



STAFF REPORT

Planning Commission

CASE #S-752-20

PC Date:	July 21, 2020	Case Planner:	Matt Post
CC Date:	August 3, 2020		
Location:	Tract A of Second Creek Village Commercial (NEC of Chamber Rd. and E. 104 th Ave.)		
Applicant:	Thompson Thrift	Owner:	Thompson Thrift
Address:	3131 E. Camelback Road, Suite 115 Phoenix, AZ 85016	Address:	3131 E. Camelback Road, Suite 115 Phoenix, AZ 85016

Case Summary

Request:	Replat Tract A into three (3) Commerical Lots and one (1) Drainage tract.
Project Description:	The applicant is requesting to replat Tract A of the Second Creek Village Subdivision into three (3) commercial Lots and one (1) drainage tract. The area is currently zoned PUD with commercial uses and will remain as such.
Issues/Concerns:	<ul style="list-style-type: none">• Conformance to the approved Planned Unit Development (PUD)• Conveyance of portion of floodplain to applicant• Conformance to the Comprehensive Plan
Key Approval Criteria:	<ul style="list-style-type: none">• Final plat approval criteria• Compliance with Comprehensive Plan• Compliance with approved PUD zone document
Staff Recommendation:	Approval
Current Zone District:	PUD – Second Creek Village
Requested Zone District:	PUD – Second Creek Village
Comp Plan Designation:	Commercial

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

☒ Proposed Final Plat

☒ Vicinity Map

Background Information

Site Information

Site Size:	±5.796 Acres
Current Conditions:	Vacant and undeveloped
Existing Right-of-Way:	Chambers Road to the west and 104 th Avenue to the south
Neighborhood:	Second Creek Village
Existing Buildings:	None
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site in Floodplain	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Vacant	Vacant	PUD
South	Commercial	Multiple commercial service uses	PUD
East	Commercial/ Vacant	State House 38	PUD
West	Commercial	Multiple commercial service uses/Reunion Marketplace	PUD

Case History

The subject property was annexed in the city in 2002 and subsequently rezoned to PUD. Several plats and plat amendments followed:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-174-02	2002	Annexation	Approval
Z-770-02	2002	Rezone to PUD	Approval
Z-770-06	2006	PUD Zone Amendment	Approval
S-688-17	2017	Final Plat	Approval
S-708-18	2018	Plat Amendment/Final Plat	Approval
S-733-19	2019	Plat Amendment/Final Plat	Approval
S-741-19	2019	Plat Amendment/Final Plat	Approval

In case S-688-17, the property owner consolidated the development into three tracts: One for residential uses, one for commercial uses, and one for the Second Creek Floodplain. The tract for the floodplain was dedicated to the city at this time in accordance with all applicable city standards.

Applicant's Request

The applicant is requesting to replat Tract A into three (3) commercial lots and one (1) drainage lot to accommodate commercial development in accordance with the approved PUD zone document. The area has been the subject several recent plat amendments processed and approved to allow for a variety of commercial users at the NEC of Chambers Rd. and 104th Ave (Second Creek Marketplace). As a part of this plat request, the applicant needs to obtain a portion of the floodplain tract platted above in order to allow vehicular access and a drive lane onto Chambers Road.

Development Review Team Analysis

This subdivision plat is being presented before Planning Commission due to the portion of the floodplain tract being conveyed to the applicant to allow this commercial development to be completed.

The Development Review Team (DRT) has reviewed the request in accordance with the approval criteria for final plats as contained in Article III of the Land Development Code, and the standards set forth in the Second Creek Village PUD zone document. The following analysis addresses the proposed subdivision and layout, approval criteria for final plats, and the recommendation of staff based the findings:

Proposed Plat Requirements – Non-Residential			
<u>Issue</u>	<u>Proposed</u>	<u>City Standard</u>	<u>Meets City Standard?</u>
Access	All proposed lots will have public streets access via existing and proposed drives from Chambers Rd. and 104 th Ave.	Access to Public Streets Required	Yes
Comprehensive Plan	Commercial	Commercial	Yes
Floor Area Ratio (FAR)	N/A	.20 (commercial PUD)	N/A
Lot Frontage	308.62' (Lot 1) 206.4 (Lot 2) 294.1 (Lot 3)	70' (LDC, all commercial districts) N/A (PUD)	Yes
Lot Size	94,652 sq. ft. (Lot 1) 43,664 sq. ft. (Lot 2) 78,891 sq. ft. (Lot 3) 35,260 (Tract A -drainage)	20,000 sq. ft. (PUD)	Yes
Right-of-Way Dedications	None	Adequate ROW	Yes
Total Lots/Tracts	4	N/A	Yes

