



STAFF REPORT

Planning Commission

CASE #Z-971-21-22

PC Date:	May 3, 2022	Case Planner:	Andrew Baker
CC Date:	May 16, 2022		
Location:	10070 Potomac Street, Commerce City, CO 80022		
Applicant:	UDC Miller LLC	Owner:	Ronald P Eberly et al
Address:	6900 E. Belleview Ave., Suite 300, Greenwood Village, CO 80111	Address:	10070 Potomac Street, Commerce City, CO 80022

Case Summary

Request:	Annexation Zoning from Adams County A-3 to Commerce City Planned Unit Development (PUD)
Project Description:	The applicants hope to annex the subject property in order to develop a single-family residential subdivision. This PUD would allow both single-family detached and duplex residential products, and contains two planning areas for the various residential types. This case is in conjunction with AN-260-22 and NIGID-181-22.
Issues/Concerns:	<ul style="list-style-type: none"> Regional drainage Connectivity
Key Approval Criteria:	<ul style="list-style-type: none"> Land Development Code (LDC) Zoning of Newly Annexed Land Land Development Code (LDC) PUD Zone Document Criteria
Staff Recommendation:	Approval
Current Zone District:	ADCO A-3 (Agricultural-3)
Comp Plan Designation:	Residential – Medium

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

- Vicinity Map
 Proposed PUD Zone Document
 Applicant's Narrative

Background Information

Site Information

Site Size:	33.56 acres
Current Conditions:	Existing Single-family residential and accessory structures
Existing Right-of-Way:	Potomac Street to the west, Blackhawk Street to the east
Neighborhood:	Not identified
Existing Buildings:	Single-family detached home and accessory structures
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Residential and Open Space	Unincorporated Adams County and Foxton Village Open Space	ADCO and PUD
East	Residential	Foxton Village	PUD
South	Vacant	Reunion	PUD
West	Vacant	Reunion	PUD

Case History

There is no case history associated with this site.

Applicant's Request

The applicant desires to annex the subject property in order to develop a new single-family subdivision. This PUD would allow both single-family detached and duplex housing products, and contains two planning areas for the various residential types.

Planning Area A comprises the western 18.5 acres of the property, and allows single-family detached and duplex units, acting as a transition between the planned developments in Reunion Ridge, and the single-family detached lots found to the east in Foxton Village. Planning Area B is 15 acres and only allows single-family detached uses.

Both planning areas must construct private parks to cover at least 3% of the development area, and the PUD proposes one central private park in Planning Area A to meet this requirement. This 1-acre park is shown as Tract G in the proposed Final Plat and PUD Development Permit, currently under DRT review, and accounts for 2.97% of the total site. Additional pocket parks and open space are currently proposed along the east property boundary, creating connections to the adjacent neighborhood and providing an increase in green space along the right-of-way. Tracts B, C, and D total 1.83 acres, and bring the total private park dedication to 8.43% of the site, exceeding PUD and Commerce City LDC requirements. Additional tracts are spread throughout the site, providing pedestrian access and a drainage area.

The drainage pond is proposed in the southeastern corner of the site, and will be expanded into a regional drainage pond upon the development of the property to the south. During a future subdivision process, that land will be deeded to the City for the future construction and maintenance of the regional pond.

Access is proposed off Potomac St., along with two connections to E. 101st Ave. and E. 100st Pl. in Foxton Village. These roads will help traffic flow through Potomac St. and Blackhawk St., the collectors which provide access to E. 104th Ave. Both Foxton Village and this development will benefit from a higher degree of connectivity to the arterial street. Blackhawk St. is also proposed to continue south before veering west, creating an additional connection to Potomac St., so that most traffic does not need to pass through the neighborhood. A road stub is proposed on the north side of the property, to allow future connections when those properties develop. A sidewalk network will connect all rights-of-way, parks, and open space.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is approval of a PUD Zone Document. The default process for a PUD Zone Document is to be reviewed by the Development Review Team (DRT) and provide Planning Commission a report. Planning Commission will make a recommendation to City Council, which will hold a public hearing for a final decision in accordance with the City's Land Development Code (LDC). As it relates to PUD Zone Documents, the LDC sets out the specific criteria upon which such an application can be approved or denied. Therefore, the analysis and evaluation must be limited to those criteria; no outside considerations may be the basis of a decision of approval or denial.

Public Hearing Background:

In accordance with Section 21-3251(2) of the Land Development Code (LDC), Planned Unit Developments are reviewed by the Development Review Team (DRT) and the Director of Community Development. Then the 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 21-3251(3).

