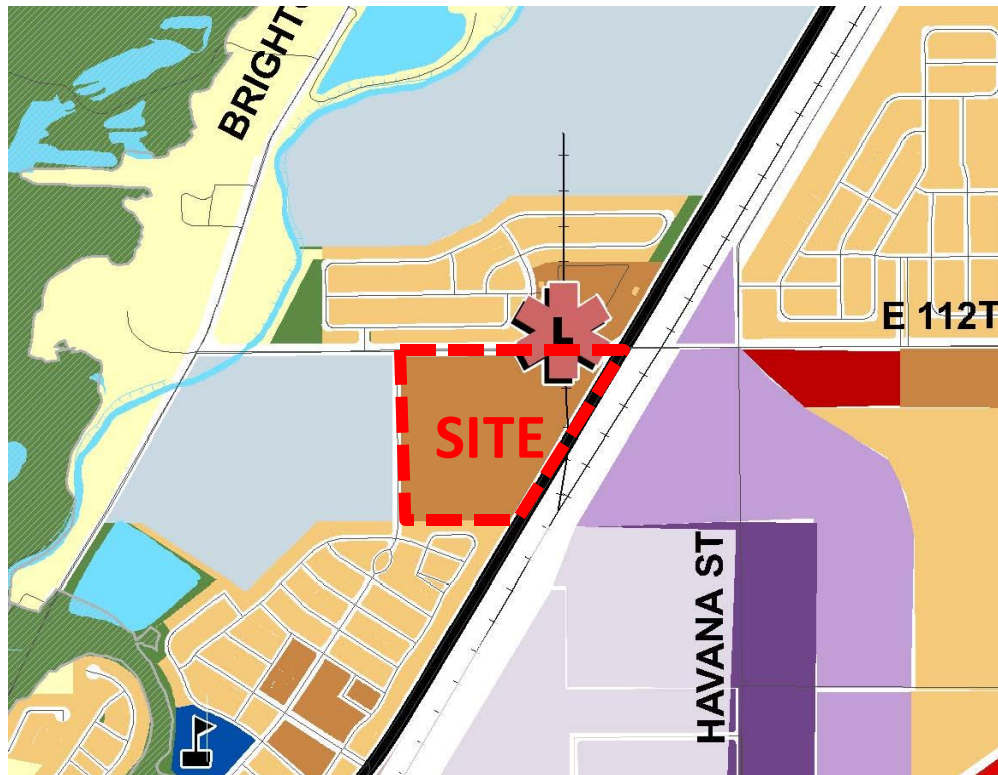
- Project size: 37.9 acres
- Comprehensive Plan Designation: Residential – High (8-40 DU/ac) and Local Commercial Center
- Two properties to be re-subdivided into tracts for future subdivisions
- Four planning areas proposed, one commercial and three residential
- Applicant is also applying for NIGID inclusion (to be approved by Council and NIGID Board)



# Aerial



# Comprehensive Plan



## Future Land Use





# Case History

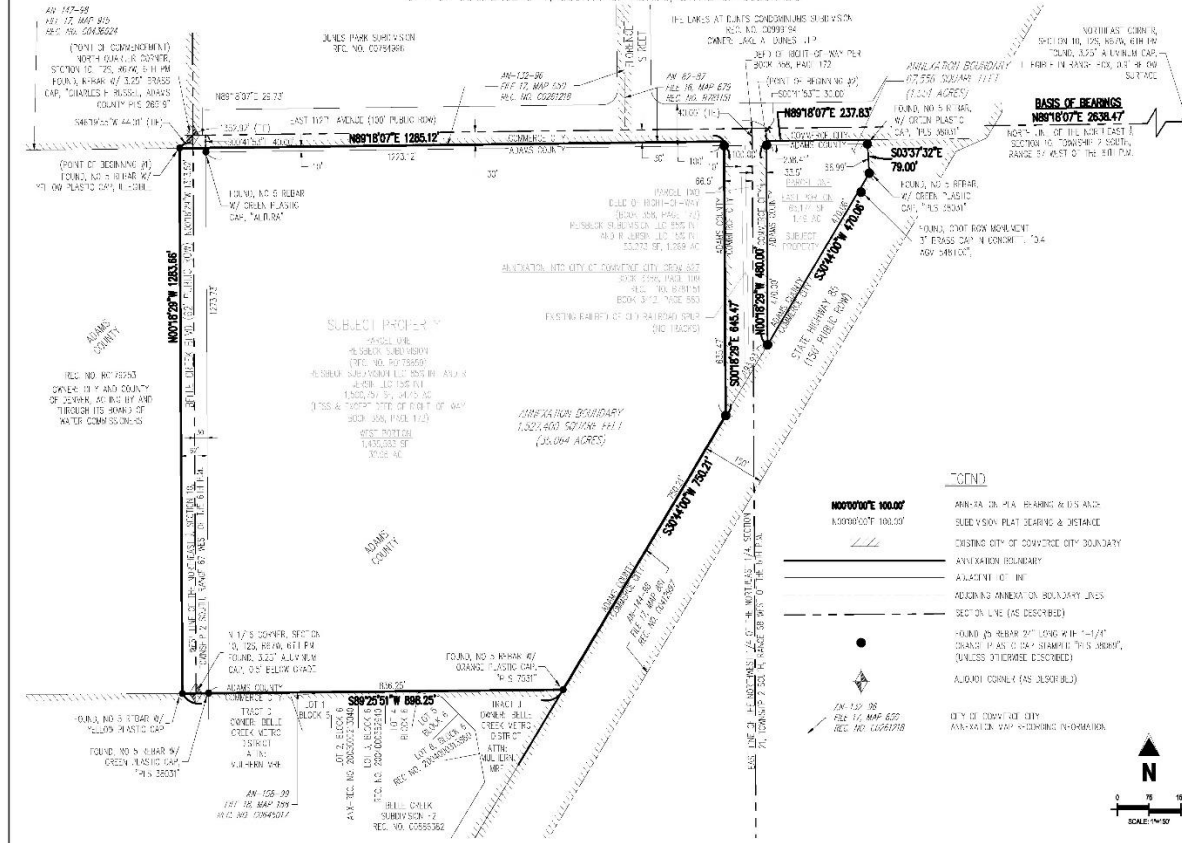
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- A Concept Plan (Z-964-20) was reviewed in 2020
- Old railroad right-of-way splitting the property has already been annexed, but would be part of the proposed PUD (no railroad exists there today)
- Property is now vacant, single family home and outbuildings have been demolished
- Annexation and PUD applications were brought before Planning Commission and City Council in 2021
- Substantial changes to the PUD took place after DRT and PC review, so applications were withdrawn and resubmitted
- Final plat currently under review has also been revised to only plat tracts which will require future subdivision amendments, development agreements, and PUD development permits
- QuikTrip also has a PUD development permit application for the development of a convenience store and gas station on the corner of E. 112<sup>th</sup> Ave. & US 85
- No semi truck fueling is permitted by this PUD application

