



**Case # Z-544-91-94-23**  
**Z-994-23**  
**S-755-23**

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Location: NWC E 64<sup>th</sup> Ave and Colorado Blvd  
Applicant: Plan West, Inc./Hampton Yard 8, LLC  
Request: Zone Change and Subdivision Plat

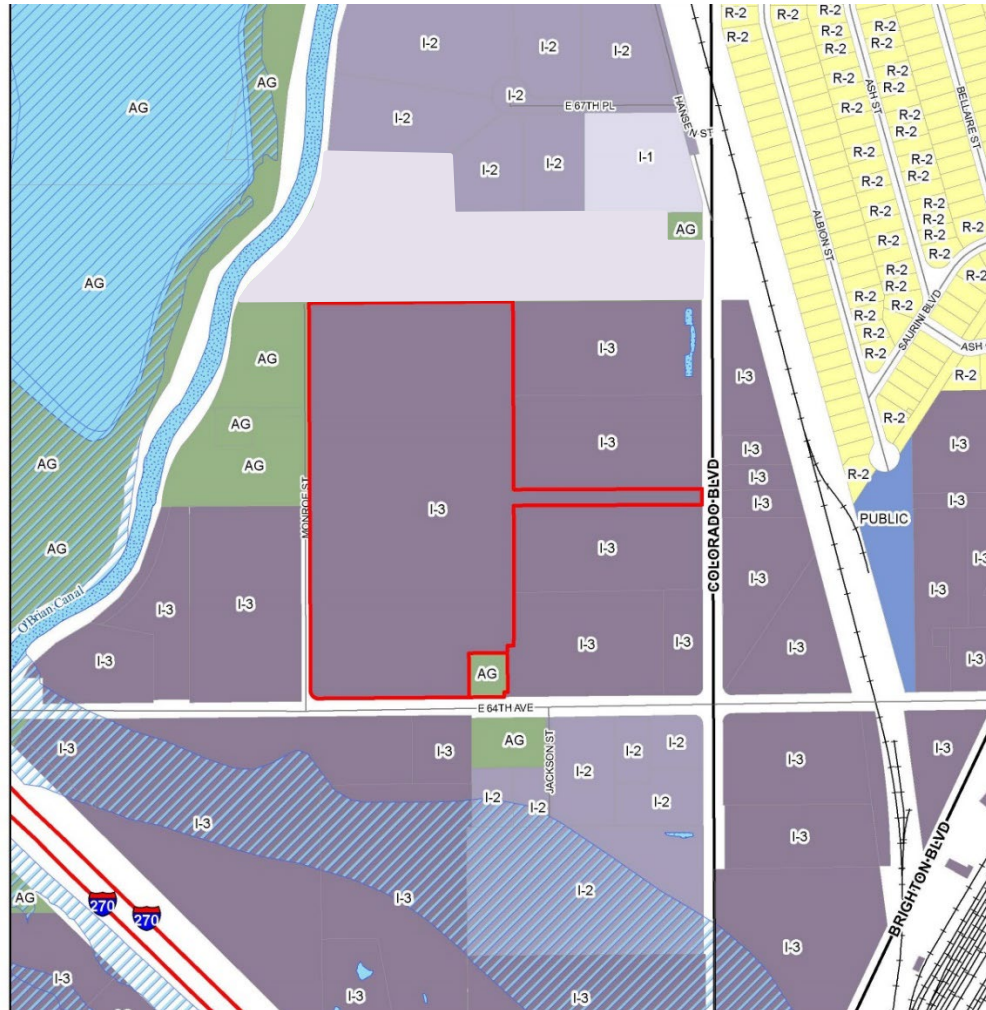
# Case Summary

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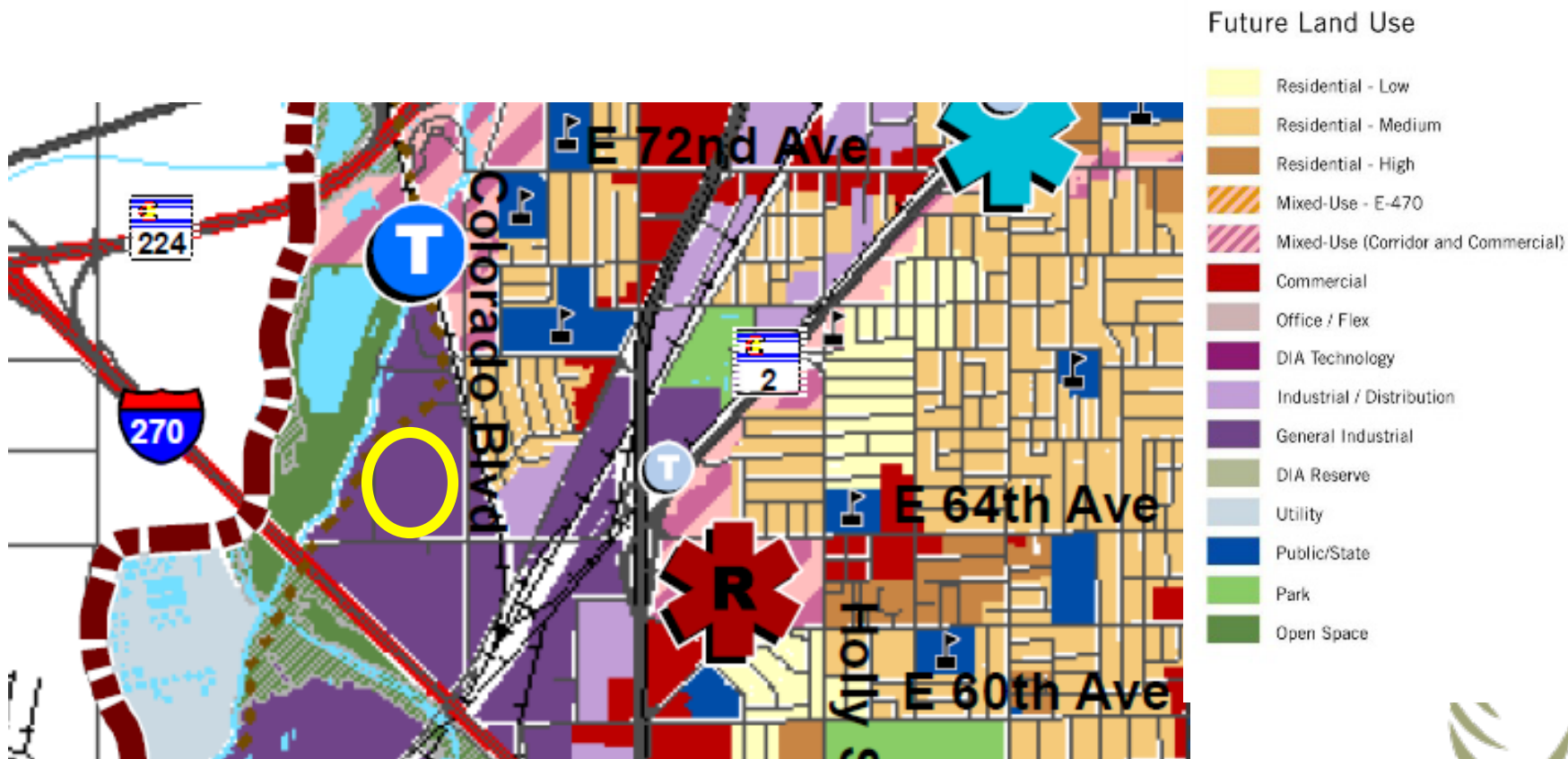
- NWC E 64<sup>th</sup> Ave and Colorado Blvd
- Request: Zone Change, Subdivision Plat
- Current zoning: I-3 with conditions, AG
  - I-3 with conditions on approx. 20 acre site from 1991
  - AG zoning on 0.41 acres from incorporation
- Proposed zoning: I-3
- Future land use: General Industrial
- Zone Change and Consolidation Plat concurrent and codependent
- Concurrent Development Plan (D-409-23) under administrative review



