



AN-260-22 & Z-971-21-22 Eberly Place Annexation and Planned Unit Development

Location: 10070 Potomac Street.....

Applicant: Daniel R. Sheldon, UDC Miller LLC

Request: Annexation and zoning to PUD

Disclaimer

- Staff enters into the public record the contents of the case file, the annexation zoning regulations, and this digital presentation.
- Additionally, the property is located within the City of Commerce City. All required notification and posting requirements have been met. Therefore, the City Council has jurisdiction to hear this case.



Public Hearing Summary

- In accordance with Sections 21-3251(3) and 21-3350(2) of the Land Development Code (LDC), Planned Unit Development (PUD) applications are reviewed by the Development Review Team (DRT) and the Director of Community Development
- Planning Commission holds a public hearing and provides a recommendation to the City Council
- City Council holds a public hearing and makes a final decision to approve, approve with conditions, or deny the application based on the approval criteria from Section 21-3251(3) and 21-3350(2)



Annexation Act Eligibility

- The City Council adopted a plan for the area to be annexed pursuant to CRS 31-12-105(1)(e).
- At least 1/6 of the area to be annexed contiguous with the existing boundaries of the City of Commerce City.
- A community of interest exist between the areas proposed to be annexed and the City of Commerce City.
- The areas proposed to be annexed are urbanized, or will be urbanized, in the near future.
- The areas proposed to be annexed are integrated, or capable of being integrated, with the City of Commerce City.
- All of the owners of the lands to be annexed have signed the petition for annexation.



Annexation Act Eligibility

- The proposed annexation will not result in the detachment of area from any school district and the attachment of such area to another school district.
- The annexation petitions meet the requirements of law.
- The proposed annexations will not have the effect of extending the boundaries of the City of Commerce City more than three miles in any direction from any point of such boundary in any one year.
- The entire width of any street or alley proposed to be annexed is included in the annexation.
- All requirements of CRS 31-12-104, CRS 31-12-105, and Section 30 of Article 2 of the state Constitution have been satisfied with respect to this annexation.
- No annexation proceedings have been effectively commenced for any of the land proposed to be annexed to any other municipality.

Request

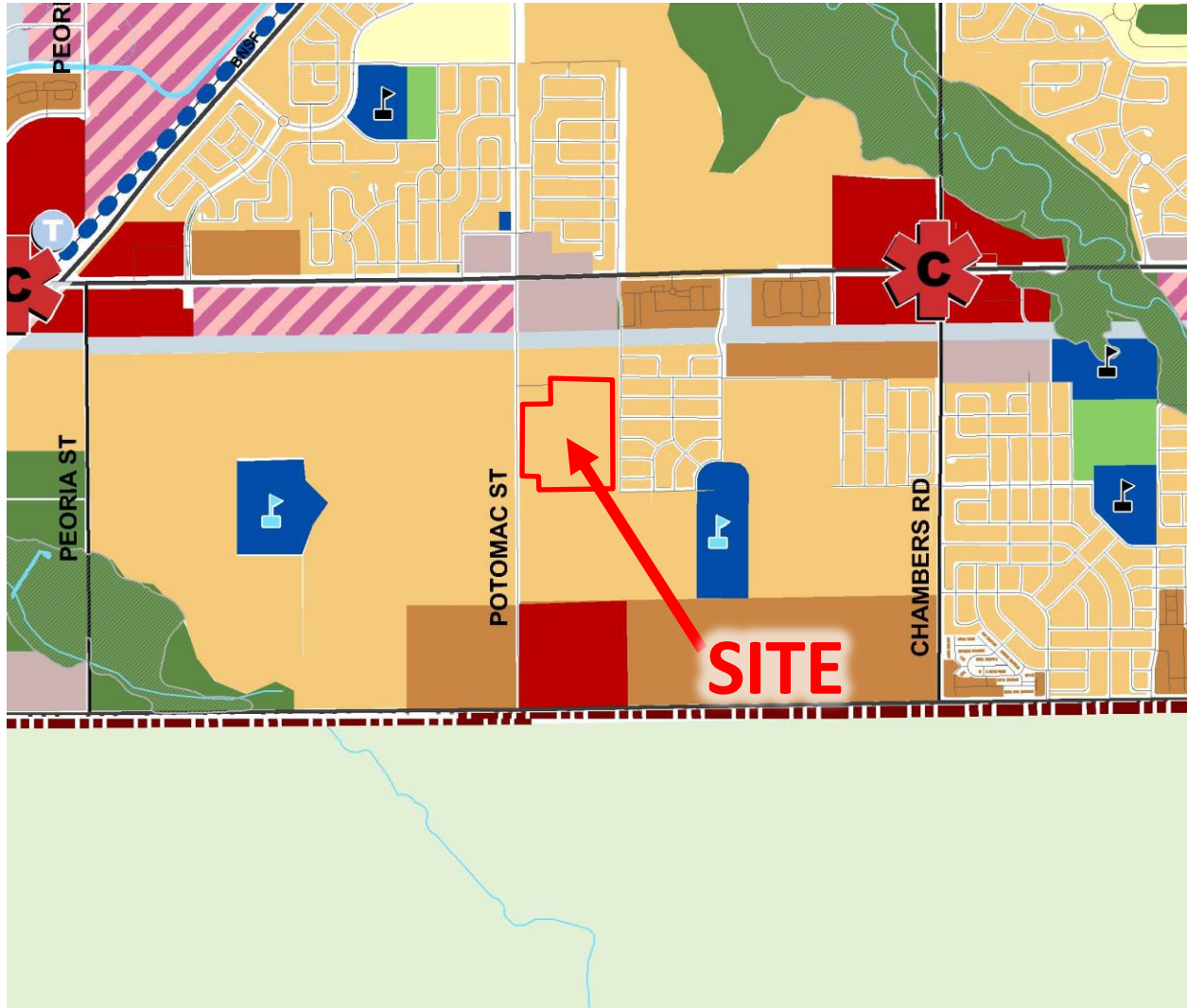
Annexation and zoning of Adams County property from ADCO A-3 to Commerce City PUD (Planned Unit Development)

