



STAFF REPORT

Planning Commission

CASE #V-90-19

PC Date:	Monday, October 1, 2019	Case Planner:	Steve Timms
CC Date:	Monday, November 4, 2019		
Location:	4625 E. 68 th Avenue, Commerce City, CO 80022		
Applicant:	Adams Co School District 14	Owner:	Same As Applicant
Address:	5291 E. 60 th Avenue Commerce City, CO 80022	Address:	Same As Applicant

Case Summary

Request:	Vacate old ROW, old easements, and old alleys from these parcels to prepare for redevelopment.
Project Description:	The applicant is planning to construct a new elementary school and a future middle school on this overall site. As a part of this development, the applicant desires to have a clean title for all future land transactions. Hence, the vacation of ROW request to clean up the title work.
Issues/Concerns:	Conformity with Comprehensive Plan and Station Area Master Plan
Key Approval Criteria:	Compatibility with surrounding uses, provisions of services, conformance with Master Plans.
Staff Recommendation:	Approval
Current Zone District:	PUBLIC (Public District)
Comp Plan Designation:	Public/State

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"/> Site Plan | <input checked="" type="checkbox"/> Station Area Master Plan |
| <input checked="" type="checkbox"/> Vacation Plat | <input type="checkbox"/> |

Background Information

Site Information

Site Size:	All four ROW areas comprise approximately 46000 square feet
Current Conditions:	All four ROW areas are currently vacant
Existing Right-of-Way:	E. 68 th Avenue to the south, E. 69 th Avenue and Cherry Street to the north
Neighborhood:	Adams City
Existing Buildings:	Remnant buildings from the old Adams City High School facility
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<u>Existing Land Use</u>		<u>Occupant</u>
North	Residential	Various Residential Properties in City and County
South	Residential	Various Residential Properties and the old Raggi Oil Facility
East	Public/Utility	Brighton Rd and US 85
West	Public/Utility	Adams 14 Distribution and Bus Fleet Facility

Case History

Staff has not found any land use case history for these parcels.

Applicant's Request

The applicant is requesting that the City approve the rezoning request for these four identified parcels along Brighton Road. The school district intents to obtain a clean title commitment and consolidate all parcels for future planning development.

The school district is requesting this vacation of ROW due to planned developments on the site. The district plans to have two educational facilities operating on these parcels within the next five years-Alsup to be open in 2021. The elementary school is currently in the design phase, and the potential future middle school will be built pending an award from the state for capital improvements. These two facilities will have separate addresses, but it is the districts intent to locate them on the same contiguous parcel under one clean title commitment. The district has contracted a licensed land surveyor to prepare plats according to state and local requirements. This proposed vacation is consistent with the specific vacation criteria found in the city's codes. These old ROW have never been utilized as they only exist on paper. Vacating these old ROW areas will also help ensure that our proposed location has a complete and clean title usable for future redevelopment.

Finally, the applicant believes this vacation request is in conformance with the City's adopted This Comprehensive Plan and Station Area Master Plan.

Development Review Team Analysis

These properties are part of one of the original communities (Adams City) that compose Commerce City. Adams City was established in 1903, hoping to be the county seat. The City de-incorporated in 1922. As a part of that time period, various streets, alleys, and parcels were laid out, platted, and sometimes developed. Adams City High School began in 1871, with several additions in over the turn of the century, in the 1950s and 1970s. The High School site closed in 2009, when a new high school was built at E. 72nd Avenue and Quebec Street. Since 2009, most of the old High School facilities have been demolished,

with the exception of a couple of buildings, the track and tennis courts. The school district has retained ownership of the properties.

This particular property was studied as a part of the Station Area Master Plan in 2013, which identified this site to house the relocated Alsup Elementary and Adams City Middle School sites. Over the past year, Adams 14 received a BEST grant to fund new construction of Alsup Elementary on the western portion of the site. The school district hopes to apply for another grant to fund new construction of Adams City Middle School. There are no design plans or opening date set for Adams City Middle School. The existing distribution and service buildings on the far western portion of the site would remain. Based on Colorado State law, site design of public schools, including overall site layout, amenities, architecture, landscaping, etc. are governed at the state level, not the local level. Therefore, while the city can give suggestions on site or architecture issues, they are only suggestions. Local jurisdictions can regulate access points and overall regional drainage.

The following table describes the four ROW parcels:

Name	Platted ROW	Size	Width
Parcel 1	Portion of Court Place	7347 sf	50 feet
Parcel 2	Platted 3 rd Avenue	35067 sf	60 feet
Parcel 3	Portion of Alley between 3 rd and 4 th Avenues	1429 sf	16 feet
Parcel 4	Portion of Cleveland Place	2540 sf	20 feet

None of these parcels are active or being utilized for transportation purposes, none have utilities present, all of from a previous network of ROW that was present back when Adams City was its own incorporated town. Many of the ROW areas in the vicinity have been vacated going back to the 1920's. These are the last remaining un-vacated ROW on this overall parcel.