ANNEXATION MAP AN-259-21-22  
TO THE CITY OF COMMERCE CITY, COLORADO  
SHEET 2 OF 2

FOR ANNEXATION PURPOSES ONLY

RESERVED SUBDIVISION AND  
A PORTION OF THE NORTH HALF OF THE NORTH-EAST QUARTER OF SECTION 10, T2S, R67W OF THE 6TH P.M.  
CITY OF COMMERCE, CITY, COUNTY OF ADAMS, STATE OF COLORADO



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# Proposed PUD

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- Pages 1 & 2
- Cover Sheet and Legal Description
- Legal description describes two parcels- one of the subject properties has already been annexed, both are subject to this PUD rezone

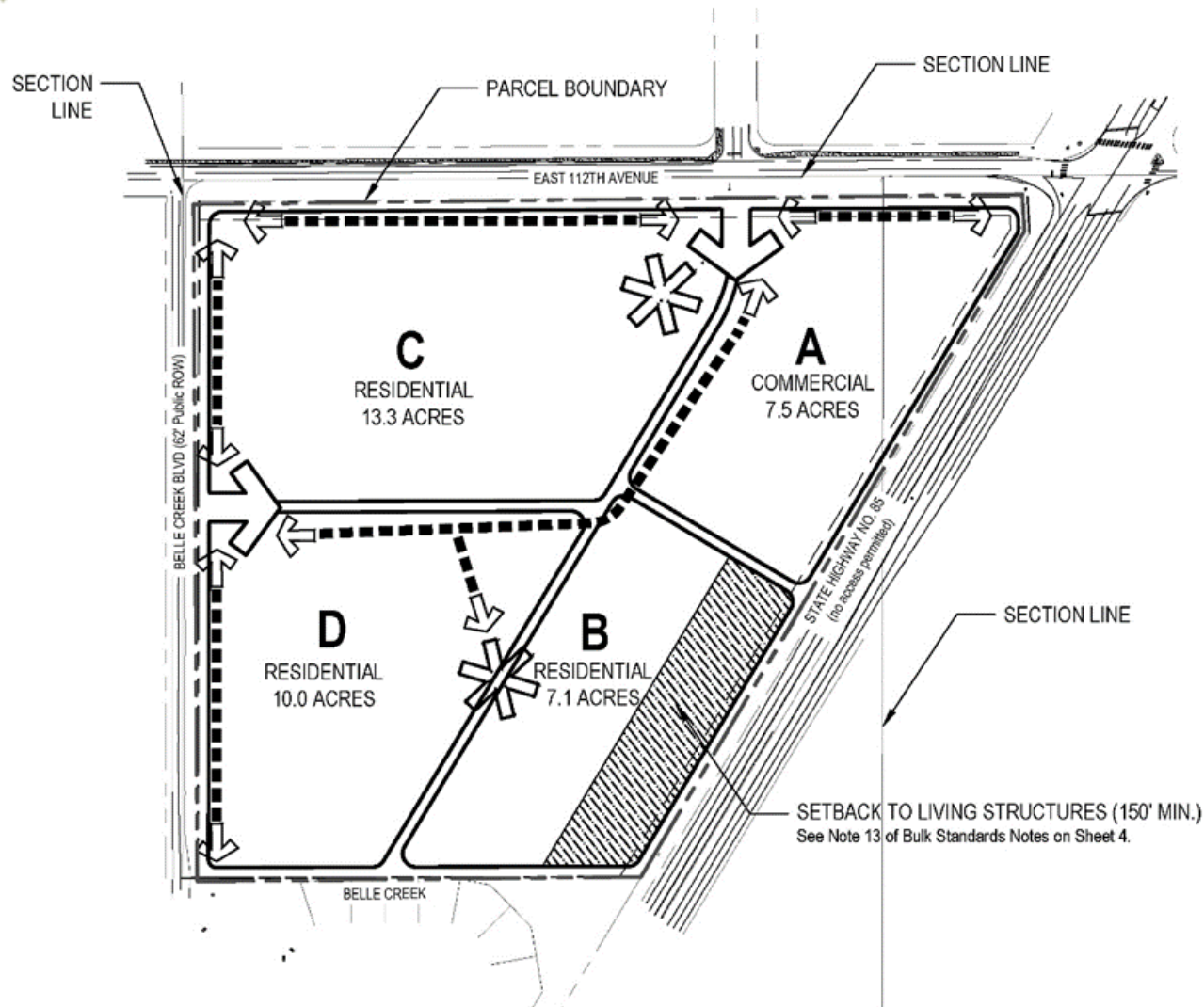


# Proposed PUD

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- Page 3
- Provides a project summary and describes community character and design elements, design guidelines, lighting, landscape design, and site furnishings
- Discusses the transition from commercial uses near the intersection, higher densities along 112<sup>th</sup> Ave., transitioning to lower density adjacent to Belle Creek
- Proposes two private parks and an integrated pedestrian network connecting them
- Two proposed main entrances to the site, with additional landscaping and signage conditions

# Proposed PUD



# Proposed PUD

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- Page 4
- Includes PUD Zoning Land Use Chart and PUD Zoning Map
- PUD splits the lots into four planning areas
- Planning Area A would be the QuikTrip site and room for additional commercial uses allowed by PUD
- Planning Areas B,C, & D allow multifamily (apartments), single-family attached, and patio homes, along with certain public and institutional uses



# Proposed PUD

PLANNING AREA	USE	DESCRIPTION OF USES (1)	ACRES	% OF OVERALL DEVELOPMENT	PERMITTED GROSS DENSITY	MAX. DWELLING UNITS
A	Commercial	Potentially includes a mix of commercial land uses such as neighborhood level commercial, retail and office uses.	7.5 AC	19.7%	N/A	N/A
B	Residential	Potentially includes a mix of residential land uses such as Patio Home Type A and Type B (See Definitions on Sheet 7), single-family attached (triplex and quadplex), townhomes, apartments, and condominiums.	7.1 AC	18.8%	25 DU/AC Maximum, 8 DU/AC Minimum***	600 (PAs, B, C & D) (5)
C	Residential	Potentially includes a mix of residential land uses such as Patio Home Type A and Type B, single-family attached (triplex and quadplex), townhomes, apartments, and condominiums.	13.3 AC	35.2%	30 DU/AC Maximum, 8 DU/AC Minimum	
