



# STAFF REPORT

## Planning Commission

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### CASE #Z-934-16

<b>PC Date:</b>	May 3, 2016	<b>Case Planner:</b>	Paul Workman
<b>CC Date:</b>	July 18, 2016 (potentially subject to change)		
<b>Location:</b>	North of E. 112 <sup>th</sup> Avenue between Potomac Street and Chambers Road (PIN: 172306000013 and PIN: 172306200001)		
<b>Applicant:</b>	The City of Commerce City 7887 E. 60 <sup>th</sup> Avenue Commerce City, CO 80022	<b>Owner:</b>	Same as Applicant

### Case Summary

<b>Request:</b>	The City of Commerce City is requesting the approval of annexation zoning to Commerce City's Public zoning designation.
<b>Project Description:</b>	The subject properties are being annexed via AN-237-16 and AN-238-16. Commerce City is requesting that the property be zoned with Commerce City's Public designation for the future development of a public park.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Future Uses</li><li>• Compliance with the requirements for zoning annexed land</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li><li>• Compliance with the requirements for zoning annexed land</li></ul>
<b>Staff Recommendation:</b>	<ul style="list-style-type: none"><li>• Approval</li></ul>
<b>Current Zone District:</b>	<ul style="list-style-type: none"><li>• Adams County A-3</li></ul>
<b>Requested Zoning:</b>	<ul style="list-style-type: none"><li>• Public</li></ul>
<b>Comp Plan Designation:</b>	<ul style="list-style-type: none"><li>• Park</li></ul>

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

☒ Narrative Summary

☒ Vicinity Map

## Background Information

### Site Information

<b>Site Size:</b>	146 acres +/-
<b>Current Conditions:</b>	All of the property is currently undeveloped.
<b>Existing Right-of-Way:</b>	E. 112 <sup>th</sup> Avenue to the south.
<b>Existing Roads:</b>	E. 112 <sup>th</sup> Avenue to the south.
<b>Existing Buildings:</b>	N/A
<b>Buildings to Remain?</b>	N/A
<b>Site in Floodplain:</b>	<input checked="" type="checkbox"/> Yes (2 <sup>nd</sup> Creek Floodplain) <input type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Railroad Right-of-Way	Burlington Northern Santa Fe Railroad	ADCO A-3
<b>South</b>	Undeveloped	None	PUD
<b>East</b>	Residential	Single-Family Homes	PUD, ADCO A-2 and ADCO A-3
<b>West</b>	Construction	Office and Storage Yard	ADCO I-2

### Case History

The relevant case history for these properties is provided below.

<b>Ordinance</b>	<b>Anticipated Date</b>	<b>Request</b>	<b>Action</b>
AN-237-16	7/18/16	Annex a portion of the subject property of this zoning request.	Recommended for approval.
AN-238-16	7/18/16	Annex a portion of the subject property of this zoning request.	Recommended for approval.

#### AN-237-16 & AN-238-16:

The subject properties of this case have been requested to be annexed from Adams County and will be acted on by City Council at a future date.

Applicant's Request

## Introduction:

The proposed annexation and zoning will bring city owned property that is designated for a future public park into the city. This will allow for more streamlined development processes when the city is ready to develop the property.

### Section #1 – Request:

Commerce City requests that the City Council of Commerce City approve the annexation zoning of 146 +/- acres of city owned property located north of E. 112th Avenue between Potomac Street and Chambers Road from Adams County A-3 to Commerce City Public (PINs – 172306000013 & 172306200001). See Figure 1.1.