# Vicinity Map



# Future Land Use Plan



# Background and Applicant's Request

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- Currently developed with industrial uses, approx. 20.492 acres on north side of E. 64<sup>th</sup> Ave
- Former landfill site, with mitigation
  - TCHD, CDPHE did not object to the rezone
- Existing structures to be reused for offices
- Proposed use of industrial park
  - **Rezone all to I-3 and consolidate into one lot**
  - 4 lease sites, access from E. 64<sup>th</sup> Ave and Colorado Blvd.
  - On-site improvements proposed, such as looped water line, fire lane, landscaping
  - No new Development Agreement required

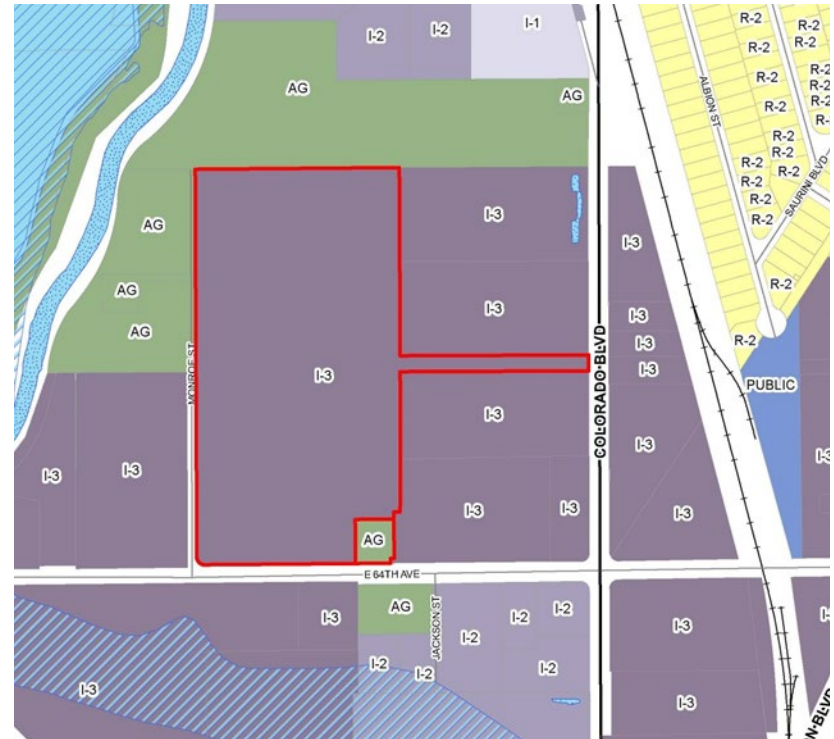
# Background and Applicant's Request

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- Site clean-up
- Working with Code Enforcement to come into compliance
- Working with CDPHE and Adams County Health Department for compliance

# Z-544-91-94-23

- Zoning of approx. 20 acres to I-3 with conditions
- Included 4 conditions
- Request to remove all conditions and zone to I-3



# 1991 Zoning Conditions

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- A. Specific Development Plans for the subject property shall be reviewed by the Planning Commission and approved by the City Council prior to any of the following: site improvements of any kind; change in use; development of any kind; issuance of building permits, or subdivision.
- B. The requirements for Development Plan approval shall be recorded against the deed of the subject property in the form of a deed restriction, or covenant with the Adams County Clerk and Recorder.
- C. The applicant shall enter into a Development Agreement with the City for future public improvements.
- D. A specific Development Plan for the truck painting operation now located on the subject property shall be submitted by the applicant for review by the Planning Commission and approved by the City Council within ninety (90) days after the effective date of this ordinance, and failure to obtain such approval shall cause the truck painting operation to (1) terminate on the subject property and (2) not be located or placed in the property adjacent to the western boundary of the subject property.



