



STAFF REPORT

Planning Commission

CASE #V-94-22

PC Date:	May 3, 2022	Case Planner:	Anita Riley
CC Date:	June 6, 2022		
Location:	7001 Colorado Boulevard, Commerce City, CO		
Applicant:	Prospect, LLC	Owner:	Richdell Properties, LLC
Address:	4100 East Iliff Ave, #20 Denver, CO 80250	Address:	7905 West 120 th Ave Broomfield, CO 80020

Case Summary

Request:	Vacation of right-of-way of Colorado Boulevard
Project Description:	The applicant is requesting the vacation of a portion of Colorado Boulevard.
Issues/Concerns:	<ul style="list-style-type: none">• Need for right-of-way• Station area development
Key Approval Criteria:	<ul style="list-style-type: none">• Land Development Code (LDC) Zoning of Newly Annexed Land• Land Development Code (LDC) Zone Change Approval Criteria
Staff Recommendation:	Approval
Current Zone District:	Right-of-way
Comp Plan Designation:	Residential – High (Station Area Master Plan)

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

- ☒ Vicinity Map
- ☒ Applicant's Narrative
- ☒ Vacation Plat

Background Information

Site Information

Site Size:	.08 acres
Current Conditions:	Inactive right-of-way
Existing Right-of-Way:	Colorado Blvd
Neighborhood:	Adams City
Existing Buildings:	N/A
Buildings to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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	Industrial	Frei Gravel and Asphalt	PUD
East	Residential	ADCO residential	ADCO
South	Mixed Uses	Various residential and industrial	R-3, I-2
West	Institutional	RTD – Light Rail Station	PUBLIC

Case History

There are three additional applications that are being reviewed concurrently with this zone change application and they are noted below. A development plan application will be submitted at a future date.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-265-22	1/31/2022	Annexation for property at 7001 Colorado Blvd	In review
Z-984-22	1/31/2022	Annexation zone change for property at 7007 Colorado Blvd	In review
S-822-22	3/28/2022	Subdivision plat for property at 7001 Colorado Blvd	In review

Applicant's Request

Prospect, LLC requests approval of a vacation for a portion of Colorado Boulevard right-of-way. The vacated right-of-way will be appended to the adjacent property located at 7001 Colorado Boulevard. This request accompanies an annexation, an annexation zone change, and subdivision application that, together, would allow for the development of a multi-family residential development, located at 7001 Colorado Boulevard.

The application narrative states, *"Prospect is a development company based in Denver with a 25 year track record of creating successful residential communities."* They focus on infill and transportation oriented development as well as affordable housing, multi-family, and mixed use developments.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is a vacation of right-of-way. The Land Development Code (LDC) sets out the specific criteria for the review of vacations. Vacations of rights-of-way are first reviewed by the Development Review Team (DRT), who make a recommendation to the Planning Commission. The Planning Commission will then 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 zone changes, 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.

Site Overview:

The area of the requested vacation of right-of-way is .08 acres and it is located at the northeast corner of the property at 7001 Colorado Boulevard. If vacated, that portion of right-of-way will be appended to that property.

Right-of-Way Background:

Originally, Colorado Boulevard had a north/south orientation at the location of the proposed vacation. As the Burlington Ditch, now housed in the O'Brien Canal, interfered with intersection of E 72nd Avenue with Colorado Boulevard, the intersection was offset to the south. Eventually, the Colorado Boulevard right-of-way was realigned to avoid the Burlington Ditch alignment from the point where it intersects with E 74th Avenue. The right-of-way at 7001 Colorado Boulevard was not merged with the adjacent property though it was no longer needed.

Image A: Current Site Aerial



Image B: Portion of Commerce Town Original Map

Utilities:

No objection letters have been obtained from the Public Works Department, CenturyLink Lumen, Comcast, and Xcel Energy. Xcel Energy has indicated that there are existing electric distribution facilities in the area. However, no utilities have been identified in the area proposed for vacation.

Development:

The right-of-way proposed for vacation will be merged with adjacent property at 7001 Colorado Boulevard where the applicant anticipates constructing four story multi-family residential structures facing Colorado Boulevard. A community gathering space is expected to be programmed into the development. Parking will be located behind the structures and border the O'Brian Canal and access will be located opposite E 71st Avenue. A detention pond is will be constructed at the north side of the property and park/open space areas will be interspersed between the buildings.