Site Overview:

The subject site (PIN 172300000147) is zoned A-3 in unincorporated Adams County, and is proposed for annexation, as well. This property is addressed at 10070 Potomac St., and is located in between Potomac St. and Blackhawk St., south of E. 104th Ave. There is currently a single-family residence and accessory outbuildings on the mostly vacant 33.56-acre site. The existing access to this site is gained from Potomac St. To the north is unincorporated Adams County properties, which includes single-family residential uses. To the south is un-platted land already annexed to the City for future residential development. On the southwest corner of the property is the Cactus Ridge School which is a separate property, but there is a possibility to integrate this historic structure into this development in the future. To the west is the Reunion Ridge subdivision, and to the east is the Foxton Village subdivision, both single-family developments.

Image A: Eberly Place PUD Zone Document & Aerial

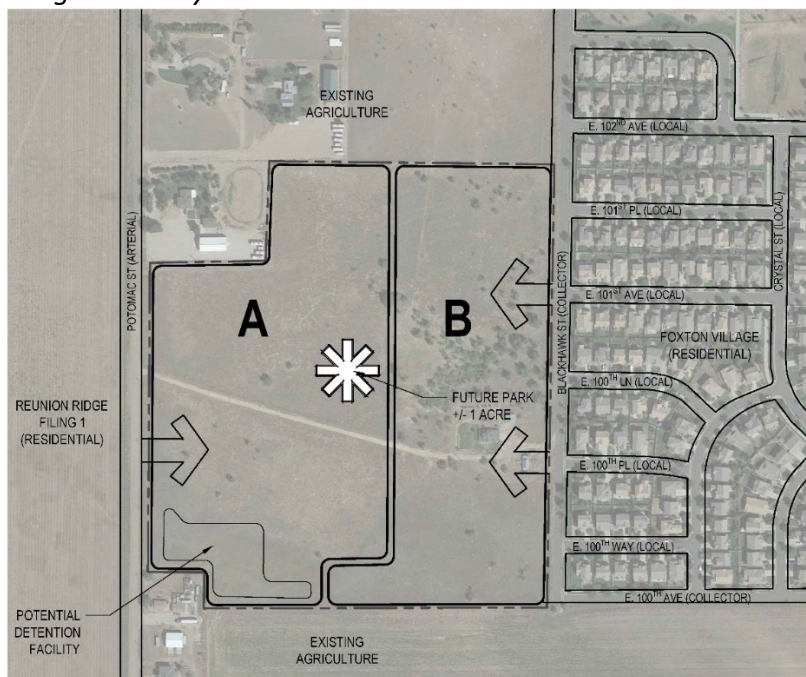
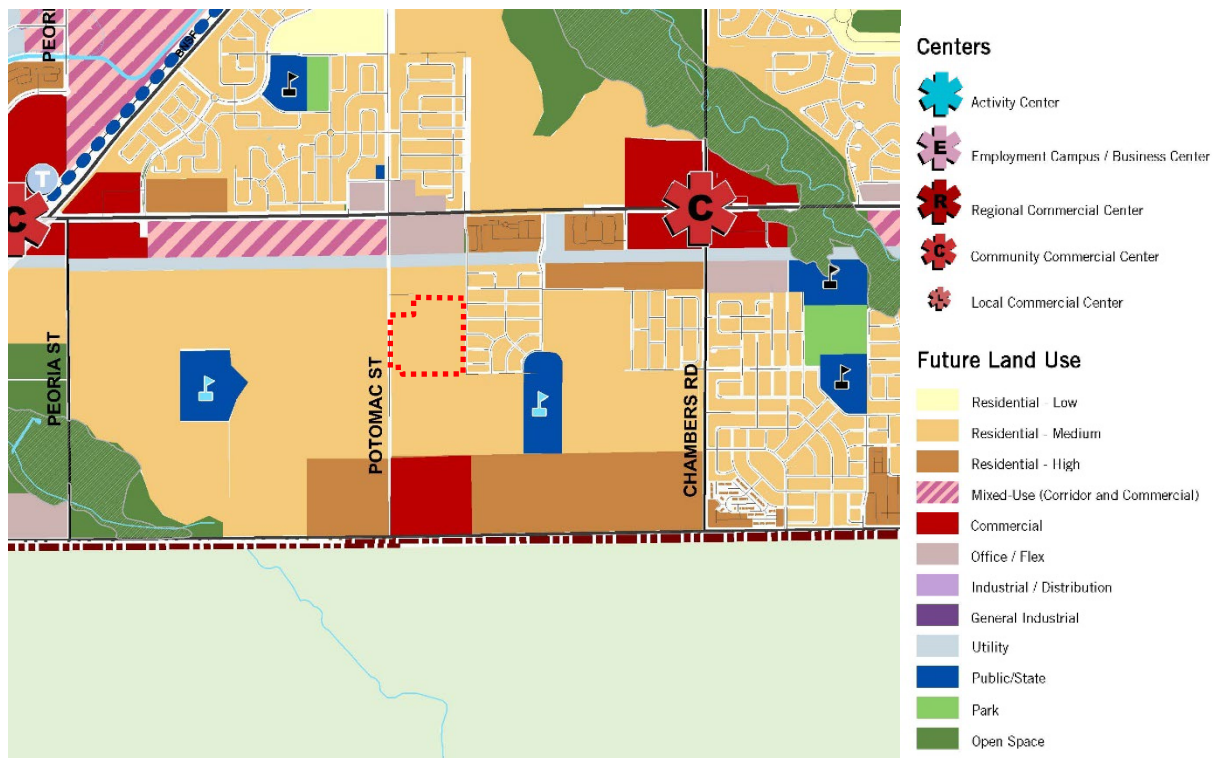