# Z-994-23

- Zone Change of approx. 0.41 acres
- Zoned AG at time of incorporation
- Request I-3 zoning



# S-755-23

- If Zone Changes approved, request to consolidate both parcels into one lot
- ROW dedicated with plat



ROW  
dedicated

0.41 acre parcel

# Site Photos

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Northwestern storage yard (ARC)



East property line and fence (adjacent property storage)

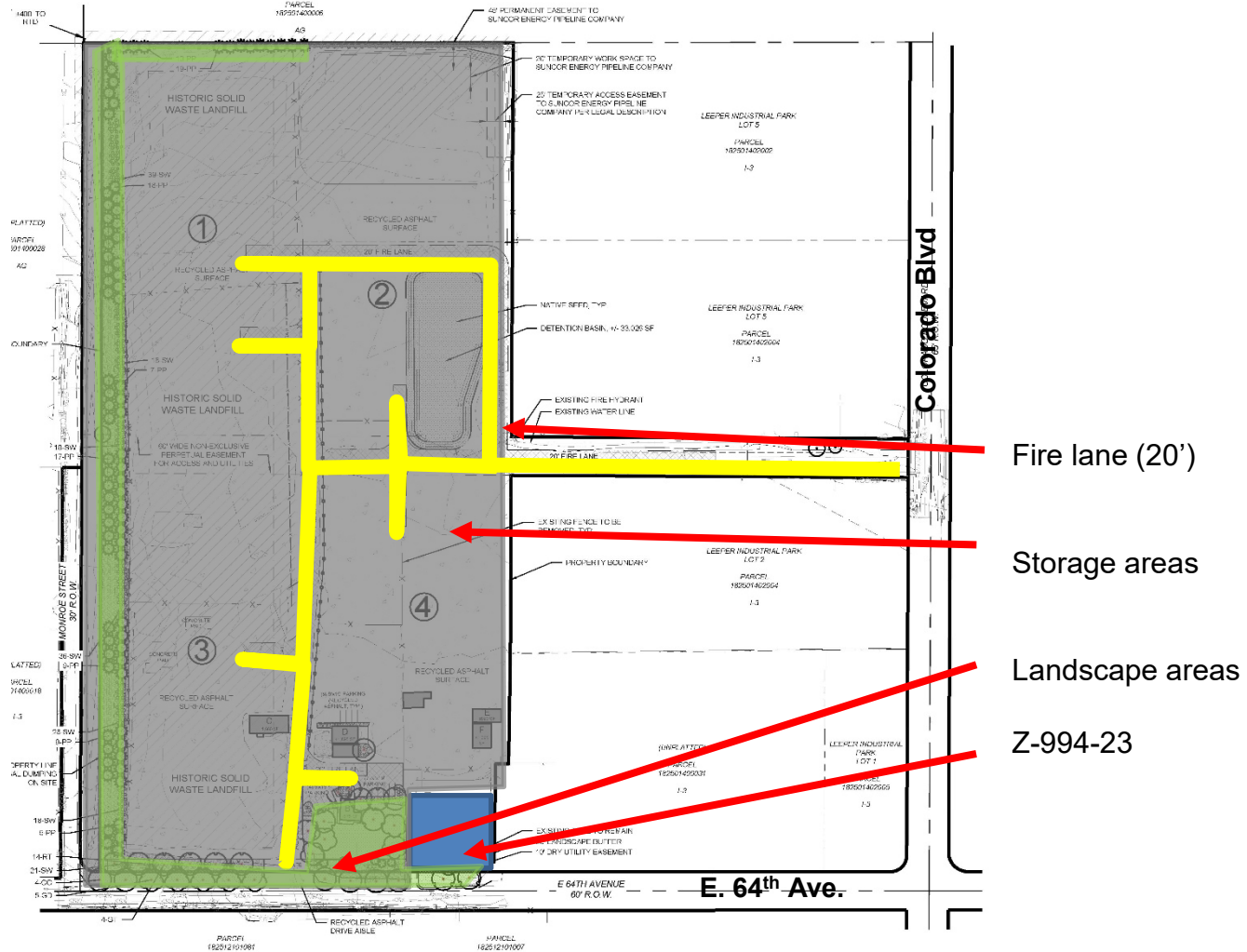
# Site Photos

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Existing buildings to remain