- Project size: 33.5 acres
- Comprehensive Plan Designation: Residential – Medium (4-8 DU/ac)
- Property to be re-subdivided into 164 lot residential subdivision (4.9 DU/ac)
- Two planning areas proposed, one allowing duplexes and SFD, the other only single-family detached
- Applicant is also applying for NIGID inclusion (to be approved by Council and NIGID Board)

Aerial



Future Land Use Plan



Future Land Use

- Residential - Low
- Residential - Medium
- Residential - High
- Mixed-Use - E-470
- Mixed-Use (Corridor and Com)
- Commercial
- Office / Flex
- DIA Technology
- Industrial / Distribution
- General Industrial
- DIA Reserve
- Utility
- Public/State
- Park
- Open Space

Case History

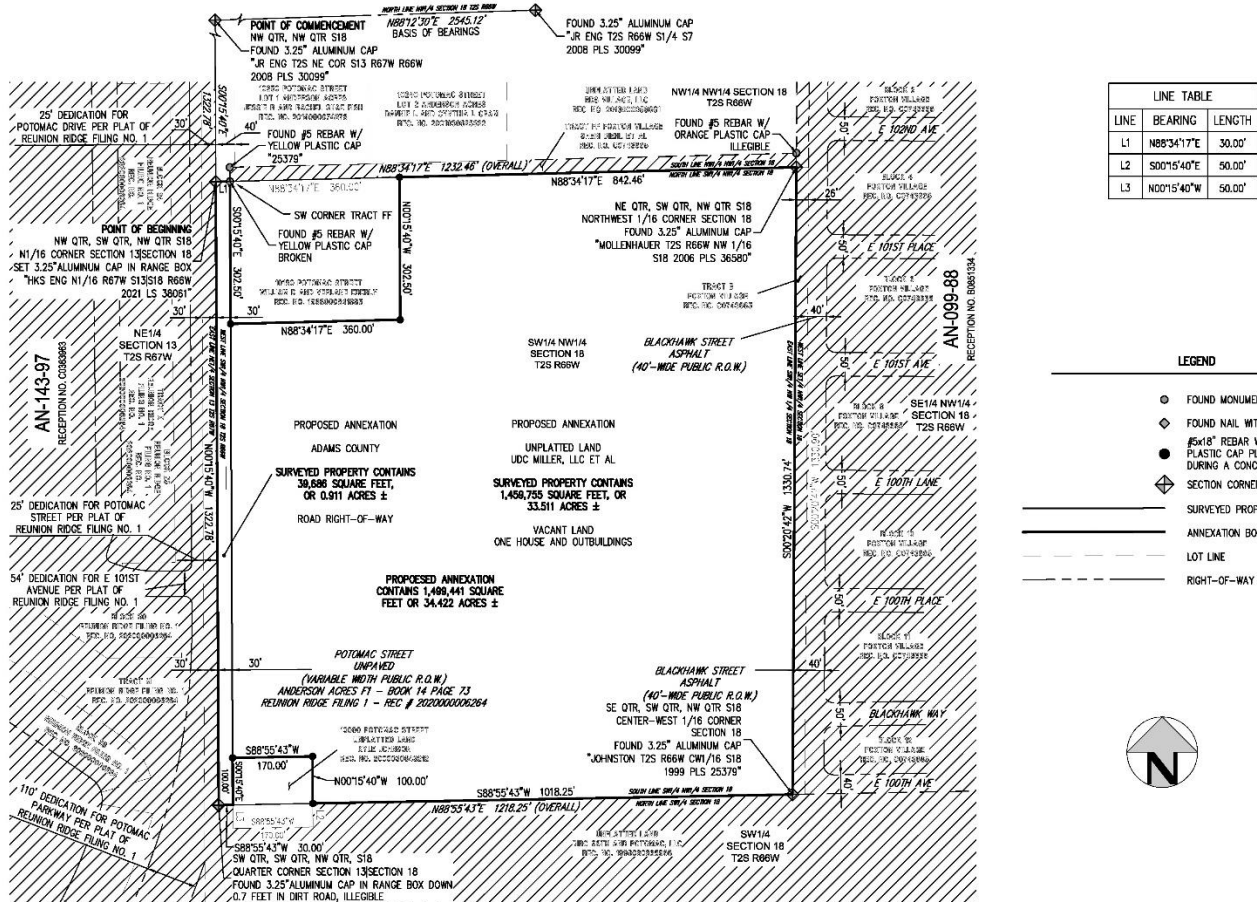
- Mostly vacant site with a single-family home
- Surrounded by Reunion and Foxtan Village PUD's, the applicant wishes to annex and zone to a PUD with similar density and single-family residential uses
- Final plat and PUD development permit applications are also currently under review
- NIGID application will also be reviewed by City Council