All proposed lots on this plat comply with the bulk standards and lot size requirements as outlined in the Second Creek Village PUD zone document and the LDC. The replat will include an expansion of lot 1. The land to be absorbed in lot 1 is approximately .77 acres in size and is almost entirely within the 100 year floodplain, which was dedicated to the city via subdivision case S-688-17. The addition of this area will bring the total size of lot 1 to approximately 2.173 acres. The .77 acre site to be transferred is currently under the ownership of the City of Commerce City and will be officially conveyed via resolution by City Council. The development of the lot will occur within the provisional standards of the LDC and all other federal regulations regarding floodplain improvements through the development plan process. This will require the applicant to complete the CLOMR/LOMR application process with FEMA, and receive approval, in order to lift the parcel out of the floodplain and develop accordingly. The applicant has begun the review process for CLOMR/LOMR review and approval. This process includes review by local, state, and federal agencies to ensure that the proposal will not negatively impact the

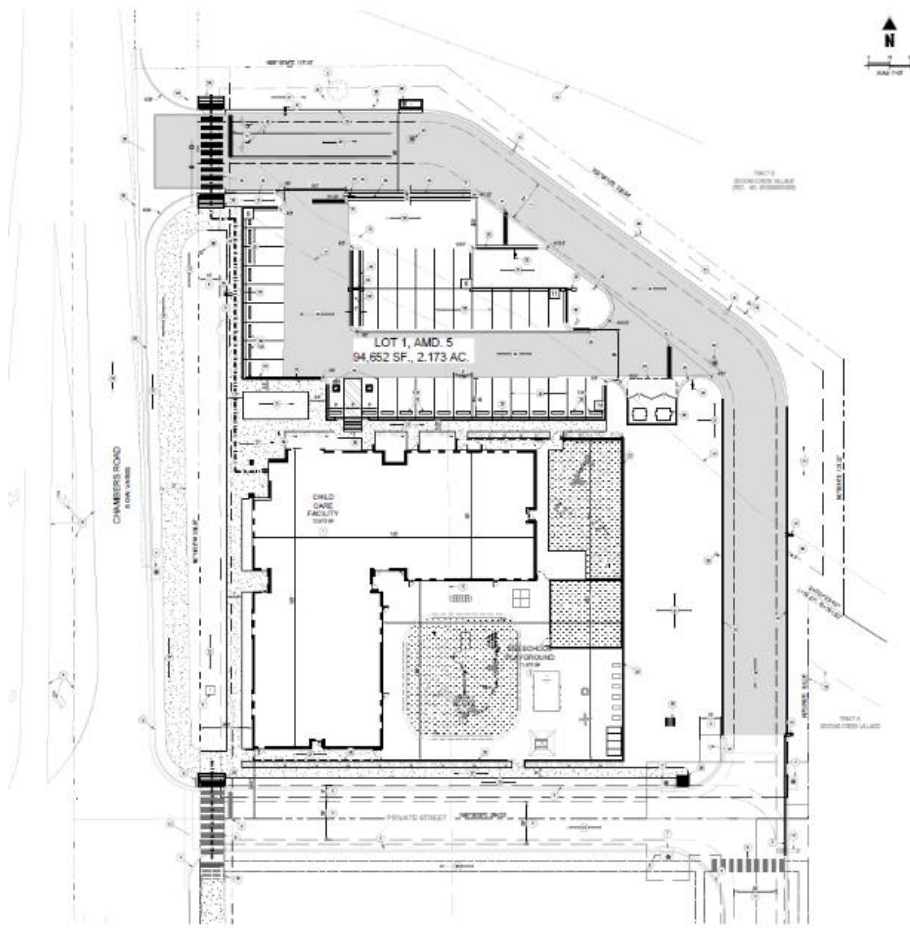
overall floodplain boundaries, cause disruptions in streamflow, or lead to buildup in other areas of the floodplain. Upon completion of this process, the applicant will be allowed to utilize this portion of the property for vehicular access, drive aisles, and minor site improvements (lighting, landscaping, etc.). No buildings will be permitted in this area. The existing floodplain utilization (future trail, etc.) will not be impacted by this conveyance, as there is adequate land available for the trail.

Lot 1 will have direct frontage on Chambers Rd and will line up with the existing access to the west. and will include an access easement allowing a future user to provide an additional entry point into the commercial development from Chambers Rd. There will eventually be a traffic signal at this intersection. This access easement is proposed within the area of land being transferred via resolution to the applicant from the City of Commerce City. Lots 2 and 3 – 1.002 acres and 1.811 acres, respectively – are interior to the development area and will be served via existing and future access drives that connect to public streets. Tract A will be subdivided into a .810 acre parcel and reserved for a detention and water quality pond that will serve as drainage for existing and future development at the site.