D	Residential	Potentially includes a mix of residential land uses such as Patio Home Type A and Type B, single-family attached (triplex and quadplex), townhomes, apartments, and condominiums.	10.0 AC	26.3%	25 DU/AC Maximum, 8 DU/AC Minimum***	
Parks and Open Space		Parks, Open Space, and Trails*	B, C and D only.	3.0%**		
Total Land Area		-	37.9 AC			



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# Proposed PUD

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- Page 5
- Bulk standards (lot size, lot width, setbacks, etc.)
- Separate setbacks designated for fueling plaza uses (no large truck fueling allowed)
- Multi-family residential developments will be required 15% open space
- Parking standards



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# Proposed PUD

USES		LOT SIZE (MIN.)	LOT WIDTH (MIN.) (2)	MIN. GROSS FLOOR AREA (11)	SETBACK (MIN.) FOR ALL STRUCTURES ADJACENT TO: (5, 6, 8)		SETBACK (MIN.) FOR ALL LIVING STRUCTURES ADJACENT TO:	FRONT YARD SETBACK (MIN.) (5, 6, 8, 9)	SIDE YARD SETBACK (MIN.) (1, 5, 6, 8, 9)	REAR YARD SETBACK (MIN.) (5, 6, 8, 9)	BUILDING HEIGHT (MAX.) (4)
					ARTERIAL	COLLECTOR	HIGHWAY 85				
Multi-Family Residential Uses	Patio Homes (12) (15)	N/A	N/A	1-Bedroom: 550 sf 2-Bedroom: 700 sf 3-Bedroom: 850 sf 4-Bedroom: 1,000 sf	25'	20'	150' (13)	SETBACK	SETBACK	SETBACK	35', 40' (16)
								20' to living (public local street)	20' to living (public local street)	5' to living (private street)	
								5' to living (private street) (4' to living with 1' encroachments. See Note 5 for list of encroachments.)	5' side corner to living (private street)		
									BUILDING SEPARATION	15' to living (property line)	
								0' common wall			
								BUILDING SEPARATION	BUILDING SEPARATION	BUILDING SEPARATION	
	10' (8' with encroachments. See Note 5 for list of encroachments.)	10'	10'								
	Townhomes	1,800 sf	20 (interior unit)	800 sf (1-STORY)/ 1,250 sf (2-STORY)	25' (7)	20' (7)	150' (13)	6' to porch 10' to living 20' to garage	5' exterior wall 0' common wall 10' side corner (3)	15' (front loaded) 6' (rear loaded- no parking) 20' (parking allowed)	40'
	Apartments & Condominiums	N/A	N/A	N/A	25' (7)	20' (7)	150' (13)	15' (7, 10)	15' (20' min. building separation) (10)	15' (10)	40', 50' (17)
Non-Residential Uses		N/A	30'	N/A	25'	20' (7)	N/A (14)	10' (7, 10)	0' (20' min. building separation) (10)	15' (10)	50'