As it relates to the specific vacation request of these four ROW parcels, the school district would like to combine these four parcels into one overall parcel to house the schools. These existing ROW parcel areas are only visible on paper, as they are not "active" ROW with traditional street improvements. Commerce City code currently prevents construction across multiple parcel lines and especially over ROW. Therefore the vacation of ROW is needed. The City does not use these ROW parcels, there are no existing utilities within them that would cause conflict, and the City has no intention of constructing any type of uses, roadways or alleys.

The school district has concurrently applied for a rezoning request for several parcels (Case Z-958-19) and a consolidation plat (Case S-748-19) to bring the property into conformance and to create a clean title. Referral agencies including South Adams Fire Protection District, Tri-County Health Department, CDOT, local utility providers, and various city departments have reviewed the proposal and are working with the applicant to address all comments.

The DRT supports the vacation request for these four ROW parcels for the following reasons: 1) The City's Comprehensive Plan and Station Master Plan identify this location for future educational and public uses, without the use of additional ROW lands 2) The proposed smaller size of these parcels would naturally preclude traditional ROW type of activity, with many of the parcels leading nowhere 3) In

conjunction with the rezoning and subdivision requests, the vacation request would help the future structures and uses attain a conforming status, and 4) the additional of new educational facilities would help this neighborhood, bring positive activity and stability and help a long vacant site redevelop.

Criteria Met?	Sec. 21-3233. Vacation of Right-of-Way	Rationale
<input checked="" type="checkbox"/>	The vacation is consistent with the Comprehensive Plan and any other applicable city-approved plan;	The area to be vacated will be incorporated into the redevelopment of the Old Adams City High School site as a neighborhood elementary and middle school public education campus, as identified in the Comprehensive Plan.
<input checked="" type="checkbox"/>	The land to be vacated is no longer necessary for the public use and convenience;	The subject parcels are no longer necessary for public transportation use and convenience as the site will maintain access from E. 68 th Avenue, E. 69 th Avenue, and Cherry Street.
<input checked="" type="checkbox"/>	The vacation will not create an landlocked properties;	There will continue to be access from all the surrounding streets.
<input checked="" type="checkbox"/>	The vacation will not render access to any parcel unreasonable or economically prohibitive;	Access will not be made unreasonable or economically prohibitive as new accesses will be provided that comply with city and CDOT rules. Accesses will be improved as part of the larger redevelopment.
<input checked="" type="checkbox"/>	The vacation will not reduce the quality of public services to any parcel of land; and	There will be no change to the quality of public services to any parcel of land as a result of the vacation.
<input checked="" type="checkbox"/>	A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.	A separate consolidation plat is under review to include the vacated right-of-way with a larger redevelopment parcel.

Comprehensive Plan

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

Section	Goal	Description
Public Facilities	PF2a	School District Coordination- Continue to coordinate with school districts to plan for future facilities to serve growth, location within neighborhoods, and co-location with parks.
<u>Analysis:</u>	The City has been working closely with the school district on this site for the relocation of Alsup and Adams City Middle	
Section	Goal	Description
Land Use	LU 1.1	Growth and Future Land Use Plan Consistency
<u>Analysis:</u>	The proposed vacation would be in alignment with the Future Land Use Plan which identifies this area for future public educational opportunities	
Section	Goal	Description
STAMP	Sponsor Zone Changes	Work closely with prospective development partners to facilitate zoning and other development approval (such as this vacation) requests that are consistent with STAMP recommendations

Section	Goal	Description
Analysis:	The City has been hard at work partnering with the school district on these applications to ensure the end result is a win-win for all parties	

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Vacation of Right of Way set forth in the Land Development Code and recommends that the Planning Commission forward the Vacation of Right of Way 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 Vacation of Right of Way for the properties located within 4625 E. 68th Avenue, and contained in case **V-90-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **Vacation of Right of Way**.

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that the requested Vacation of Right of Way for the properties located within 4625 E. 68th Avenue contained in case V-90-19 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Vacation of Right of Way.

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Vacation of Right of Way for the properties located within 4625 E. 68th Avenue contained in case V-90-19 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Vacation of Right of Way subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Vacation of Right of Way for the properties located within 4625 E. 68th Avenue contained in case V-90-19 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 Vacation of Right of Way

To continue the case:

I move that the Planning Commission continue the requested Vacation of Right of Way for the properties located within 4625 E. 68th Avenue contained in case V-90-19 to a future Planning Commission agenda.