Project Benefits:

The approval of the proposed vacation of right-of-way would allow land that is no longer needed to be used for stormwater management.

LDC PUD Zone Document Approval Criteria Analysis

The DRT recommendation for this case is based on the following LDC criteria, from Sec. 21-3233(3):

Sec. 21-3233(3)(b)

Approval Criteria. A vacation application may be approved if:

Criteria (i): The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;

Analysis: Divesting the city of unneeded right-of-way implements goal FS 1 of the Comprehensive Plan (Comp Plan) that strives to provide efficient infrastructure. This application also makes the vacated right-of-way available for a stormwater facility, which is consistent with goal PF 1 of the Comp Plan that promotes coordination between entities to provide infrastructure, including for stormwater management.

*Staff finds this application **meets this criterion.***

Criteria (ii): The land to be vacated is no longer necessary for the public use and convenience;

Analysis: The improvements for Colorado Boulevard at this location are fully constructed and the excess right-of-way is not necessary for public transportation use and convenience.

*Staff finds this application **meets this criterion.***

Criteria (iii): The vacation will not create any landlocked properties;

Analysis: The surrounding properties have access to either Colorado Boulevard, 70th Avenue, or 72nd Avenue.

*Staff finds this application **meets this criterion.***

Criteria (iv): The vacation will not render access to any parcel unreasonable or economically prohibitive;

Analysis: This vacation does not impact in any way the access to the subject property or surrounding properties.

*Staff finds this application **meets this criterion.***

Criteria (v): The vacation will not reduce the quality of public services to any parcel of land; and

Analysis: There will be no change to the quality of public services to any parcel of land as a result of the vacation.

*Staff finds this application **meets this criterion.***

Criteria (vi): A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.

Analysis: A separate subdivision plat is under review to include the vacated right-of-way with a larger development parcel.

*Staff finds this application **meets this criterion.***

Referral Agency Comments:

Public Works

The Public Works Department reviewed the drainage report and traffic study. Revisions were requested and provided.

Parks and Recreation

The Parks and Recreation Department noted a park fee-in-lieu of land dedication would be required. Information was provided regarding a possible trail along the O'Brian Canal.

South Adams County Fire Department

The SACFD noted that an impact fee will be required.

FRICO

FRICO provided comments related to drainage and setback requirements. The comment letter identified various agreements and permits that the applicant will need to obtain and noted that the canal road may not be used for access.

Xcel Energy

Xcel Energy noted that there are existing electric distribution facilities in the area and additional easements will be need to be acquired by separate document for new facilities. They have no conflict with the vacation of ROW.

Summary Analysis:

This vacation application meets the LDC criteria relevant to the vacation of right-of-way. The land proposed for vacation is no longer needed as Colorado Boulevard is fully constructed. It will be incorporated into a plat and zoned with the adjacent property at 7001 Colorado Boulevard.

Development Review Team Recommendation

The DRT discussed this case, 7001 Colorado Vacation Plat V-94-22, in a meeting on April 21, 2022. There were no significant issues/comments made and so the DRT made an official recommendation of approval for this particular case before Planning Commission.

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a zone change as set forth in the Land Development Code and recommends that the Planning Commission forward the zone change request to the City Council with a favorable recommendation.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested vacation for a portion of right-of-way located at **7001 Colorado Boulevard** contained in case **V-94-22** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the vacation of right-of-way.

Alternative Motions

To recommend approval with conditions:

I move that the Planning Commission enter a finding that the requested vacation for a portion of right-of-way located at the **7001 Colorado Boulevard** contained in case **V-94-22** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the vacation of right-of-way, subject to the following conditions:

Insert conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested vacation for a portion of right-of-way located at the **7001 Colorado Boulevard** contained in case **V-94-22** 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 vacation of right-of-way.

To continue the case:

I move that the Planning Commission continue the requested vacation for a portion of right-of-way located at **7001 Colorado Boulevard** contained in case **V-94-22** to a future Planning Commission agenda.