



Legislation Details (With Text)

File #: Z-953-18-20 **Version:** 1 **Name:**

Type: Zoning Ordinances **Status:** Passed

File created: 11/12/2019 **In control:** City Council

On agenda: 3/2/2020 **Final action:** 3/2/2020

Title: AN ORDINANCE APPROVING A REPLACEMENT PUD ZONE DOCUMENT FOR APPROXIMATELY 600 ACRES TO ALLOW RESIDENTIAL, COMMERCIAL, PARKS AND SCHOOLS, OFFICE/FLEX, AND SUBSURFACE EXTRACTION OF OIL AND GAS, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF EAST 88TH AVENUE AND TOWER ROAD IN COMMERCE CITY, COLORADO, CURRENTLY ZONED PUD.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance - Final, 2. Ordinance, 3. Vicinity Map, 4. PUD Zone Document, 5. Staff Report, 6. Project Narrative, 7. Traffic Study, 8. Draft Planning Commission Meeting Minutes of January 14, 2020, 9. Presentation

Date	Ver.	Action By	Action	Result
3/2/2020	1	City Council	approved on second & final reading	Pass
2/3/2020	1	City Council	introduced by council as seated and approved on first reading	Pass

AN ORDINANCE APPROVING A REPLACEMENT PUD ZONE DOCUMENT FOR APPROXIMATELY 600 ACRES TO ALLOW RESIDENTIAL, COMMERCIAL, PARKS AND SCHOOLS, OFFICE/FLEX, AND SUBSURFACE EXTRACTION OF OIL AND GAS, FOR THE PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF EAST 88TH AVENUE AND TOWER ROAD IN COMMERCE CITY, COLORADO, CURRENTLY ZONED PUD.

Summary and Background Information:

The applicant is requesting a zone document to entitle the western half of the property commonly referred to as Prime Sites for a mix of residential and non-residential uses. The project is now referred to simply as Legato. (The eastern half of Prime Sites is being handled with a separate application under the name Legato East.)

The proposed land uses are shown on the PUD Zone Document with general planning areas identified with letters "A" through "R" and is generally consistent with the City's Future Land Use Plan Map. The central portion is designated for medium-density residential, which is planned to range from 4 to 8 dwelling units per acre, surrounding a ten-acre neighborhood park and 25-acre middle school site. The areas along Tower Road and East 96th Avenue are designated for Mixed-Use and Commercial uses, while the area to the south, adjacent to East 88th Ave, is primarily designated for Office/Flex and drainage uses to provide a buffer between the Tower Landfill and residential development. In total, there are approximately 200 acres for residential development, and nearly 300 acres for non-residential development, in addition to the park/school site. The project is anticipated to be developed in phases, with the central residential area as the first area to be platted and developed.

It is important to note that subsurface extraction can only be permitted in planning area R which is the area in the southeastern portion of the site, adjacent to E-470. At the Planning Commission hearing on January 14, 2020 the Planning Commission recommended a condition of approval that subsurface extraction be revised to be allowed only with a Conditional Use Permit, rather than as a use by right. The applicant is not opposed to this modification. In addition, the property owner is working with the oil and gas operator to potentially relocate the Surface Use Agreement (SUA) to the east side of E-470. At the time of this memo, those negotiations are still underway, an update will be provided at the hearing.

Upon approval of the PUD Zone Document, the next steps for this project would include review and approval of design standards, sketch and final plats, and PUD Development Permits. Each of these processes would be reviewed and approved per the standards outlined in the Land Development Code.

Staff Responsible (Department Head): Jason Rogers, Community Development Director

Staff Member Presenting: Jennifer Jones, Principal Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: On January 14, 2020, the Planning Commission held a public hearing, took testimony, and voted (5-0) to forward the PUD Zone Document request to city Council with a recommendation for approval with conditions, subject to the findings of fact.

Suggested Motion: I move to approve Zoning Ordinance Z-953-18-20 subject to the following condition(s):

1. As listed in the Table of Land Uses on sheet 8 of the Legato PUD Zone Document, the "Subsurface Extraction" land use shall be changed to a Conditional Use (C) rather than a Use by Right (R).