



# STAFF REPORT

## Planning Commission

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### CASE #V-86-17

|                   |  |                      |   |
|-------------------|--|----------------------|---|
| <b>PC Date:</b>   | December 6, 2016   | <b>Case Planner:</b> | Paul Workman  |
| <b>CC Date:</b>   | December 19, 2016  |                      |   |
| <b>Location:</b>  | Bound by E. 64 <sup>th</sup> Avenue to the north, E. 62 <sup>nd</sup> Avenue to the south, Highways 2 & 85 to the west, and the former Mile High Greyhound Park to the east. |                      |   |
| <b>Applicant:</b> | REGen, LLC<br>1125 17 <sup>th</sup> Street #2500<br>Denver, CO 80202   | <b>Owner:</b>        | The City of Commerce City<br>7887 E. 60 <sup>th</sup> Avenue<br>Commerce City, CO 80022 |

### Case Summary

|                               |   |
|-------------------------------|---|
| <b>Request:</b>               | The applicant is requesting the vacation of active right-of-way in order to incorporate the property into the redevelopment of the Mile High Greyhound Park (MHGP). The application is being processed concurrently with case Z-941-17. |
| <b>Project Description:</b>   | ReGen, LLC has submitted the proposed vacation to include the subject property in the redevelopment of the MHGP property as a Mixed-Use Regional Commercial Center.   |
| <b>Issues/Concerns:</b>       | <ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li></ul>  |
| <b>Key Approval Criteria:</b> | <ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li><li>• Compliance with the vacation approval criteria</li></ul>   |
| <b>Staff Recommendation:</b>  | Approval  |
| <b>Current Zone District:</b> | N/A   |
| <b>Requested Zoning:</b>      | Planned Unit Development (PUD) via Z-941-17   |
| <b>Comp Plan Designation:</b> | Mixed-Use Regional Commercial Center  |

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

☒ Vacation Plat

☒ Vicinity Map

## Background Information

| Site Information       |  |
|------------------------|--|
| Site Size:             | 1.475 acres +/-  |
| Current Conditions:    | The site is developed as right-of-way but is not accessible.   |
| Existing Right-of-Way: | E. 64 <sup>th</sup> Avenue to the north, E. 62 <sup>nd</sup> Avenue to the south, and Highways 2 & 85 to the west. |
| Existing Roads:        | E. 64 <sup>th</sup> Avenue to the north, E. 62 <sup>nd</sup> Avenue to the south, and Highways 2 & 85 to the west. |
| Existing Buildings:    | None   |
| 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  |
| Neighborhood:          | Central  |

## Surrounding Properties

| Existing Land Use |              | Occupant                             | Zoning |
|-------------------|--------------|--------------------------------------|--------|
| North             | Commercial   | Gas station                          | C-2    |
| South             | Commercial   | Multi-tenant retail                  | C-2    |
| East              | Vacant       | N/A                                  | C-3    |
| West              | Right-of-Way | State Highway 2 and State Highway 85 | N/A    |

## Case History

There is no case history related to the right-of-way.

## Applicant's Request

REGen, LLC has submitted the vacation request in order to include the right-of-way in the redevelopment of the Mile High Greyhound Park (MHGP). Without the vacation of the right-of-way, the property will remain in its current unused and unsightly condition. The applicant would like to include the subject property in the redevelopment of the larger site to beautify the area and create an entrance into the site once it is redeveloped.

## 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 request is supported by the following Comprehensive Plan language and goals:

| <u>Section</u>                 | <u>Goal</u>   | <u>Description</u>   |
|--------------------------------|---|--|
| Land Use and Growth Strategies | LU 1a   | <b><u>Future Land Use Plan (FLUP) as a Guide:</u></b><br>Use the FLUP to guide development patterns and mix of uses and amendments to the Land Development Code. |
| <b>Analysis:</b>               | The FLUP identifies the Mile High Greyhound Park (MHGP) site as a Mixed-Use Regional Commercial Center. The vacation request is being made in order to include the subject property as part of the proposed redevelopment of the MHGP in alignment with the FLUP. |  |

| <u>Section</u>      | <u>Goal</u>  | <u>Description</u>   |
|---------------------|--|--|
| Safety and Wellness | SW 2a  | <b><u>Pedestrian Improvements:</u></b><br>Pursue strategies to create a visually-appealing and safe pedestrian experience. Prioritize pedestrian improvement in areas that will have the greatest benefit (e.g. near schools or commercial areas). |
| <b>Analysis:</b>    | As a part of the redevelopment of the Mile High Greyhound Park (MHGP), the exterior of the site will be improved with detached sidewalks and tree-lawns to enhance the pedestrian experience. Without this vacation these improvements would be adjacent to right-of-way that is not used. |  |