The DRT reviewed the application for compliance with the Second Creek Village PUD zone document, Article VI of the LDC (subdivision standards), and Article IV of the LDC (commercial zone district standards). The PUD zone document requires a minimum lot size of 20,000 sq. ft. for commercial uses. All proposed lots are well in excess of the minimum standard of 20,000 sq. ft. The PUD zone document does not provide a minimum lot width requirement for commercial lots, though a 70' width is standard for all commercial zone districts as outlined in the LDC. All proposed lots are in excess of the 70' lot width minimum and include frontage on public streets, private streets, and/or a platted access easements.

Multiple vehicular access points are present at the subject site; two points of access on 104th Avenue to the south, one point of access on Chambers Rd., and an additional point of access will be provided via access easement on lot 1 with this replat.

The Public Works Department has reviewed the proposed plat amendment without identifying any issues related to site access or drainage. The application was referred to multiple agencies and no objections remain on this plat amendment request.



Following a thorough review of the proposed plat, this request has been found to meet the minimum lot requirements of the PUD zone document, and has shown conformance with the final plat standards and Comprehensive Plan goals as displayed below. Based on these findings, the DRT is recommending that the subdivision plat be approved with no conditions.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
<input checked="" type="checkbox"/>	The plat is consistent with any approved reasoning, concept plan, or PUD Zone Document;	The proposed plat is consistent with the lot standards found in the Second Creek Village PUD zone document and the applicable commercial zoning district standards.
<input checked="" type="checkbox"/>	The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;	The proposed plat will create 4 lots, 3 of which are intended for commercial use, and one of which is intended for site-wide drainage. This plat is consistent with the PUD zone document
<input checked="" type="checkbox"/>	There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;	No indication has been provided through the development review process that the plat violates any laws, regulations, or requirements.
<input checked="" type="checkbox"/>	The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space	The proposed layout will allow for adequate open space and generous landscaping, and has been reviewed to ensure that it accomplishes the purpose and intent of the LDC. The proposal will protect the critical Second Creek riparian area.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
	in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC;	
<input checked="" type="checkbox"/>	The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;	The plat complies with the city standards for a subdivision, creates four (4) conforming lots in the Second Creek Village PUD zone district, and the proposed development will not require variances to any bulk standards as a result of this plat.
<input checked="" type="checkbox"/>	The plat: Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program, or ordinance adopted by the city; or Any adverse effect has been or will be mitigated to the maximum extent feasible;	This plat will not result in substantial or undue adverse effects. The land use designations are in-line with the PUD zone document.
<input checked="" type="checkbox"/>	Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;	Adequate public services are currently available to serve the subject property.
<input checked="" type="checkbox"/>	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	Yes. A development agreement is in place between the city and the applicant.
<input checked="" type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	Not applicable; there is no phasing plan proposed for this project.

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 1.1	Growth and Future Land Use Plan Consistency: Ensure future development is consistent with the Future Land Use Plan and map. The map provides a guide for 2035-projected growth, builds on previous plans, and reserves land for commercial and employment uses to ensure a future balanced mix of uses.
<u>Analysis:</u>	The replat allows for the realization of a community commercial center as outlined in the Future Land Use Plan by creating additional commercial lots for development.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 3.6	Northern Range Neighborhoods Strengthened: Strengthen existing and future Northern Range neighborhoods by promoting nearby commercial centers, strong architectural design,

<u>Section</u>	<u>Goal</u>	<u>Description</u>
		connections from neighborhoods to commercial and recreation areas, and compatible and complementary uses along the E-470 corridor.
<u>Analysis:</u>		The replat will allow for the development of a commercial center to compliment nearby neighborhoods which will strengthen the Northern Range's livability, economic viability, and resiliency.
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3.1	New Centers with Emphasis on Commercial: Focus new commercial and retail into the designated centers shown on the FLUP. The types of centers at different scales will provide for retail and other needs ranging from neighborhood to regional markets. The city is focused on enhancing the image, quality, and diversity of retail that contributes positively to the community.
<u>Analysis:</u>		The replat will encourage the build-out of the 104 th and Chambers commercial center as shown on the FLUP. This will contribute to the enhanced quality of the area and positively impact the community.

Development Review Team Recommendation

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

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at the **NEC of Chambers Rd and 104th Ave** contained in case **S-752-20** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat.

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 Final Plat for the property located at the **NEC of Chambers Rd and 104th Ave** contained in case **S-752-20** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at the **NEC of Chambers Rd and 104th Ave** contained in case **S-752-20** 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 Planning Commission recommend that the City Council deny the Final Plat.

To recommend continuance:

I move that the Planning Commission continue the requested Final Plat for the property located at the **NEC of Chambers Rd and 104th Ave** contained in case **S-752-20**.