



Legislation Text

File #: Z-946-17-19, Version: 1

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO FOR REZONING TO PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT FOR THE PROPERTY ANNEXED AS THIRD CREEK WEST FROM ADCO (UNINCORPORATED ADAMS COUNTY) TO PUD (PLANNED UNIT DEVELOPMENT)

Summary and Background Information:

Petitioners (see below) are seeking to annex approximately 238 acres and zone said property PUD. A consolidated public hearing is scheduled regarding: 1) the eligibility of the properties for annexation in each case pursuant to the Municipal Annexation Act and the City's Land Development Code; and 2) the proposed PUD zone document.

Petitioners

CCT Investors, LLC	SCM-POG, LLLP
SMT Investors Limited Partnership	SCM-Remodino OKC, LLLP
SCM-Carrier OKC, LLLP	SCM-Schoenhals OKC, LLLP
SCM-Blaylock OKC, LLLP	SCM-Stephan, LLLP
SCM-Cagle OKC, LLLP	SCM-Tibbs OKC, LLLP
SCM-Donnelly, LLLP	AZ Third Creek, LLC
SCM-Friedman OKC, LLLP	DLJ Third Creek, LLC
SCM-GRP Third Creek, LLLP	Forever 7, LLC
SCM-Hess Myers, LLP	Mt. Olympus Investments, LLC
SCM-King, LLLP	Far Marel, LLC
SCM-Moore, LLLP	Go West Too Defined Benefit Pension Plan
SCM-Morris Withey, LLLP	Harvard C.G. Properties II, LLC
SCM-Neal, LLLP	Neal Management, LLC

The annexation eligibility hearing occurred pursuant to C.R.S. 31-12-108(1) and C.R.S. 31-12-109, on September 16, 2019. Normally, the City Council would then consider a resolution determining the eligibility of the properties for annexation and, if eligibility is found, the City Council could consider an annexation ordinance, pursuant to C.R.S. 31-12-111. However, the Petitioners had not executed an Annexation Agreement with the City to establish voluntary conditions of annexation. Land Development Code, Section 21-3320 requires an annexation agreement and states, "no annexation ordinance shall proceed to first reading until a pre-annexation agreement has been signed by the

property owner(s) and approved by the city.” Delay of the resolution determining eligibility was recommended to ensure that the ability to impose conditions of annexation, pursuant to C.R.S. 31-12-110(2) is preserved. The Petitioners have now executed an Annexation Agreement with the City.

The subject property is located at NEC of E. 104th Avenue and E-470. The land area is approximately 238 +/- acres and is currently vacant except for 2 oil & gas sites that are proposed to be capped and relocated, and the above ground regional transmission lines adjacent to E-470. The property is currently zoned Adams County Agricultural, A-3. The applicant is requesting that the properties be annexed serially and then rezoned as the Third Creek West PUD. These applications are being processed concurrently with two (2) inclusion cases, the E-470 Residential Infrastructure General Improvement District case (ERAGID-002-19), and the E-470 Commercial Infrastructure General Improvement District case (ECAGID-012-19). There is also a concurrent metro district case (MD-110-19) in process.

The applicant is proposing 49.7 acres +/- of a mix of neighborhood and regional level commercial uses along the north side of E. 104th Ave., 22.7 acres +/- of mixed-use development north of the commercial area, and then a 111.6 acres +/- for variety of residential types and densities at the north end of the project area, buffering the existing large lot agricultural properties in Adams County. There is a maximum of 1,050 units proposed in the residential and mixed-use areas. The commercial area will only allow residential as part of vertical mixed-use developments.

The Planning Commission has recognized that the proposed Annexation Zoning is consistent with the Comprehensive Plan & E-470 Influence Area, will not negatively impact surrounding properties, and will have the potential to positively expand the current eastern edge across E-470. **Staff notes the PUD Zone Document was revised to use the term Himalaya “Road” consistently, in place of Himalaya “Street”.**

Staff Responsible (Department Head): Roger Tinklenberg, Interim Director of Community Development

Staff Member Presenting: Robin Kerns, Planner

Financial Impact: N/A

Funding Source: N/A

Staff Recommendation: N/A

Suggested Motion: