



Land Development Code Amendments for Early Grading Permits – Ordinance 2516

City Council Presentation – July 17, 2023



Background

- City staff have received increased inquiries by the development community requesting early grading of sites for developments.
- In order to arise to a premier development location and emulate common procedures practiced by surrounding communities, ordinance 2516 introduces Early Grading Permits to the LDC.



Proposal

- Early Grading Permits provide the ability for project owners to begin grading of a property prior to final approval of an applicable Development Plan, PUD Development Permit, Plat, or final Construction Documents.
 - Specifically, this permit allows for the clearing and grading of the property only.



Proposed Approval Criteria

- i. Erosion and sediment control plans have been submitted and comply with the city's engineering and construction standards and specifications (ECSS) and Storm Drainage Design and Technical Criteria Manual.
- ii. The subject property is not part of any active public hearing application (Zoning, Conditional Use Permit, Variance, etc.).
- iii. A preliminary drainage report, if applicable, has been approved by the City Engineer
- iv. The subject property is not located in any floodplain.

Proposed Approval Criteria Cont.

- v. A grading surety, in a form acceptable to the City has been provided to and accepted by the City in accordance with the City's laws and regulations.
- vi. No waivers or alternative standards/requirements or variances related to grading requirements are being requested or are necessary in conjunction with the Final Subdivision application.
- vii. Applicable State stormwater permit has been acquired.
- viii. Existing healthy trees greater than eight inches caliper are identified and preserved where possible.

Safeguards

- A surety is required for an Early Grading Permit
- The applicant, developer, and property owner are required to execute an assumption of risk and a release of all rights and claims of any type whatsoever.
- Language is included stipulating;
 - A Grading Permit is still required prior to infrastructure or building construction.
 - An Early Grading Permit does not create a vested right or interest
 - An Early Grading Permit does not constitute approval of roadway design, construction documents, foundation plans, or building site pad grading.
 - A 60-day stabilization requirement
 - A six-month commencement completion deadline



Sec. 21-3200. Required Review.

As a result of the proposed amendment, Early Grading Permits is added to the Administrative Application section within Table III-2. Development Review Table (see next slide).



Table III-2. Development Review Table

Application Types	Required Reviews					Reference	Lapse Period
	Staff	DRT	PC	CC	BOA		
Administrative Applications							
Building and Sign Permits	R	R ¹			H ³	§ 21-3210	6 months
Concept Plans	R	R				§ 21-3211	n/a
Development Plans	R	R	H ¹	H ¹		§ 21-3212	2 years
Floodplain Development Permits	R	R ²			H ¹	§ 21-3213	2 years
Grading Permits	R				H ¹	§ 21-3214	30 days
Minor Modifications	R	R ¹			H ¹	§ 21-3215	1 year
Temporary Use Permits	R	R ¹			H ¹	§ 21-3217	§ 21-3217
Early Grading Permits	R				H¹	§ 21-3219	6 months
Applications Requiring BOA Approval							
Height Exceptions	R	R			H	§ 21-3220	3 years
Uses-by-Permit	R	R			H	§ 21-3221	2 years
Variances	R	R			H	§ 21-3222	1 year
Applications Requiring Approval by City Council							
Annexations	R	R	H ¹	H		Division III-	n/a
Comprehensive Plan Amendments Minor	R	R	H ¹	H		§ 21-2110	n/a
Comprehensive Plan	R	R	H	H		§ 21-2110	n/a

As a result of the proposed amendment, *Early Grading Permits* is added to the *Administrative Application* section within Table III-2. Development Review Table

Key:
R: Review
H¹: Hearing upon appeal from staff decision or from director or city council request Public Hearing



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Recommendation

- Staff recommends City Council approve proposed Ordinance 2516





**Staff is available to answer
any questions at this time.**

