



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Council Communication

File Number: Z-971-21-22

Agenda Date: 5/16/2022

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Zoning Ordinances

Agenda Number:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE EBERLY PLACE ANNEXATION FROM ADAMS COUNTY A-3 TO COMMERCE CITY PUD AND APPROVING A ZONE DOCUMENT

Summary & Background

Mr. Sheldon is requesting the approval of a property for annexation zoning into the City of Commerce City. The parcel is approximately 33.6 acres in size and is currently used as a single-family residence. The subject property is located at 10070 Potomac Street (PIN 172300000147) and is proposed to be rezoned to a Planned Unit Development (PUD). Two planning areas have been proposed with the Eberly Place PUD, one allowing single-family detached residential, and the other also allowing duplexes. This case is in conjunction with the annexation zoning case AN-260-22, and inclusion into the Northern Infrastructure General Improvement District case NIGID-181-22.

Approval Criteria

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.

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.

Staff Responsible (Department Head): Jim Tolbert, Director of Community Development

Staff Presenting: Andrew Baker, City Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: On May 3rd, 2022, the Planning Commission held a public hearing, took testimony, and voted (4 to 1) to forward the annexation zoning request to City Council with a recommendation for approval.

Suggested Motion: I move that the City Council enter a finding that the requested annexation zoning for the subject property contained in case Z-971-21-22 meets the criteria of the Land Development Code and, based upon such finding, approve the Planned Unit Development.