Proposed Annexation

EBERLY PLACE ANNEXATION MAP AN-260-21

TO THE CITY OF COMMERCE CITY

SITUATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 SECTION 18, TOWNSHIP 2 SOUTH, RANGE 66 WEST OF THE 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO



Proposed PUD

- Pages 1 & 2
- Cover Sheet and Legal Description
- Project Summary and Intent

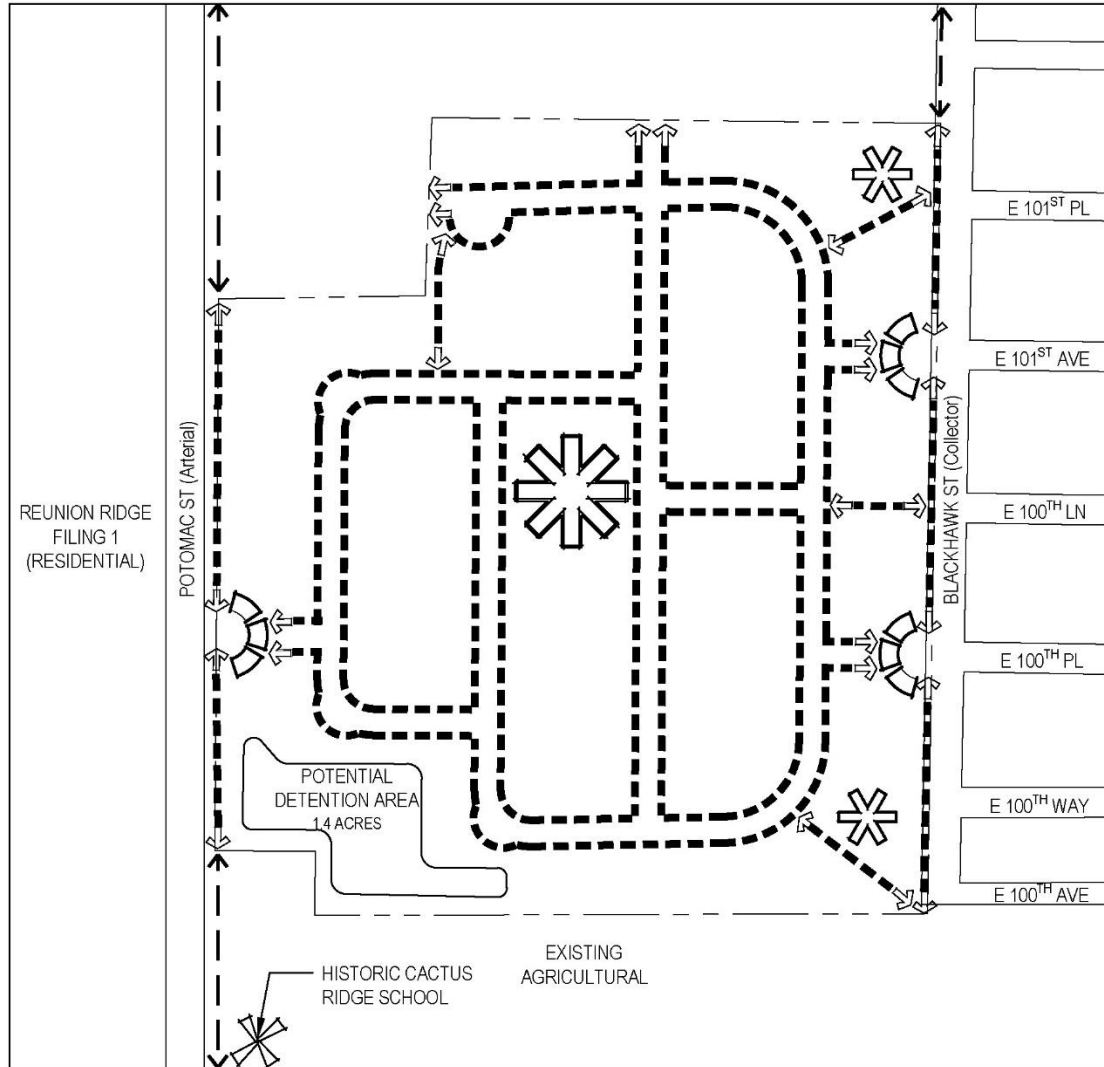


Proposed PUD

- Page 3
- Provides Community Design Elements, locations of entryways, pedestrian connections, parks, drainage area, and historic Cactus Ridge school



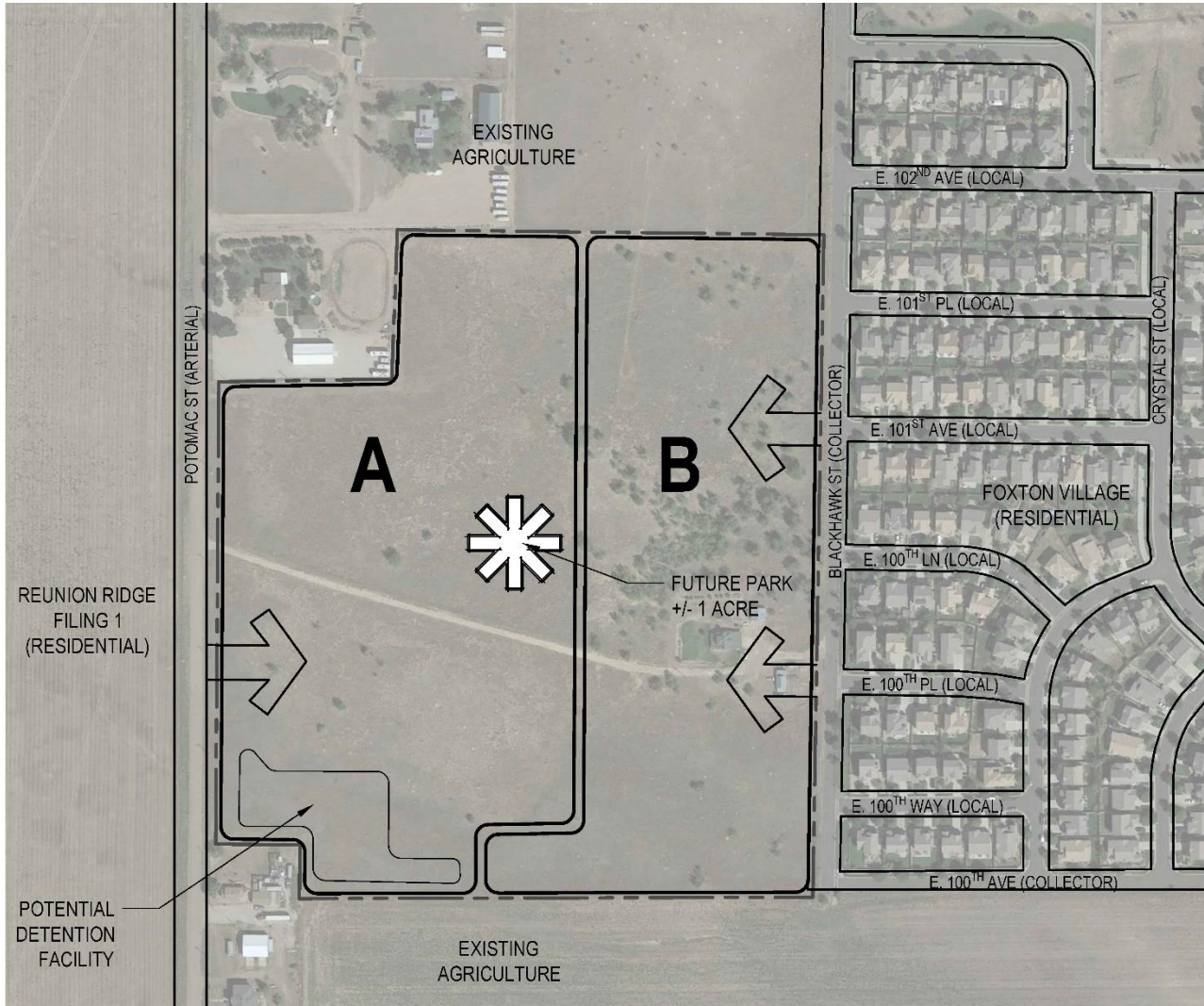
Proposed PUD



Proposed PUD

- Page 4
- Includes PUD Zoning Land Use Chart and PUD Zoning Map
- PUD splits the lots into two planning areas
- Planning Area A would be allow both single-family detached and duplex units
- Planning Area B allow only single-family detached, transitioning to less dense Foxton Village
- 3% of site must be utilized for private parks

Proposed PUD



Proposed PUD

PLANNING AREA	USE	DESCRIPTION OF USES	ACRES	% OF TOTAL	PERMITTED GROSS DENSITY	MAX. DWELLING UNITS
A	Residential	Potentially includes a mix of single-family detached and duplex residential land uses.	18.5 AC	55.2%	4-8 DU/AC	260
B	Residential	Potentially includes single-family detached residential land uses.	15.0 AC	44.8%	4-8 DU/AC	
	Park	Neighborhood parks				
	Open Space	Drainage Facility, Open Space and Trails				
Total Land Area		-	33.5 AC			



Proposed PUD

- Page 5 & 6
- Bulk standards (lot size, lot width, setbacks, etc.) for Planning Areas A & B, respectively



Proposed PUD

STANDARDS <small>(1)</small>	USES		
	Single-Family Detached Residential with Front-Loaded Garage	Single-Family Detached Residential with Rear-Loaded Garage	Duplexes <small>(6)</small>
Lot Size (Min.)	4,000 SF	3,000 SF	2,000 SF
Lot Width (Min.) <small>(2)</small>	40'	35'	20'
Min. Gross Floor Area <small>(3)</small>	700 SF (1-Story)	700 SF (1-Story)	700 SF (1-Story)
	1,400 SF (2-Story)	1,400 SF (2-Story)	1,250 SF (2-Story) per dwelling unit
Setback (Min.) for all Structures Adjacent to Arterial <small>(4,5,6)</small>	25'	25'	25'
Setback (Min.) for all Structures Adjacent to Collector <small>(5,6)</small>	20'	20'	20'
Front Yard Setback (Min.) <small>(4,5,6,7)</small>	10' to Living	10' to Living	10' to Living
	20' to Garage	N/A	20' to Garage
Side Yard Setback (Min.) <small>(4,5,6,7)</small>	5'	5'	5' to exterior wall
	10' (Side Corner Lot Condition)	10' (Side Corner Lot Condition)	0' common wall
			10' side corner
Rear Yard Setback <small>(4,5,6,7)</small>	20' (min.)	6' (max. no parking)	15' (Front-Loaded)
		20' (min. parking allowed)	6' (Rear-Loaded, max. no parking)
			20' (min. parking allowed)
Building Height (Max.)	35'	35'	35'
Accessory Use: Building Height (Max) <small>(8,9)</small>	15'	15'	15'
Accessory Use: Front Yard Setback (Min.) <small>(4,5,6,7,8)</small>	No closer than front facade of primary structure	No closer than front facade of primary structure	No closer than front facade of primary structure
Accessory Use: Side Yard Setback (Min.) <small>(4,5,6,7,8)</small>	3'	3'	3'
Accessory Use: Rear Yard Setback (Min.) <small>(4,5,6,7,8)</small>	3'	3'	3'