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

### Staff Review:

- The applicant has requested that the existing right-of-way be vacated so that they may incorporate it into the redevelopment of the Mile High Greyhound Park site. The proposed PUD Zone Document in Case Z-941-16 intends to develop the subject property as a Mixed-Use Regional Commercial Center as identified in the Comprehensive Plan and they desire to include the subject property in the redevelopment.
- The right-of-way that is being requested to be vacated is not needed as public right-of-way. Currently, the right-of-way is curbed so that it is not accessible to the general public as north and south bound traffic use State Highways 2 and 85. Having the property remain as right-of-way is redundant and unnecessary.
- The entrance at roughly the E. 63<sup>rd</sup> Avenue alignment will remain, which provides access to the subject property as well as the larger MHGP site. As part of the redevelopment of the MHGP site, the access will be improved for all modes of transportation.
- Public services to the subject property and the former MHGP site will not be impacted by the vacation of the right-of-way. Any existing utilities will remain and will be located in a utility easement.
- The applicant will provide a plat to incorporate the vacated right-of-way into a larger developable site once development is proposed for the property. It is anticipated that the applicant will begin the platting process during 2017.

### 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 vacation would not create conflicts with their

regulations or services. The South Adams County Water and Sanitation District as well as the other utility providers have no objection to the vacation.

**Summary:**

In summary, the DRT has determined that the request meets the approval criteria for a vacation as outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals that are outlined above, the vacation will have no impact on public services, and the subject property is no longer needed as right-of-way. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

| Criteria Met?                       | Sec. 21-3233. Vacation of Right-of-Way  | Rationale  |
|-------------------------------------|---|--|
| <input checked="" type="checkbox"/> | The vacation is consistent with the Comprehensive Plan and any other applicable city-approved plan; | The area to be vacated will be incorporated into the redevelopment of the Mile High Greyhound Park site as a Mixed-Use Regional Commercial Center, as identified in the Comprehensive Plan.                  |
| <input checked="" type="checkbox"/> | The land to be vacated is no longer necessary for the public use and convenience;                   | The subject property is no longer necessary for public use and convenience as the site will maintain access from State Highways 2 and 85 to the west.  |
| <input checked="" type="checkbox"/> | The vacation will not create an landlocked properties;  | There will continue to be access from State Highways 2 and 85.   |
| <input checked="" type="checkbox"/> | The vacation will not render access to any parcel unreasonable or economically prohibitive;         | Access will not be made unreasonable or economically prohibitive as the existing access at roughly the E. 63 <sup>rd</sup> Avenue alignment will remain and be improved as part of the larger redevelopment. |
| <input checked="" type="checkbox"/> | The vacation will not reduce the quality of public services to any parcel of land; and              | There will be no change to the quality of public services to any parcel of land as a result of the vacation.   |
| <input checked="" type="checkbox"/> | A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.  | A separate plat will be submitted at a later date to include the vacated right-of-way with a larger redevelopment parcel.  |

## Development Review Team Recommendation

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

## \*Planning Commission's Recommended Motion\*

I move that the Planning Commission enter a finding that the requested Vacation of Rights-of-way for the property generally bound by E. 64<sup>th</sup> Avenue on the north, E. 62<sup>nd</sup> Avenue on the south, and State Highways 2 and 85 on the west contained in case **V-86-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve** the Vacation of Rights-of-way.

## Alternative Motions

*To recommend approval subject to condition(s):*

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Vacation of Rights-of-way for the property generally bound by E. 64<sup>th</sup> Avenue on the north, E. 62<sup>nd</sup> Avenue on the south, and State Highways 2 and 85 on the west in case **V-86-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve** the Vacation of Rights-of-way **subject to the following conditions**:

*Insert Condition(s)*

*To recommend denial:*

I move that the Planning Commission enter a finding that the requested Vacation of Rights-of-way for the property generally bound by E. 64<sup>th</sup> Avenue on the north, E. 62<sup>nd</sup> Avenue on the south, and State Highways 2 and 85 on the west contained in case **V-86-17** fails 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 Vacation of Rights-of-way.

*To continue the case:*

I move that the Planning Commission continue the requested Vacation of Rights-of-way for the property generally bound by E. 64<sup>th</sup> Avenue on the north, E. 62<sup>nd</sup> Avenue on the south, and State Highways 2 and 85 on the west contained in case **V-86-17** to a future Planning Commission agenda.