Image B: Future Land Use Plan



Proposed PUD:

The Cover Sheet of the PUD Zone Document contains information found on every zoning document, including the legal description, vicinity map, project team contact information, and signature blocks. A sheet index is included providing a description of the seven page document.

Page 2 includes the rest of the legal description that wouldn't fit on the cover sheet, as well as details on the project intent, summary, and guidelines.

Page 3 provides further detail on community design, neighborhood character, and includes a map showing the proposed pedestrian network and location of focal points, private parks, drainage area, and the historic Cactus Ridge School.

Page 4 shows an aerial map of the property, overlaid by the two planning areas which would be created by this PUD (shown above). A Land Use Summary table supplements this map by describing the uses allowed in each planning area, permitted gross density, and overall acreage. Single-family detached dwellings, duplexes, home occupations, and foster care homes are allowed in Planning Area A. Those same uses, except duplexes, are also allowed in Planning Area B.

Page 5 expands on the Land Use Summary table, and includes specific bulk standards for Planning Area A, such as minimum lot size and width, minimum floor area, setbacks, and height restrictions. These are separated by each allowed housing product. Page 6 shows the same information applied to Planning Area B.

Page 7 includes graphics depicting typical lot design for each housing type proposed in this development. This is to ensure proposed development standards are feasible and illustrates how the different planning areas may develop.

Neighborhood Meeting:

The applicant held a neighborhood meeting for this project on September 29, 2021 via Zoom. City staff and 29 residents attended this meeting and the following issues were discussed:

- Proposed access and traffic circulation
- HOA's/Metro Districts
- Relationship to Reunion development
- Architectural design and expected price point
- Park and school locations
- Proposed infrastructure improvements and construction mitigation

In general, most neighbors were neither heavily in support or opposition of the proposal. Many were concerned with traffic in general in the surrounding area, and hoped this development would help and not hurt those connectivity issues.

Comprehensive Plan Analysis

In reviewing the requested amended PUD Zone Document, the DRT reviewed the request's compatibility with the City's Comprehensive Plan. That analysis is provided in the following table.

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

Section	Goal	Description
Land Use and Growth Strategies	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 properties lie to be medium-density residential. The requested annexation zoning to PUD and the proposed development align with that vision.

Section	Goal	Description
Land Use and Growth Strategies	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 parcel utilized for agriculture and low-density, single-family residential, this property is a great opportunity for successful infill development which will create a medium-density residential area.

Land Development Code Approval Criteria Analysis

ANALYSIS: Section 21-3350 of the Commerce City Land Development Code (LDC) outlines the criteria use when evaluating zoning of newly annexed land.

1. **“Generally. Zoning of newly-annexed land or land in the process of annexation shall be considered an initial zoning and should represent good planning principles and be consistent with the goals and land use designations of the comprehensive plan.”**

Staff Analysis: Staff finds this application to meet this criterion. The Future Land Use Plan in the Commerce City Comprehensive Plan designates this property as “Residential – Medium.” The Comprehensive Plan states: “This category allows a wider range of residential types and is appropriate near commercial and activity centers where characteristics are suburban to urban neighborhoods at moderate density. Generally, neighborhoods are accessed by collector streets that connect to arterial streets and should be transit-supportive.” The proposed PUD district meets the goals and intent of this land use category.