# Proposed Site Layout



# Planning Commission Analysis

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- The proposed I-3 zoning is consistent with the future land use for the property and Comprehensive Plan goals
- Will allow for the development of the property in an industrial area
- Proposed use in concurrent applications is consistent with I-3 zoning
- No agency review comments remaining or objections

# Public Works Analysis

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- Traffic and Roadways
- Drainage



# Environmental Analysis

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- Former landfill for approx. 6 months in 1975
- Worked with Tri-County Health Department through review to address Environmental Assessment (ESA) recommendations
  - Any structure demo comply with asbestos and lead-based paint regulations
  - No additional structures or impervious cover due to landfill (methane venting concerns)
  - Install/maintain methane monitoring
  - Empty and close any remaining underground heating/oil tanks
- Commerce City Environmental Planning concurs with ESA and recommendations
- Applicant currently working with CDPHE and Adams County Health Department as well



# Approval Criteria (Z-544-91-94-23)

## LDC Sec. 21-3232(5)

**Criteria (a)**: *The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district or;*

**Analysis**: *This proposal is not a technical mistake in the zoning map.*

**Criteria (b)**: *The zone change meets all of the following:*

**Criteria (b)(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;*

**Analysis**: *The proposed zone change is consistent with the future land use designation and the policies and goals of the comprehensive plan. This includes LU 2.1 to promote infill development.*

# Approval Criteria (Z-544-91-94-23)

## LDC Sec. 21-3232(5)

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

**Analysis**: *Surrounding uses are primarily industrial and the proposed zone is compatible with this development and the proposed use. As an infill site, the proposed development will have limited impact on the natural environment in the area. Future development will effectively mitigate environmental impacts and aid in remediation of the former landfill site.*

# Approval Criteria (Z-544-91-94-23)

## LDC Sec. 21-3232(5)

**Criteria (b)(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;*

**Analysis**: *This infill site has adequate infrastructure and future development will provide any additional or upgraded facilities. Removing the existing zoning conditions will not affect the required improvements and services, which are subject to all City required regulations.*

# Approval Criteria (Z-544-91-94-23)

## LDC Sec. 21-3232(5)

**Criteria (b)(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;*

**Analysis**: *The proposed zone and development will not impact public uses directly and adequate open space, parks, and other public uses exist in the area.*

**Criteria (b)(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;*

**Analysis**: *The proposed zone is consistent with the area, the Future Land Use Plan, and will allow the development of industrial uses.*

# Approval Criteria (Z-544-91-94-23)

## LDC Sec. 21-3232(5)

**Criteria (b)(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;*

**Analysis**: *This area has been transitioned from original AG zoning to industrial over many years and developments. Allowing this site to be fully utilized for industrial development will enable site improvements and utility on the site, and benefit the public interest.*



# Approval Criteria (Z-994-23)

## LDC Sec. 21-3232(5)

**Criteria (a)**: *The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district or;*

**Analysis**: *This proposal is not a technical mistake in the zoning map.*

**Criteria (b)**: *The zone change meets all of the following:*

**Criteria (b)(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;*

**Analysis**: *The proposed zone change is consistent with the future land use designation and the policies and goals of the comprehensive plan. This includes LU 2.1 to promote infill development.*



# Approval Criteria (Z-994-23)

## LDC Sec. 21-3232(5)

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

**Analysis**: *Surrounding uses are primarily industrial and the proposed zone is compatible with this development and the proposed use. As an infill site, the proposed development will have limited impact on the natural environment in the area. Future development will effectively mitigate any environmental impacts associated with the parcel and overall development.*

# Approval Criteria (Z-994-23)

## LDC Sec. 21-3232(5)

**Criteria (b)(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;*

**Analysis**: *This infill site has adequate infrastructure and future development will provide any additional or upgraded facilities.*