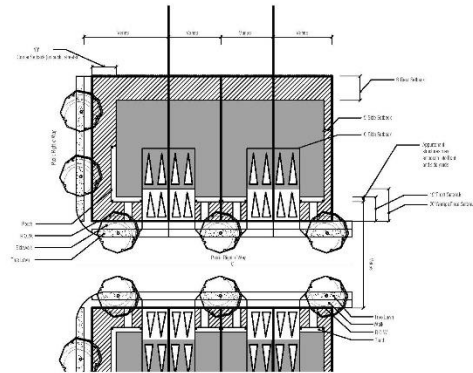


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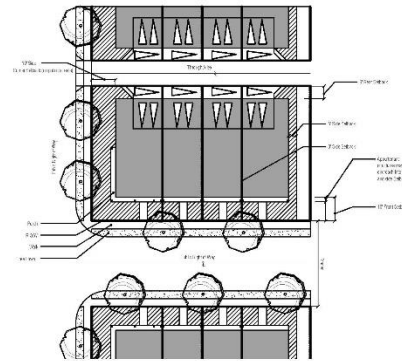
# Proposed PUD

## ○ Page 6 – Lot Typicals

### TOWNHOME LOT TYPICALS

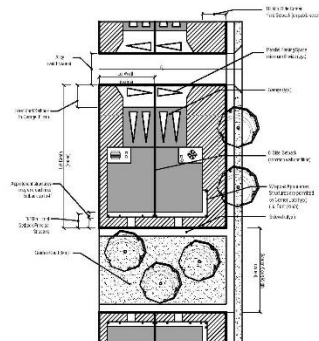


TOWNHOME - FRONT LOAD - TYPICAL  
CONCEPTUAL DRAWING SUBJECT TO CHANGE NOT TO SCALE

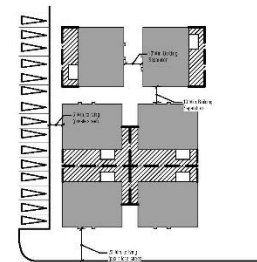


TOWNHOME - REAR LOAD - TYPICAL  
CONCEPTUAL DRAWING SUBJECT TO CHANGE NOT TO SCALE

### PATIO HOME LOT TYPICALS



TOWNHOME - REAR LOAD - GREEN COURT - TYPICAL  
CONCEPTUAL DRAWING SUBJECT TO CHANGE NOT TO SCALE



PATIO HOME - TYPICAL  
CONCEPTUAL DRAWING SUBJECT TO CHANGE NOT TO SCALE

# Proposed PUD

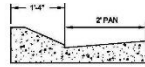
## ○ Page 7 – Use Table

USE CLASSIFICATION	SPECIFIC USE TYPE	PLANNING AREA			
		A	B	C	D
INDUSTRIAL USES					
Artisan/Handcrafted Manufacturing	Artisan/handcrafted manufacturing	R			
Manufacturing, Oil and Gas	Support activities for oil and gas operations (pipelines, etc.)	C			
Research and Development Services	Scientific R & D services	R			
	Testing laboratories, non-medical	R			
PUBLIC, INSTITUTIONAL & CIVIC USES					
Ambulance Service	Garage and office for ambulance service	R			
Arts and Cultural Uses	Arts and cultural uses	R			
Clubs and Lodges	Private lodge or club	R			
	Gun club (indoor)	R			
Community Services	Events center (< 15,000 sf)	R			
	Events center (> 15,000 sf and < 40,000 sf)	R			
Day Care Facilities, Adult or Child	Child care center	R			
	Adult day care center	R			
	Outpatient surgical centers	R			
	Library	R			
Public Lands, Parks, and Buildings	Public administrative office or service building	R			
	Public park or recreational facilities	R			
	Police or fire station	R			
Religious Institutions	Church or religious institution	R			
	Elementary and secondary education schools	R			
Educational Facilities	Private business, trade, and vocation schools	R			
	Post secondary colleges and universities	R			
	Schools of special instruction	R			
Transportation Facilities (See Allowed Use Note 4)	Parking garage	R			
	Public parking lot	R			
Utilities	Public utility office	R			
RESIDENTIAL USES					
	Foster care home		R	R	
	Apartments & Condominiums		R	R	R
	Patio Homes Type A (See Multi-Family Residential Definition)		R		R
Household Living	Patio Homes Type B (See Multi-Family Residential Definition)		R	R	R
	Single-family attached townhomes		R	R	R
	Boarding or rooming house		R	R	
	Home occupation		R	R	R
Senior Housing	Assisted living facility		R	R	R
	Nursing homes		R	R	

