



## Council Communication File Number: Z-973-21-24

**Agenda Date:** 10/21/2024

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Zoning Ordinances

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE ANDERSON RANCH ANNEXATION FROM AGRICULTURAL A-3 DISTRICT TO A PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT

### Summary & Background

*The Anderson Ranch Annexation Zone Change (Ordinance Z-973-21-24) was continued from the August 15, 2024 City Council.*

The applicant is requesting approval of an annexation zoning from ADCO A-3 (Adams County Agricultural-3) to Commerce City Planned Unit Development (PUD) for a 121-acre property, located generally at 9901 Chambers Road. There is a concurrent annexation (AN-268-24) and Northern Infrastructure General Improvement District inclusion (NIGID23-0001) application under review.

The intent of the Annexation and Annexation Zoning of this property is to develop a residential neighborhood. The proposed PUD has ten Planning Areas. Four of the Planning Areas are solely meant for two residential use types; RMD (Single-Family Detached Residential District) and RMDA (Single-Family Detached and Attached Residential District). RMD, which includes Planning Areas A, C, and F, totaling 74.47, acres allow for only single-family detached dwellings. RMDA, which is only found within Planning Area B (19.16 acres), allows for single-family detached, single-family attached, and townhomes. While the PUD allows for a mix of housing types, it is possible that the entire residential portion of the site may be developed as single-family detached.

Planning area E is 3.37 acres and will be dedicated as public park space to Commerce City. This planning area is connected to a 10.09-acre school site for the 27J school district, which will be dedicated and is illustrated in planning area G. The remaining planning areas, D, H, I, and J, are for private parks and open space, totaling 13.85 acres. The school is anticipated to be an elementary school.

The approximately 121-acre property is currently used for agricultural purposes with one ranch home and accessory structures present on the property. The site is bordered by Harvest Meadows subdivision to the northeast, Foxton Village subdivision to the west, and future residential development to the west and south. Across Chambers Road to the east is the Fronterra Village subdivision and to the north are three agriculturally zoned parcels utilized as ranch style homes.

The site meets all relevant City standards and Land Development Code (LDC) requirements. There are no conditions proposed in conjunction with the annexation zoning.

A full analysis of the approval criteria is provided in the attached Zone Change report. Relevant approval criteria are as follows (LDC Sec. 21-3350(2) & 21-3251(3)).

**Zoning of Newly Annexed Land approval criteria - Land Development Code Section 21-3350(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.

**PUD Zone Document approval criteria - Land Development Code Section 21-3251(3)**

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;
- (b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;
- (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
  - ii. The PUD is required to avoid completely prohibiting a legal, permitted business use within the City;
- (d) The PUD complies with all applicable City standards not otherwise

modified or waived by the City;

- (e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- (f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
- (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;
- (h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and
- (i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

**Staff Responsible:** Jeff Brasel, Interim Community Development Director

**Staff Presenting:** Nathan Chavez, Planner II

**Financial Impact:** N/A

**Funding Source:** N/A

**Planning Commission Recommendation:** On August 6, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (3 to 0) to forward the annexation zoning request to City Council with a recommendation for approval.

**Actions:**

Approve the application, in accordance with the PC recommendation;

Approve the application with conditions; or

Deny the application