**Criteria (b)(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;*

**Analysis**: *The proposed zone and development will not impact public uses directly and adequate open space, parks, and other public uses exist in the area.*



# Approval Criteria (Z-994-23)

## LDC Sec. 21-3232(5)

**Criteria (b)(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;*

**Analysis**: *The proposed zone is consistent with the area and will allow the development of industrial uses in an industrial area. The redevelopment of this site will include site improvements.*

**Criteria (b)(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;*

**Analysis**: *This area has been transitioned from original AG zoning to industrial over many years and developments. Allowing this site to be fully utilized for industrial development will enable site improvements and utility on the site, and benefit the public interest.*

# Approval Criteria (S-755-23)

## LDC Sec. 21-3243(3)

**Criteria (a)**: *The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;*

**Analysis**: *The proposed consolidation of two parcels is consistent with the I-3 zone and proposed zone change for these parcels. The associated zone change cases and consolidation plat are concurrent and consistent requests.*

**Criteria (b)**: *The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;*

**Analysis**: *The consolidation of the two parcels is consistent with the I-3 zone and will allow the development of this property in a manner consistent with industrial uses and the Land Development Code.*

# Approval Criteria (S-755-23)

## LDC Sec. 21-3243(3)

**Criteria (c)**: *There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;*

**Analysis**: *There is no evidence to suggest that the consolidation plat will violate any state, federal, or local laws, regulations, or requirements. The applicant has demonstrated working with other regulatory agencies on site and environmental issues.*

# Approval Criteria (S-755-23)

## LDC Sec. 21-3243(3)

**Criteria (d)**: *The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;*

**Analysis**: *The proposed plat will create one lot and dedicate ROW on the west side of the property. The layout is logical and consistent with the overall pattern of development in the area.*

# Approval Criteria (S-755-23)

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## LDC Sec. 21-3243(3)

**Criteria (d)**: *The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;*

**Analysis**: *The proposed plat does not create lots or a layout that would affect city standards or make the implementation of any standards difficult.*



# Approval Criteria (S-755-23)

## LDC Sec. 21-3243(3)

**Criteria (f):** *The subdivision:*

**Criteria (f)(i):** *Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city; or;*

**Analysis:** *The proposed plat is consistent with the industrial nature of the surrounding area and will implement the Comprehensive Plan goal. It will also allow the applicant to continue to work with code enforcement, improve the site, and bring the site into conformance with standards. No traffic impacts are expected.*

# Approval Criteria (S-755-23)

## LDC Sec. 21-3243(3)

**Criteria (f)(ii)**: *Any adverse effect has been or will be mitigated to the maximum extent feasible.*

**Analysis**: *Future development will effectively mitigate environmental impacts and aid in remediation of the former landfill site. Drainage facilities and other site improvements will also aid in mitigating impacts.*

**Criteria (g)**: *Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;*

**Analysis**: *Adequate facilities and services exist in the area to serve this site. Site improvements associated with the development plan will utilize existing services and upgrade the site.*

# Approval Criteria (S-755-23)

## LDC Sec. 21-3243(3)

**Criteria (h)**: *A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements shown on the consolidation plat documents; and*

**Analysis**: *A development agreement for public improvements exists associated with the 1991 zone change. Per Commerce City Public Works, no update to the previous development agreement or new development agreement is required for this request.*

**Criteria (i)**: *As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.*

**Analysis**: *No phasing is proposed for this consolidation plat and all improvements associated with the development plan will be installed in a rational manner.*



# PC Recommendation

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- On April 18, 2023, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward all three (Z-544-91-94-23, Z-994-23, and S-755-23) requests to City Council with a recommendation for approval.

# Public Comment

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- Staff received one phone call with concerns, and one phone call requesting additional information





Staff is available to answer any questions.

The applicant is also present to speak on behalf of this request and to answer any questions that the City Council may have.





**Z-544-91-94-23 (I-3 with conditions to I-3)**

**Z-994-23 (AG to I-3)**

**S-755-23 (consolidate two parcels to one lot)**