Figure 1.1

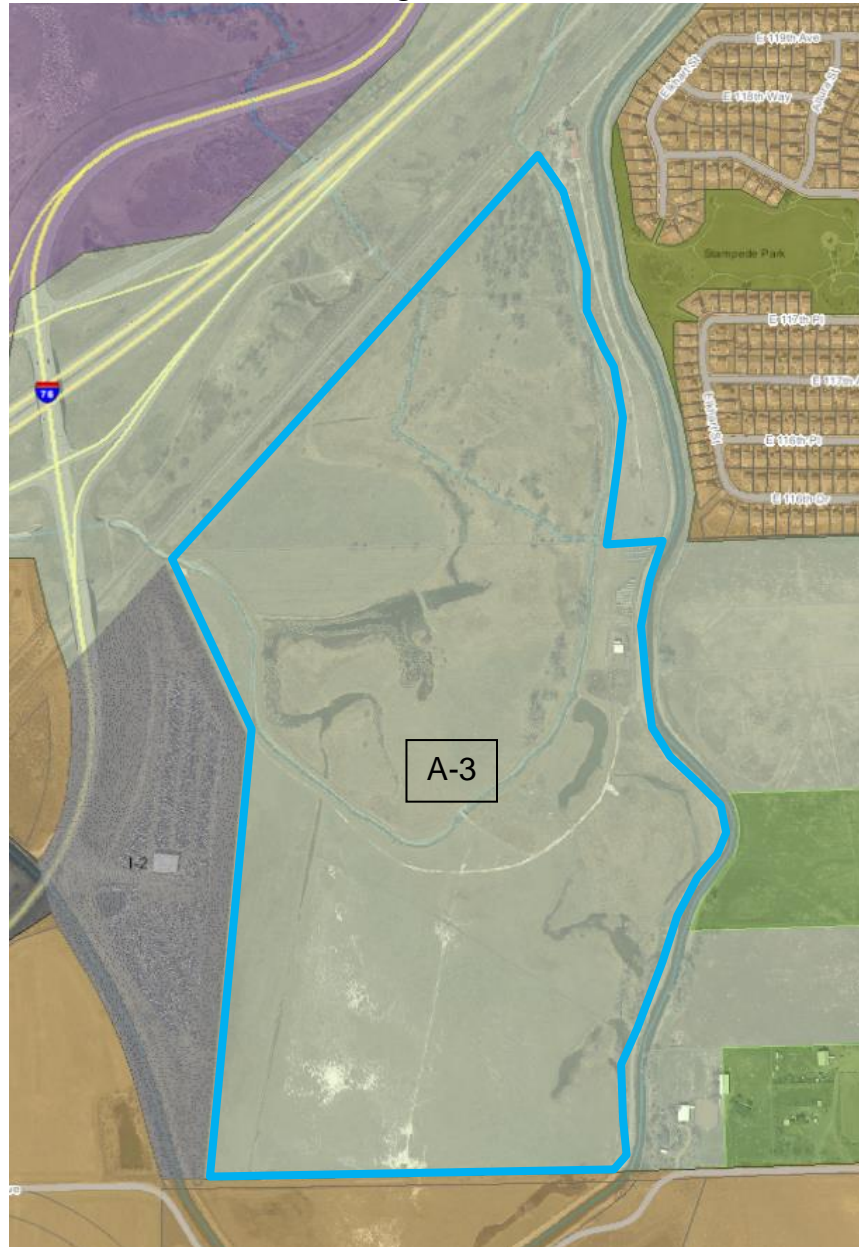


There is no development on the subject properties and the future plan for the subject properties is to develop them as a future park site. This request for annexation zoning is being made in conjunction with the annexation proceedings of AN-237-16 & AN-238-16 and in accordance with state law to zone annexed property within 60 days of annexation.

Section #2 – Current Adams County Zoning and Requested Commerce City Zoning:

All of the subject properties are currently zoned for Agricultural uses in Adams County (see Figure 2.1). The city intends to develop the properties as a public park in the future. The requested designation for Public is consistent with the future plans for the properties.

Figure 2.1





### Section #3 – Comprehensive Plan:

The city's Comprehensive Plan identifies the future land use for the subject properties as Park space (see Figure 3.1). The requested Public zone designation does not conflict with the undeveloped nature of the subject properties and the requested Public designation is consistent with the future plan for the site as a park.

Figure 3.1



Section #4 – Compliance with 21-3350 (Zoning of Newly Annexed Land):

When the city zones property that has been recently annexed, there are three ways in which property may be zoned:

1. Most compatible with the city's Comprehensive Plan designation of the property;
2. Most compatible 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
3. Most comparable to the present use(s) of the property.