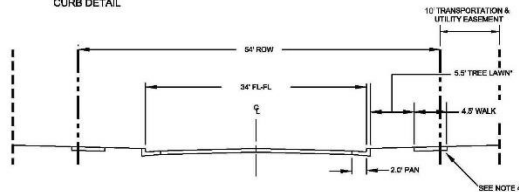
USE CLASSIFICATION	SPECIFIC USE TYPE	PLANNING AREA			
		A	B	C	D
AGRICULTURAL USES					
Horticulture & Nurseries	Community garden	R	R	R	C
	Greenhouse/nursery/tree production (with no outdoor storage)	R	R	R	C
COMMERCIAL USES					
Animal Services	Animal boarding (indoor/outdoor kennels) and training	R			
	Doggie day care centers	R			
Antennas	Veterinary offices or clinics	R			
	Antennas for commercial/industrial use accessory to principal use	R			
	Antenna and support structure for amateur radio communications	R			
	Radio or television broadcasting offices	R			
Building Materials & Services (Retail)	All other similar uses (plumbing, electrical, lumber & building equipment-without outdoor storage)	R			
	Bar, tavern, night club	R			
Eating and Drinking Establishments	Brewpub	R			
	Catering services	R			
	Restaurant with drive-thru/up	R			
	Restaurant without drive-thru/up	R			
	Tasting Room	R			
Financial Institutions	Bank or financial institution	R			
Food and Beverage Sales	Convenience store/grocery store (< 10,000 sf)	R			
	Grocery store (> 5,000 sf and < 40,000 sf)	R			
	Liquor store	R			
	All other similar uses (e.g., delicatessen, retail bakery, specialty food market, coffee shop)	R			
Fuel Sales (see Allowed Use Note 1)	Fuel sales with no vehicle repair	R			
	Fuel sales with minor vehicle repair	R			
	Natural gas fuel sales	R			
	Natural gas fuel sales for trucks	R			
Funeral and Internment Services	Funeral home	R			
Office	Business or professional (including medical/dental office/clinics)	R			
	Courier services	R			
Personal Services	Massage therapy office/clinics	R			
	Instructional services, studios	R			
Recreation or Amusement Facilities, Private	Bingo establishments/social gaming outlet/performance centers	R			
	Bowling, billiards, movie theaters & similar uses	R			
	Health clubs	R			
Repair Services (Not Including Vehicles)	Outdoor recreation	R			
	Furniture or major household appliance repair	R			
Retail Establishments	Retail business store (< 25,000 square feet)	R			
	Retail business store (> 25,000 square feet and < 40,000 sf)	R			
	Tattoo parlor	R			
	Thrift/consignment store	R			
Vehicle/Equipment Sales and Services	Automobile rentals	R			
	Automobile washing facility	R			
	Tire shop	R			
	Vehicle repair, minor	R			
Visitor Accommodations	Bed and breakfast establishments	R			
Manufacturing, Food	Brewery	R			
	Distillery	R			
	Microbrewery	R			
	Micro-winery	R			
OFFICE FLEX					
Office Flex	Office Flex	R			

# Proposed PUD

## ○ Page 8 – Road Sections



MOUNTABLE CURB DETAIL

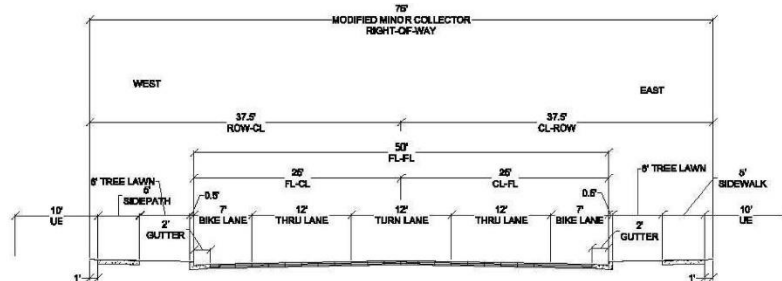


NOTES:

1. STRIPING NOT REQUIRED.
2. ON STREET PARKING ALLOWED BUT NOT PERMITTED WHEN NEEDED FOR FIREFIGHTING CAPABILITIES ADJACENT TO P.A.C.
3. IRRIGATED & UNIFORMLY LANDSCAPED TREE LAWN TO BE INSTALLED BY DEVELOPER.
4. IF MOUNTABLE CURB IS USED, SIDEWALK WILL ENCR OACH 1'-4" INTO TRANSPORTATION EASEMENT.

