



Council Communication File Number: Z-705-99-00-09-24

Agenda Date: 8/5/2024

Version: 1

Status: Public Hearing

In Control: City Council

File Type: Zoning Ordinances

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO BY ZONING THE PROPERTY ANNEXED AS THE TOWER LANDFILL ANNEXATION FROM ADAMS COUNTY A-3 TO A PUD ZONE DISTRICT AND APPROVING A PUD ZONE DOCUMENT

Summary & Background

There are three related applications being reviewed concurrently with this Annexation Zone Change:

- Land Use Plan Amendment (LUP-058-24)
- Annexation (AN-263-24)
- Vacation of Right-of-Way (V-93-24)

The applicant is requesting approval of an annexation zoning from ADCO A-3 (Adams County Agricultural-3) to Commerce City Planned Unit Development (PUD) for a 110-acre property, located generally at the southwest corner of East 88th Avenue and E-470. This application is contingent upon the corresponding Land Use Plan Amendment and Annexation cases being approved.

The intent of the Annexation and Zoning of this property is to move the existing entrance and operations of the landfill to the subject property. This will move the entrance to the east, closer to E-470, in an effort to reduce truck traffic and queuing on East 88th Avenue. Moving the entrance and operations from the existing location would also allow that area within the existing landfill to be used for landfill footprint, thus extending the life of the landfill. Approval of this PUD Zone Document would not allow the existing landfill footprint to expand by right. Any future expansion of the landfill footprint is subject to approval by City Council.

Zoning of Newly Annexed Land approval criteria - Land Development Code Section 21-3350(2)

Criteria for zoning. After passage on first reading of an ordinance annexing property to the City, the subject property shall be given the zoning classification:

- (a) Most compatible with the City's comprehensive plan designation of the property;
- (b) Most comparable to the county zoning classification existing on the subject property at the time of acceptance by the City of the annexation petition for the subject property; or

(c) Most comparable to the present use(s) of the property.

PUD Zone Document approval criteria - Land Development Code Section 21-3251(3)

A PUD zone document may be approved only if:

- (a) The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the City, or reflects conditions that have changed since the adoption of the comprehensive plan;
- (b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;
- (c) The PUD:
 - i. Addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments; or
 - ii. The PUD is required to avoid completely prohibiting a legal, permitted business use within the City;
- (d) The PUD complies with all applicable City standards not otherwise modified or waived by the City;
- (e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- (f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
- (g) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;
- (h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and
- (i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

Staff Responsible (Department Head): Jeff Brasel, Deputy Director of Community Development

Staff Presenting: Dalton Guerra, Senior Planner

Financial Impact: N/A

Funding Source: N/A

Planning Commission Recommendation: On June 4, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (4 to 0) to forward the land use plan amendment request to City Council with a recommendation for approval.

Actions:

Approve the application, in accordance with the PC recommendation;
Approve the application with conditions; or
Deny the application

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