PLANNING AREA

A



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Proposed PUD

STANDARDS <small>(1)</small>	USES	
	Single-Family Detached Residential with Front-Loaded Garage	Single-Family Detached Residential with Rear-Loaded Garage
Lot Size (Min.)	4,000 SF	3,000 SF
Lot Width (Min.) <small>(2)</small>	40'	35'
Min. Gross Floor Area <small>(3)</small>	700 SF (1-Story)	700 SF (1-Story)
	1,400 SF (2-Story)	1,400 SF (2-Story)
Setback (Min.) for all Structures Adjacent to Arterial <small>(4,5,6)</small>	25'	25'
Setback (Min.) for all Structures Adjacent to Collector <small>(4,5,6)</small>	20'	20'
Front Yard Setback (Min.) <small>(4,5,6,7)</small>	10' to Living	10' to Living
	20' to Garage	N/A
Side Yard Setback (Min.) <small>(4,5,6,7)</small>	5'	5'
	10' (Side Corner Lot Condition)	10' (Side Corner Lot Condition)
Rear Yard Setback <small>(4,5,6,7)</small>	20' (min.)	6' (max. no parking)
		20' (min. parking allowed)
Building Height (Max.)	35'	35'
Accessory Use: Building Height (Max) <small>(7,8)</small>	15'	15'
Accessory Use: Front Yard Setback (Min.) <small>(4,5,6,7,8)</small>	No closer than front facade of primary structure	No closer than front facade of primary structure
Accessory Use: Side Yard Setback (Min.) <small>(4,5,6,7,8)</small>	3'	3'
Accessory Use: Rear Yard Setback (Min.) <small>(4,5,6,7,8)</small>	3'	3'

PLANNING AREA

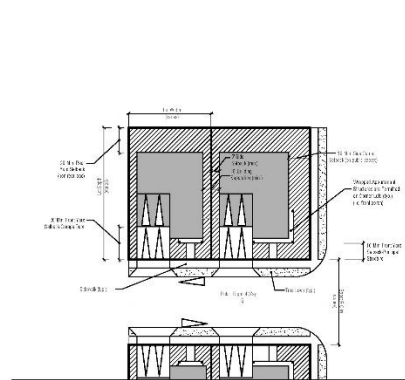
B



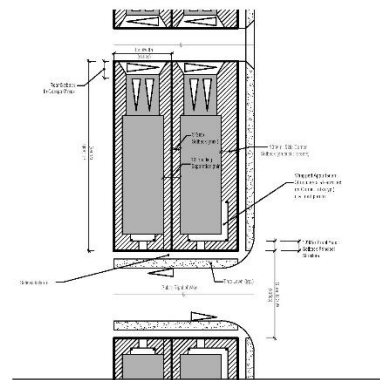
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Proposed PUD

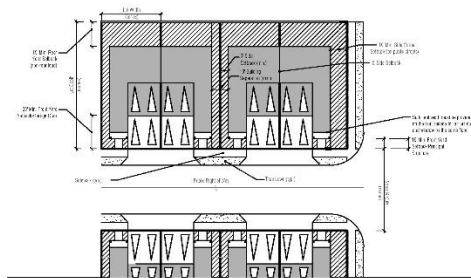
○ Page 7 – Lot Typicalals



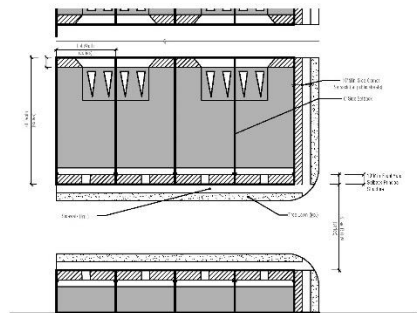
SINGLE FAMILY DETACHED - FRONT LOAD GARAGE - TYPICAL NOT TO SCALE
CONCEPTUAL DRAWING SUBJECT TO CHANGE



