



Final Plat Report

Case #S-851-24

Planning Commission Date: October 1, 2024

City Council Date: November 4, 2024

GENERAL INFORMATION

PROJECT NAME	Second Creek Farm – Filing 3 Amendment 3
LOCATION	Southwest corner of East 92 nd Avenue and Tower Road
SITE SIZE	28.90 Acres
CURRENT ZONING	Planned Unit Development (Second Creek Farm Amendment 1)
APPLICANT	Joel Farkas
OWNER	Second Creek Holdings LLC & City of Commerce City
CASE PLANNER	Nathan Chavez

REQUEST

The request is to create two lots from one tract (lots 1 & 2) and split an existing tract into two (tracts A & B).

PLATTING

The platting of a property creates legal boundaries for lots and tracts for future development. A Final Plat does not impact zoning or the allowable uses within the zoning district. A Development Plan (or PUD Development Permit) is required at a later date for site layout, buildings, landscaping, and drainage.

BACKGROUND AND CASE HISTORY

In 2004 the property was zoned to PUD (Second Creek Farm). The northern parcel was designated as Planning Area K – Mixed Use and the southern parcel was designated as Planning Area G – Open Space Floodplain. Planning Area G is occupied by the Gramma Gulch drainageway and the current plan is to route the 100-year floodplain through the Gramma Gulch. The Second Creek Farm Planned Unit Development (PUD) was later amended in 2021, effectively splitting Planning Area K into K – Mixed-Use/Multi-Family and K1 – Commercial/Mixed Use. Planning Area G remained the same.

The primary purpose for the proposed final plat is to create Tract B for future use as a private detention basin for development of Lot 1, Lot 2, and other vacant properties across East 92nd Avenue to the north. The property owners submitted a request to purchase Tract B from the Commerce City City Council. The secondary purpose of the proposed final plat is to create lots

for future commercial development on Lot 1 and future residential development on Lot 2. There is no proposed development related to this Final Plat application.

October 1, 2024 Planning Commission

The proposed Final Plat was heard at the [October 1, 2024 Planning Commission](#) hearing. No members of the public commented on the application. The Planning Commission voted 5-0 to provide a recommendation of approval to City Council.

ADDITIONAL INFORMATION

Lot 1 is approximately 2.90 acres and fronts East 92nd Avenue, Tower Road, and Yampa Street. Lot 2 is approximately 17.66 acres and fronts Tower Road and Yampa Street. No development is proposed at this time for either lots. Tract A is approximately 7.59 acres and is occupied by the Gramma Gulch, a drainageway. Tract B is approximately 0.73 acres.

COMPREHENSIVE PLAN (CP) CONSISTENCY

2045 Comprehensive Plan

The proposed platting is the first step to develop the property as a multi-family complex on Lot 2 and future commercial on Lot 1. While there is no formal PUD Development Permit application in conjunction with this application, the proposed lot lines mimic a previous set of applications which proposed a similar platting layout.

Character Areas:

The Final Plat meets the following Character Areas (Land Use) goals and objectives.

- Goal 1: Strive for a balanced mix of land uses across the City as represented in the Character Areas Plan and map.
- Goal 2.1: Ensure future growth is consistent with the Character Areas Plan and map.
- Goal 2.2: Recognize that Commerce City's population will continue to increase and positively foster the City's continued growth.

The subject property is located with the Northern Neighborhoods character area in which Multifamily Residential and Commercial are listed as a secondary land use (near collectors and arterials), meaning they are less prevalent and serve to support the primary land use. The proposed platting allows for future multi-family and commercial which is in compliance with the Character Area land uses and Second Creek Farm PUD. They support the primary land use by acting as a buffer between Tower Road and future single-family residential and by providing commercial services once developed.

Housing and Neighborhoods

The Final Plat meets the following Housing and Neighborhoods goals, objectives, and core principles.

- Goal 1: Promote a full range of housing options for residents of all ages, incomes, physical abilities, and lifestyles.