**E. 111th AVENUE FROM BELLE CREEK BLVD TO FLORENCE STREET**  
(LOCAL RESIDENTIAL WITH DETACHED WALKS, NO ALLEY)

(NOT TO SCALE)

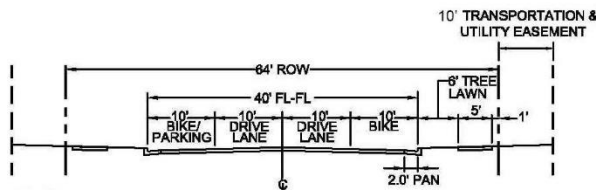


NOTES:

1. CENTER LINE STRIPE REQUIRED.
2. NO PARKING WILL BE PERMITTED IN THE MODIFIED MINOR COLLECTOR SECTION.

**FLORENCE STREET FROM E. 112th AVENUE TO E. 111th AVENUE**  
(MODIFIED MINOR COLLECTOR)

(NOT TO SCALE)

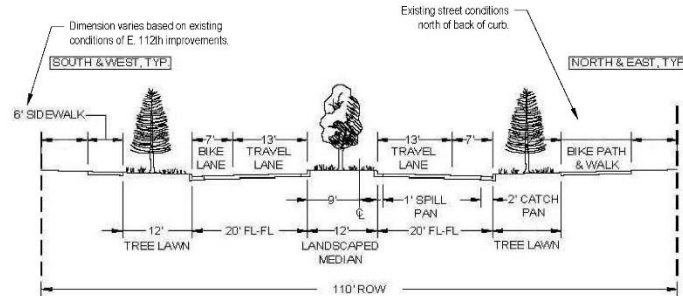


NOTES:

1. CENTER LINE STRIPE REQUIRED.
2. THIS SECTION FOR STREETS ADJACENT TO THE CANAM PROPERTY.
3. NO PARKING PERMITTED WHEN NEEDED FOR FIREFIGHTING CAPABILITIES.

**BELLE CREEK BOULEVARD**  
(MINOR COLLECTOR)

(NOT TO SCALE)



NOTES:

1. AUXILIARY LANES SHALL BE 12' WIDE EXCLUDING GUTTER PANS.
2. EASEMENTS MAY BE DEDICATED AS ROW IF SETBACKS ARE NOT AN ISSUE.
3. SIDEWALKS MAY MEANDER.

**E. 112th AVENUE**  
(MULTIMODAL ARTERIAL)

(NOT TO SCALE)



# Proposed PUD

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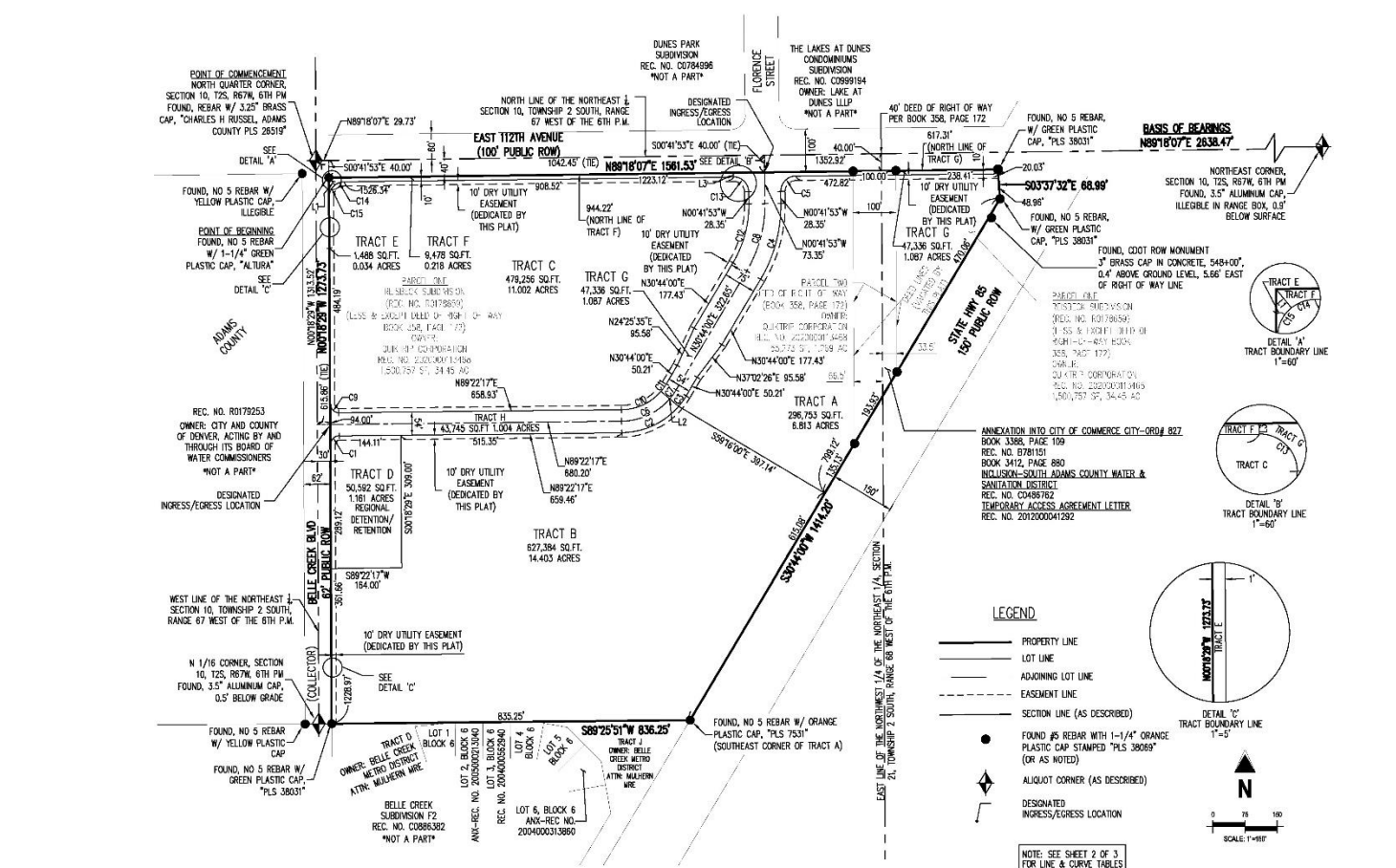
- Pages 9 & 10
- Alley sections and alley parking standards
- Signage regulations
  - Proposed sign plan for QuikTrip site
  - All other developments refer to Commerce City LDC