SINGLE FAMILY DETACHED - REAR LOAD GARAGE - TYPICAL NOT TO SCALE
CONCEPTUAL DRAWING SUBJECT TO CHANGE



DUPLEXES - FRONT LOAD GARAGE - TYPICAL NOT TO SCALE
CONCEPTUAL DRAWING SUBJECT TO CHANGE

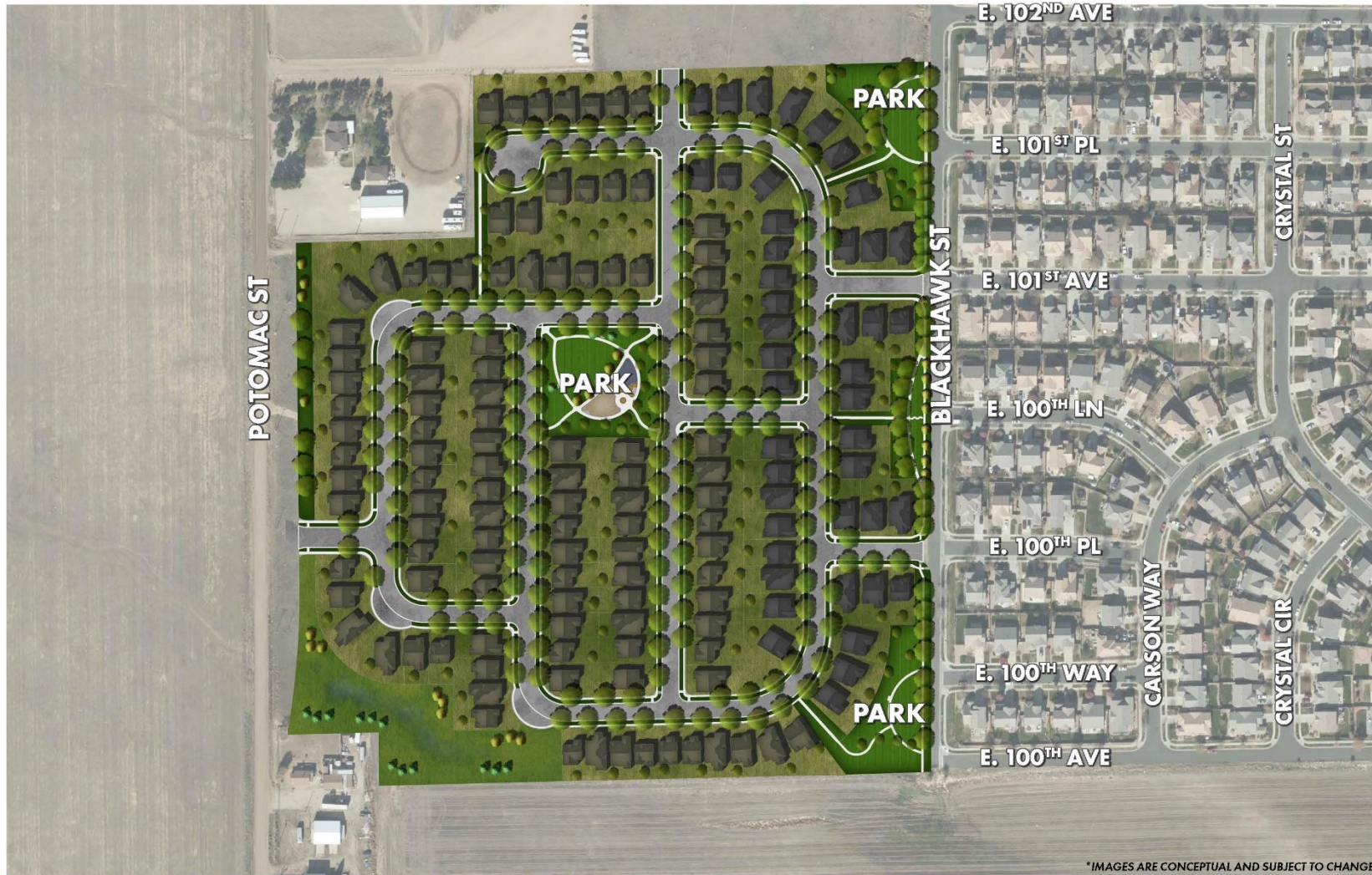


DUPLEXES - REAR LOAD GARAGE - TYPICAL NOT TO SCALE
CONCEPTUAL DRAWING SUBJECT TO CHANGE



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Proposed Development Plan



DRT & PC Analysis

- Staff distributed the requested zone change and annexation applications for review to all relevant referral agencies, including utility companies, SACFD, and internal City departments.
- The DRT does not have any concerns with the proposed zone change or annexation



DRT & PC Analysis

- Proposed PUD zoning is appropriate for this site:
- Proposal is consistent with the Commerce City Comprehensive Plan designation for the property
- Most discussion took place around traffic flow and public improvements
- Right-of-way dedication and improvements for Potomac St. and Blackhawk St.
- Worked with MHFD on drainage pond- current condition serving this development, but will later be expanded to a regional drainage pond



DRT & PC Analysis

- Project Benefits:
 - The approval of the zone change will help implement the community vision for this area as established by the Comprehensive Plan by providing medium-density residential development connecting multiple Commerce City neighborhoods
 - Project approval will also fund needed public improvements to the area