2. “Criteria for Zoning. After passage on first reading of an ordinance annexing property to the city, the subject property shall be given the zoning classification:

(a) Most compatible with the city's comprehensive plan designation of the property;

(b) Most comparable to the county zoning classification existing on the subject property at the time of acceptance by the city of the annexation petition for the subject property; or

(c) Most comparable to the present use(s) of the property.

Staff Analysis: Staff finds this application to meet this criterion. This application meets criteria “a” as the proposed uses are most compatible with the Comprehensive Plan Future Land Use Plan. The Residential – Medium category allows single-family detached residences, single-family attached, and some townhomes and patio homes at a density of 4-8 dwelling units per acre. The PUD’s proposed maximum density of 7.75 dwelling units per acre meets this requirement, and the current PUD Development Permit under DRT review proposes an overall density of 4.58 dwelling units per acre. Both the housing types and densities proposed in this PUD meet the description found in the Comprehensive Plan.

3. “Land Use Approvals. In the event it is determined by the city or the applicant that development approvals for the land to be annexed should be obtained concurrently with the annexation application and initiation of zoning, the applicant may initiate the development approval process required elsewhere in this land development code for such development approval along with the annexation process and the city council may consider the proposed development application, including any concept plan, development plan, and any applicable comprehensive plan amendment(s) when the annexation ordinance is considered under first reading.”

Staff Analysis: Staff finds this application to meet this criterion. An annexation application for the Adams County property has been included with this zoning application. Subdivision and PUD Development Permit are currently under review.

4. “Sequence of Events. Neither an ordinance proposing zoning of land to be annexed or proposing development approvals for the land to be annexed shall be finally adopted by the city council prior to the date of final adoption of the annexation ordinance.”

Staff Analysis: Staff finds this application to meet this criterion. The zoning ordinance is proposed concurrently with the annexation ordinance.

ANALYSIS: Section 21-3251 of the Commerce City LDC outlines the criteria use when evaluating PUD Zone Documents, and pertains to the entire site.

“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 Analysis: 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 Analysis: 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.

- 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 Analysis: Staff finds this application to meet this criterion by providing a variety of medium-density housing. This mix of single-family detached and attached products 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;**

Staff Analysis: Staff finds that this criterion is not applicable to this application. The PUD is not required to avoid prohibiting a legal land use, but is required to allow the variety of housing discussed in the Comprehensive Plan.

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

Staff Analysis: 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 Analysis: 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.

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

Staff Analysis: Staff finds this application to meet this criterion. No significant adverse impacts on adjacent properties are expected with this development.

- 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 Analysis: 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 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 Analysis: Staff finds that this criterion is not applicable to this application. No phasing is proposed.

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

Staff Analysis: Staff finds this application to meet this criterion. As mentioned above, the mix of housing types described in this development could not be achieved in a single traditional zone district.

Development Review Team Recommendation

This application was brought before the Development Review Team during the regularly scheduled DRT Meeting on July 8, 2021. At that time, both the extension of E. 100th Avenue and the proposed drainage pond were the biggest concerns raised. City staff worked with the applicant, along with adjacent developments and the Mile High Flood District, to alleviate these concerns. Instead of E. 100th Avenue extending from the south side of this property to Potomac Street, Blackhawk Street will extend to the south and eventually veer west, creating the collector street connection envisioned by the Master Transportation Plan. The proposed drainage pond will be constructed to serve this development, and will ultimately be dedicated to the City so that it may be expanded into a regional drainage pond.

27J School District has reviewed this application and has no objection to the proposal. They have requested a fee-in-lieu of school land dedication, as there are two elementary schools planned in the Reunion and Anderson Farms developments to the south.

The Commerce City Park Department is also requesting a fee-in-lieu for a public park, which is also planned just to the south of this development.

In summary, the Development Review Team recommends that the Planning Commission forward the requested Planned Unit Development rezone to City Council with a favorable recommendation. The

applicant is developing a County enclave within an established single-family residential area. The property is currently zoned for agriculture, which does not meet the goals of the Future Land Use Plan. The additional right-of-way, parks, and open space improvements will be a benefit to the growth of this community.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located at **10070 Potomac Street** contained in case **Z-971-21-22** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment.

Alternative Motions

To recommend approval with conditions:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located at the **10070 Potomac Street** contained in case **Z-971-21-22** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment, subject to the following conditions:

Insert conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located at the **10070 Potomac Street** contained in case **Z-971-21-22** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that based upon this finding that the Planning Commission recommend that the City Council deny the PUD Zone Document.

To continue the case:

I move that the Planning Commission continue the requested PUD Zone Document for the property located at **10070 Potomac Street** contained in case **Z-971-21-22** to a future Planning Commission agenda.