



MEMORANDUM

To: Chairman Popiel and Members of Planning Commission

From: Jenna Lowery, Management Analyst II
Jason Rogers, Community Development Director

Date: June 17, 2020

Subject: Exemption of Subdivision Requirements for Transfer of City owned land for a 5-acre portion of land along the eastern side of parcel #172305213017, located generally at 11698 Chambers Road

Background:

Pursuant to a Development Agreement from 2000, the City agreed to either purchase from or reconvey 5 acres of land to the original owners if a school was not built on the site, subject to certain criteria. Upon the satisfaction of those criteria, City Council has decided to reconvey the 5-acre school site (adjacent to a 9-acre city park) back to the original owners. The property at issue was not platted as a separate property from the park site. Pursuant to the contract, the land will be required to be rezoned and replatted after conveyance. The Land Development Code generally prohibits the transfer of land if doing so may constitute a subdivision. City Council may complete the transfer, however, with a recommendation from the Planning Commission determining the applicability of an exception to the subdivision requirements.

Summary and Code Citation:

Within Commerce City, when a property owner wishes to transfer land that is not already subdivided and reflected in a legal plat, the property owner is required to submit for a subdivision following the process and criteria laid out within Articles III and VI of the City's Land Development Code. The LDC in Section 21-6100(2) allows for certain exemptions of the city's traditional subdivision process when some exemptions apply. The following exemption is relevant to this matter: Section 21-6100(2)(g). This states the following:

(2) **Exemptions.** *The standards related to the subdivision of land contained in this land development code shall not apply to the following:....*

(g) *Any other division of land if it is determined by the city council, after review by the planning commission, that the division of land is not within the purpose of these regulations and that the exemption would be in the best interests of the city.*

The City is requesting approval of this exemption, based on planning commission's recommendation and city council's approval via resolution, that the transfer of 5 acres of the eastern parcel #172305213017 from the City of Commerce City to the developer is a unique situation that meets the requirements for (g) above.

Analysis:

- This particular property is subject to the existing agreement executed in July of 2000.
- Both School District 27J and the City have reviewed and analyzed this property based on their future plans, and decided that they do not wish to keep or acquire this land.
- The developer, Concord Partners, is required to rezone and replat this land to accommodate single-family homes
- Requiring a replat now to divide the 5 acres would add additional time and expense to the process. The property would need to be replatted a second time after the transfer pursuant to the underlying agreement
- The purposes of the subdivision requirements is not met by strict application of the LDC to this transaction.
- This is a unique situation on a property found in existing contracts and entitlements, which are not traditional within Commerce City.
- It is in the best interest of the City, based on review and decision of City Council, not to purchase the property, that the City should not spend additional funds to plat the property into two parcels. The application of the exception also support efficiency and eliminates unwarranted processes.

Action:

1. Recommend approval as presented,

Proposed Motion:

I move that the Commission recommend exempting the division of land described as the 5-acre site at approximately 11698 Chambers Road from the subdivision standards as the division at issue is not within the purpose of the regulations and the exemption is in the best interests of the city.