Neighborhood Meetings

- Neighborhood meeting took place virtually on 9/29/21
- Main issues raised:
 - Off-site traffic concerns (left turns onto 104th Ave.)
 - Project financing
 - Construction impact mitigation
 - Home pricing and construction
 - City transportation plans
 - School capacity
 - Infrastructure improvements



Required Public Notification

(Pursuant to LDC Sec. 21-3285)

Type of Notification	Code Required	Code Required Minimum Met	Notification Provided
Mail/Postcard to Adjacent Property Owners	Mailed Notification to property owners within 500 feet	✓	130 Adjacent Property Owners Notified
Publication/ Newspaper Notice	Notice in local newspaper	✓	Notice in Commerce City Sentinel
Placard/Sign on Property	At least one sign on subject property	✓	3 Signs Posted

- One public comment letter has been received by staff as of May 2nd, 2022

Recommendation

Sec. 21-3340. – Annexation Approval Criteria.

The annexation application may be approved if:

(1) The annexation is in compliance with applicable state laws and this land development code;

- **Staff finds this application to meet this criterion. The annexation application has been reviewed by staff and external agencies and has been found to be in compliance with all applicable state laws and the Commerce City LDC.**

(2) The annexation is consistent with the comprehensive plan, and the best interests of the city would be served by annexation of such property;

- **Staff finds this application to meet this criterion. The proposed Planned Unit Development associated with this annexation request meets the intent and policies of the Comprehensive Plan and Future Land Use Map categories of Residential – Medium.**



Recommendation

Sec. 21-3340. – Annexation Approval Criteria.

(3) The property is within the Municipal Service Area (MSA) of the Commerce City Growth Boundary as stated in the comprehensive plan. No property outside of the MSA or Growth Boundary shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property and provided a land use plan for the area proposed to be annexed is submitted together with the annexation application;

- **Staff finds this application to meet this criterion. This property is within the Municipal Service Area of the Commerce City Growth Boundary.**

(4) The property is capable of being integrated into the city in compliance with all applicable provisions of this land development code;

- **Staff finds this application to meet this criterion. This annexation application was reviewed by staff and external review agencies and was found to be in compliance with all applicable provisions of the Commerce City LDC.**

Recommendation

Sec. 21-3340. – Annexation Approval Criteria.

(5) At the time any development of the area proposed to be annexed is completed, there is a reasonable likelihood that capacity will exist to adequately serve residents or users of such area with all necessary utilities, municipal services and facilities; and

- **Staff finds this application to meet this criterion. This annexation application was referred to all applicable utility companies, fire and police departments, school district, and internal agencies and all reviewers found that reasonable capacity exists to serve this annexation.**

(6) The annexation boundaries are configured such that the annexation will not limit the city's ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed.

- **Staff finds this application to meet this criterion. The annexation boundaries will not limit the City's ability to integrate surrounding land into the City or cause variances or exceptions to be granted if the land is developed.**

Recommendation

In accordance with LDC, Sec. 21-3350. Zoning of Newly Annexed Land:

Criteria for Zoning Annexed Land (1 required to be met)	Rationale
The zoning is most compatible with the city's comprehensive plan designation for the property;	The comprehensive plan identifies the subject property for medium-density residential uses. The proposed PUD reflects these uses.
The zoning is most compatible to the county zoning of the property at the time of annexation; or	The current county zoning of A-3 does not match our Comprehensive Plan.
The zoning is most comparable to the present use(s) on the property.	N/A

Recommendation

Sec. 21-3251. - PUD Zone Documents.

(3) *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 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 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.**

Recommendation

Sec. 21-3251. - PUD Zone Documents. (cont'd)

(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 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;

Recommendation

Sec. 21-3251. - PUD Zone Documents. (cont'd)

(d) The PUD complies with all applicable city standards not otherwise modified or waived by the city;

- **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 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.**



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Recommendation

Sec. 21-3251. - PUD Zone Documents. (cont'd)

(f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;

- **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 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.**



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Recommendation

Sec. 21-3251. - PUD Zone Documents. (cont'd)

(h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and;

- **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 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.**

Recommendation

- DRT recommends that the City Council vote to **approve** this annexation request (AN-260-22).



Recommendation

- Planning Commission met via public hearing on May 3rd, 2022 and voted 4-1 recommending that the City Council vote for **approval** this annexation zoning request (Z-971-21-22).



City staff and the applicant are available to answer questions.