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A PORTION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10,

TRACT AND EASEMENT LAYOUT



# Proposed Concept Plan



This plan is purely conceptual and is subject to change. Future development is undetermined at this time and will be proposed with PUD Development Permit application(s). Graphics provided to convey design intent only.



**CANAM** | CONCEPT PLAN  
FEBRUARY 2022



Kimley»Horn

**NORRIS DESIGN**  
Planning Landscape Architecture • Rendering

THIS PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE



# DRT & PC Analysis

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- Staff distributed the requested zone change and annexation applications for review to all relevant referral agencies, including utility companies, SACFD, and internal City departments
- The DRT does not have any concerns with the proposed zone change or annexation





# DRT & PC Analysis

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- Proposed PUD zoning is appropriate for this site:
- Proposal is consistent with the Commerce City Comprehensive Plan designation for the property
- Land uses, building heights, project character and compatibility were mostly worked out during previous application review
- Most discussion took place around traffic flow and public improvements, as well as project phasing
- Right-of-way dedication and improvements for 112<sup>th</sup> Ave., Belle Creek Blvd., and internal roads
- Worked with CDOT on planning improvements to 112<sup>th</sup> & US 85 intersection

# DRT & PC Analysis

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## ○ Project Benefits:

- The approval of the zone change will help implement the community vision for this area as established by the Comprehensive Plan by providing high-density residential development near US 85 and 112<sup>th</sup> Ave.
- This vision is further established by the local community center located on the corner
- Project approval will also fund needed public improvements to the area





# DRT & PC Analysis

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- PC Recommendation
  - Planning Commission voted on May 3<sup>rd</sup>, 2022 to recommend approval with conditions
  - 4 of 5 Planning Commissioners felt that the gas station use should be excluded from the Table of Allowed Uses
  - 1 Planning Commissioner disagreed with the condition of removing gas station uses from the PUD



# Neighborhood Meetings

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- Neighborhood meetings took place virtually on 5/12/21, 9/28/21, and 10/26/21 during previous application and PUD review process
- Main issues raised:
  - Truck access to QuikTrip, especially from Belle Creek Blvd.
  - Increased traffic on Belle Creek Blvd. and E. 112<sup>th</sup> Ave. and the need for improvements
  - Requirements for off-site improvements
  - Density and maximum building heights
  - Dust and mosquito control
  - Prairie dog population
  - Home values
  - Buffer from homes to the south
  - Allowed uses and compatibility



# Neighborhood Meetings

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- After resubmittal, an additional neighborhood meeting took place virtually on 12/15/21
- 35 attendees, plus applicant and City representatives
- Updates on allowed land uses, building heights, and new application were discussed
- Main issues raised:
  - City land use process
  - Comprehensive Plan and other city plans/policies
  - Location of allowed uses
  - Connectivity and access

# Required Public Notification

(Pursuant to LDC Sec. 21-3285)

Type of Notification	Code Required	Code Required Minimum Met	Notification Provided
Mail/Postcard to Adjacent Property Owners	Mailed Notification to property owners within 500 feet	✓	291 Adjacent Property Owners Notified
Publication/ Newspaper Notice	Notice in local newspaper	✓	Notice in Commerce City Sentinel
Placard/Sign on Property	At least one sign on subject property	✓	6 Signs Posted

- Fifteen public comments have been received by staff as of May 6<sup>th</sup>, 2022

# Recommendation

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## Sec. 21-3340. – Annexation Approval Criteria.

