



Council Communication

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Status: Agenda Ready

In Control: City Council

File Type: Ordinance

FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE QUIKTRIP ANNEXATION FROM ADAMS COUNTY A-3, AGRICULTURE TO A PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT

Summary & Background

QuikTrip Corporation is requesting the approval of a property for annexation zoning into the City of Commerce City. The parcel is approximately 14.7 acres in size and is currently vacant. The subject property is located at the southwest corner of East 81st Avenue & Tower Road (PIN172328400003) and is proposed to be rezoned to a Planned Unit Development (PUD). Three planning areas have been proposed with the QuikTrip PUD, one allowing a QuikTrip Fuel Center/Convenience Store, one allowing future commercial development (no tenant specified at this time), and the other for open space with no development. This case is in conjunction with the annexation zoning case Z-962-20-22, and inclusion into the E-470 Commercial General Improvement District case ECAGID-015-23.

Approval Criteria

Approval Criteria Section 21-3350 Zoning of Newly Annexed Land may be approved only if:

Criteria (1): Generally, zoning of newly-annexed land or land in the process of annexation shall be considered an initial zoning and should represent good planning principles and be consistent with the goals and land use designations of the comprehensive plan.

- **Analysis:** The commercial uses proposed are intended to serve the surrounding area and provide a unique product that is in line with the vision of the Comprehensive Plan for this area as a commercial focused corridor along Tower Rd.
 - o Staff finds this application meets this criterion.

Criteria (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.

- **Analysis:** This application meets criteria “a” as the proposed uses are most compatible with the Comprehensive Plan Future Land Use Plan. The Commerce City Comprehensive Plan projects this property and properties in the surrounding area to be commercial and provide services that will benefit those that live in the area, as well as convenient access from Tower Rd and Pena Blvd.

- Staff finds this application meets this criterion.

Criteria (3): Land Use Approvals. In the event it is determined by the city or the applicant that development approvals for the land to be annexed should be obtained concurrently with the annexation application and initiation of zoning, the applicant may initiate the development approval process required elsewhere in this land development code for such development approval along with the annexation process and the city council may consider the proposed development application, including any concept plan, development plan, and any applicable comprehensive plan amendment(s) when the annexation ordinance is considered under first reading.

- **Analysis:** An annexation application for the Adams County property has been included with this zoning application. Subdivision and PUD Development Permit applications will be processed following the annexation and zoning hearings.

- Staff finds this application meets this criterion.

Criteria (4): Sequence of Events. Neither an ordinance proposing zoning of land to be annexed or proposing development approvals for the land to be annexed shall be finally adopted by the city council prior to the date of final adoption of the annexation ordinance.

- **Analysis:** The zoning ordinance is proposed concurrently with the annexation ordinance.

- Staff finds this application meets this criterion.

Approval Criteria Section 21-3251(3) a PUD zone document application may be approved if:

Criteria (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;

- **Analysis:** The future land use plan designation for this property is Commercial.

The proposed PUD accurately reflects the intent and desired uses within the Comprehensive Plan for this property and the general area.

- o Staff finds this application meets this criterion.

Criteria (b): The PUD zone document is consistent with any previously reviewed PUD concept schematic;

- **Analysis:** The proposed PUD is consistent with the concept schematic that was reviewed in March 2020. The vision for the planning areas, access, and land use matches what the PUD is proposing.

- o Staff finds this application meets this criterion.

Criteria (c): The PUD 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;

- **Analysis:** The proposed PUD and corresponding Design Standards and Guidelines will establish design standards that exceed the Land Development Code and provide a unique product with enhanced architecture, landscaping, signage, fencing, and lighting. The commercial uses allowed within the PUD will provide services that align with the Comprehensive Plan's vision for this area.

- o Staff finds this application meets this criterion.

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

- **Analysis:** The proposed PUD meets all applicable city standards and is consistent with the Future Land Use Plan.

- o Staff finds this application meets this criterion.

Criteria (e): The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;

- **Analysis:** Sidewalks provide right-of-way connections from E 81st Ave and Tower Rd to the development. There is vehicular and pedestrian connectivity between the planning areas and a future regional trail is proposed to the west in Planning Area C.

- o Staff finds this application meets this criterion.

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

- **Analysis:** The subject property is surrounded by existing commercial vehicle uses such as a gas station (north), and airport parking (east and west). The PUD limits only Planning Area A (hard corner of E 81st and Tower) to allow gas stations and vehicle service as to limit the amount of automobile uses in the area.

- o Staff finds this application meets this criterion.

Criteria (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;

- **Analysis:** This property is under application to be included into the E-470 Commercial Area General Improvement District which provides financial consideration for the installation and maintenance of utilities/services. Commerce City Public Works, South Adams County Water Sanitation District, South Adams County Fire Department, and Mile High Flood District were all included in the review of this project.

- o Staff finds this application meets this criterion.

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

- **Analysis:** The proposed phasing of this project is appropriate. The QuikTrip gas station and convenience store will be developed first on the hard corner and commercial development will follow to the south.

- o Staff finds this application meets this criterion.

Criteria (i): The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

- **Analysis:** The proposed commercial uses could not be accomplished under a straight zone within Adams County nor Commerce City. The property must be annexed and re-zone to Commerce City PUD to allow the commercial uses and design for this development. The PUD zone district allows this property to be developed in a way that fits the vision from the Comprehensive Plan.

- o Staff finds this application meets this criterion.

Staff Responsible (Department Head): Tricia McKinnon, Acting Community

Development Director

Staff Presenting: Dalton Guerra, City Planner III

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: On March 7, 2023, the Planning Commission held a public hearing, took testimony, and voted (4 to 1) to forward the annexation zoning request to City Council with a recommendation for approval.

Suggested Motion: I move that the City Council enter a finding that the requested annexation zoning for the subject property contained in case Z-962-20-23 meets the criteria of the Land Development Code and, based upon such finding, approve the Planned Unit Development.