The request for the Commerce City Public designation is most compatible with the Comprehensive Plan designation since it is identified for future park development and the Public designation allows for public parks.

Section #5 – Summary:

The City of Commerce City is requesting the approval of annexation zoning from Adams County A-3 to Commerce City Public for property located north of E. 112th Avenue and between Potomac Street and Chambers Road. The requested zoning for the properties is consistent with the approval criteria for zoning newly annexed land (21-3350) and will make future development of the park site easier.

## Development Review Team (DRT) Analysis

### Comprehensive Plan Analysis:

The Development Review Team (DRT) began the review of this application by evaluating the request against the City's Comprehensive Plan. That analysis is as follows:

### Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	<b><u>Future Land Use Plan (FLUP) as a Guide:</u></b> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<b><u>Analysis:</u></b>	The requested zoning designation is consistent with the FLUP for a Park.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Parks, Open Space, and Recreation	P – 3	<b><u>Connected Open Space:</u></b>
<b><u>Analysis:</u></b>	The city owned properties that are being annexed and requested for zoning will provide an important destination for the 2 <sup>nd</sup> Creek Open Space corridor when the park is developed.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Transportation Strategies	T 5a	<b><u>Trails Plans:</u></b> Implement Trails Plans
<b><u>Analysis:</u></b>	The city owned properties that are being annexed and requested for zoning will provide an important destination for the 2 <sup>nd</sup> Creek Open Space corridor when the park is developed.	

Once it was determined that the proposal is consistent with the Comprehensive Plan goals stated above, the DRT reviewed the proposal as outlined below.

### Compatibility with the Area:

The subject properties in this application total roughly 146 acres located north of E. 112<sup>th</sup> Avenue and between Potomac Street and Chambers Road. There is no development on the properties and the city intends to develop the properties in the future as a public park. The public park will serve the current and future residential uses that are in the area of the subject properties.

### Regional Improvements:

The annexation and zoning of these properties is part of larger regional improvements that are either in design or planned in the future. At this time, the city is designing (with partners) a new recreation center immediately west of these properties, development of E. 112<sup>th</sup> Avenue between Highway 2 and Chambers Road, development of Potomac Street from E. 108<sup>th</sup> Avenue to Highway 2, and regional drainage for 2<sup>nd</sup> Creek. The design of the subject properties as a regional park has not yet occurred, but generally speaking, regional parks include active and passive recreation elements (i.e. trails, sport fields, picnic areas, playgrounds, etc.).

### Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed Annexation Zoning would not create conflicts with their regulations.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for Annexation Zoning outlined in the LDC as provided below and the proposal meets the Comprehensive Plan goals that are outlined above. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

Criteria Met?	Sec. 21-3350. Zoning of Newly Annexed Land	Rationale
<input checked="" type="checkbox"/>	The zoning is most compatible with the city's comprehensive plan designation for the property;	The request for the Commerce City Public designation is the most compatible with the Comprehensive Plan designation for Park space.
<input type="checkbox"/>	The zoning is most comparable to the county zoning classification on the subject property at the time of acceptance of the annexation petition; or	Not applicable.
<input type="checkbox"/>	The zoning is the most comparable to the present use(s) on the subject property.	Not applicable.



## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application **meets** the criteria for an Annexation Zoning set forth in the Land Development Code and recommends that the Planning Commission forward the Annexation Zoning request to the City Council with a recommendation for **approval**.

### \*DRT's Recommended Motion\*

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the subject properties contained in case **Z-934-16** meet the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve** the Annexation Zoning.

### Alternative Motions

#### To recommend approval subject to conditions:

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Annexation Zoning for the properties contained in case **Z-934-16** meet the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve** the Annexation Zoning **subject to the following condition(s)**:

*List condition(s)*

#### To recommend denial:

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the properties contained in case **Z-934-16** fail to meet the following criteria of the Land Development Code:

*List the criteria not met*

I further move that, based upon this finding, the City Council **deny** the Annexation Zoning.

#### To recommend continuance:

I move that the Planning Commission **continue** the requested Annexation Zoning for the properties contained in case **Z-934-16** to a future Planning Commission agenda.