*The annexation application may be approved if:*

*(1) The annexation is in compliance with applicable state laws and this land development code;*

- **Staff finds this application to meet this criterion. The annexation application has been reviewed by staff and external agencies and has been found to be in compliance with all applicable state laws and the Commerce City LDC.**

*(2) The annexation is consistent with the comprehensive plan, and the best interests of the city would be served by annexation of such property;*

- **Staff finds this application to meet this criterion. The proposed Planned Unit Development associated with this annexation request meets the intent and policies of the Comprehensive Plan and Future Land Use Map categories of Residential – High and Local Commercial Center.**



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# Recommendation

## Sec. 21-3340. – Annexation Approval Criteria.

(3) The property is within the Municipal Service Area (MSA) of the Commerce City Growth Boundary as stated in the comprehensive plan. No property outside of the MSA or Growth Boundary shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property and provided a land use plan for the area proposed to be annexed is submitted together with the annexation application;

- **Staff finds this application to meet this criterion. This property is within the Municipal Service Area of the Commerce City Growth Boundary.**

(4) The property is capable of being integrated into the city in compliance with all applicable provisions of this land development code;

- **Staff finds this application to meet this criterion. This annexation application was reviewed by staff and external review agencies and was found to be in compliance with all applicable provisions of the Commerce City LDC.**



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# Recommendation

## Sec. 21-3340. – Annexation Approval Criteria.

(5) At the time any development of the area proposed to be annexed is completed, there is a reasonable likelihood that capacity will exist to adequately serve residents or users of such area with all necessary utilities, municipal services and facilities; and

- **Staff finds this application to meet this criterion. This annexation application was referred to all applicable utility companies, fire and police departments, school district, and internal agencies and all reviewers found that reasonable capacity exists to serve this annexation.**

(6) The annexation boundaries are configured such that the annexation will not limit the city's ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed.

- **Staff finds this application to meet this criterion. The annexation boundaries will not limit the City's ability to integrate surrounding land into the City or cause variances or exceptions to be granted if the land is developed.**

# Recommendation

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**1<sup>st</sup> Motion – For the Adams County  
parcel to be annexed**

**Sec. 21-3350. – Zoning of Newly  
Annexed Land**



# Recommendation

## In accordance with LDC, Sec. 21-3350. Zoning of Newly Annexed Land:

Criteria for Zoning Annexed Land (1 required to be met)	Rationale
The zoning is most compatible with the city's comprehensive plan designation for the property;	The comprehensive plan identifies the subject property for high-density residential uses, and a local commercial center. The proposed PUD reflects these uses.
The zoning is most compatible to the county zoning of the property at the time of annexation; or	The current county zoning of I-1 does not match our Comprehensive Plan.
The zoning is most comparable to the present use(s) on the property.	N/A

# Recommendation

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**2<sup>nd</sup> Motion – For the right-of-way property already annexed into the City**

**Sec. 21-3232. – Rezoning or Zone Changes.**



# Recommendation

## Sec. 21-3232. – Rezoning or Zone Changes.

*(5) 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 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:*

*(i) 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 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.**



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# Recommendation

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## Sec. 21-3232. – Rezoning or Zone Changes.

*(ii) The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;*

- **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. 112<sup>th</sup> 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.**



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# Recommendation

## Sec. 21-3232. – Rezoning or Zone Changes.

(iii) *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 finds this application to meet this criterion. All public services are available and have been provided in the proposed PUD application.**

(iv) *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 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.**



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# Recommendation

## Sec. 21-3232. – Rezoning or Zone Changes.

*(v) 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 finds this application to meet this criterion. The Belle Creek neighborhood includes a small commercial area near E. 104<sup>th</sup> Ave., and more commercial is found north of this property along E. 120<sup>th</sup>. 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.**

*(vi) 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 finds that this criterion is not applicable to this application.**



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# Recommendation

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**To be considered for entire site...**

**Sec. 21-3251. – PUD Zone Documents**

# Recommendation

## Sec. 21-3251. - PUD Zone Documents.

(3) *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 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 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.**

# Recommendation

## Sec. 21-3251. - PUD Zone Documents. (cont'd)

(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 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;



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# Recommendation

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## Sec. 21-3251. - PUD Zone Documents. (cont'd)

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

- **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 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.**



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# Recommendation

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## Sec. 21-3251. - PUD Zone Documents. (cont'd)

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

- **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, this PUD has been modified at every step to further mitigate impacts and concerns.**



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# Recommendation

## Sec. 21-3251. - PUD Zone Documents. (cont'd)

(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 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 finds this application to meet this criterion. The proposed phasing of the project is generally acceptable, though still in negotiation.**



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# Recommendation

## Sec. 21-3251. - PUD Zone Documents. (cont'd)

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



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# Recommendation

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- DRT recommends that the City Council vote to **approve** this annexation request (AN-259-21-22).



# Recommendation

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- Planning Commission recommends (4-1) on May 3<sup>rd</sup>, 2022 that the City Council vote for **approval with conditions** these annexation zoning and rezoning requests (Z-964-21-22).
- The condition being removal of auto fueling from the table of allowed uses



**City staff and the applicant are  
available to answer questions.**