- Goal 1.1: Support greater housing choices and neighborhood amenities for all City residents.
- Goal 1.2: Promote a variety of housing types to increase affordable housing options.
- Core Principle: Welcoming and Equitable City: Welcoming and equitable housing is accessible to all, regardless of background, income, race, or ethnicity. Embracing diverse and equitable neighborhoods encourages social cohesion, reduces disparities, and empowers a stronger sense of community.
- Core Principle: Economically Thriving City: Providing individuals and families with affordable and stable housing is a necessity to their pursuits in education, job opportunities, and socio-economic mobility; these all funnel into the development of businesses and the local economy.
- Core Principle: Environmentally Thriving City: Environmentally thriving housing and neighborhoods include integrating green spaces in new developments and promoting sustainable transportation (bike and pedestrian options) throughout the City's neighborhoods.

Future development, which is enabled through this Final Plat, increases the housing options, provides additional connectivity for pedestrians, and introduces more landscaping and buildings of architectural interest to a property that is vacant.

In addition, the property is classified as Greenfield Development within the Residential Areas Framework map. Greenfield Development calls for high quality buildings and site design standards, as well as, future connections to existing neighborhoods. Higher density near commercial corridors and nodes is promoted for a more desirable transition. The proposed Final Plat would allow for higher density near a commercial area and would allow for a transition buffer from Tower Road to the future single-family residential to the west.

Lastly, the Mix of Housing section within the Chapter also recommends supporting multifamily development along underperforming commercial corridors to help active said areas, promoting higher density housing along key corridors and surrounding activity centers including the Northern Neighborhoods.

Commerce and Employment

The Final Plat meets the Safe, Healthy, and Livable City core principle; "A safe environment, healthy workforce, and affordable access to housing, transportation, and other amenities offer the infrastructure and environment for businesses to be productive and successful in Commerce City of Commerce City." The Final Plat allows for additional options for housing, which subsequently assists the City's workforce. In addition, the Final Plat meets Goal 6.1. Expand commercial uses in the City. The Final Plat carves out Lot 1 which has a number of commercial land uses allowed per the PUD Zone Document.

2010 C3 Comprehensive Plan

This application was submitted and reviewed under the C3 Vision Comprehensive Plan. While the public hearing will occur with the new 2045 Comprehensive Plan (see above analysis), it is important to understand that submittal and review took place fully under 2010 C3 Vision

Comprehensive Plan's purview. The subject property is designated on the Future Land Use Map as Mixed Use (Corridor and Commercial) and Residential – Medium. The proposed Final Plat is the initial step to develop the northern parcel. Although there is no proposed PUD Development Permit, previous proposals for this site have included multi-family residential with a detention pond in the southwest corner of the site. By approving the proposed Final Plat, the property owner may then request purchase of Tract B, therefore allowing for future development of the detention pond and future proposals on the site. In addition, the vacant properties to the north across East 92nd Avenue would also be able to develop because their drainage is dependent on the subject property. Lastly, this case is supported by the Commerce City Comprehensive Plan goal, Land Use and Growth (Goal LU 1.1) – Growth and Future Land Use Plan Consistency because the proposed Final Plat would allow for the eventual development of vacant properties.

PROJECT ANALYSIS

Site Overview

The subject parcels are approximately 28.90 acres. The site is bordered to the east by Tower Road, north by East 92nd Avenue, and residential to the south and west. The northern parcel is currently vacant and the southern parcel is the Gramma Gulch.

Overall Analysis

The proposed Final Plat has been reviewed by the Development Review Team (DRT) including Planning, Public Works, Engineering, United Power, Mile High Flood District, and South Adams County Water and Sanitation District. The DRT has reviewed the proposal against all relevant City standards and Land Development Code (LDC) requirements. There were no comments from referral agencies in opposition to the proposed Final Plat.

FINAL PLAT APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3241(3) of the Land Development Code. An application may be approved if:

Criteria (a): The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;

The proposed platting meets the bulk standards of the PUD Zone Document and Land Development Code and is therefore consistent.

Criteria (b): The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;

The final plat is consistent with the Planned Unit Development (PUD) zoning district standards and creates lots and tracts for future development at this location.

Criteria (c): There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;

The application has been reviewed by the DRT members to ensure all standards and regulations are met. During review no discussion or comments were made to suggest

that the final plat will violate any state, federal, or local laws, regulations, or requirements.

Criteria (d): 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 in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;

The final plat will create two lots from one tract and split another existing tract into two. The proposed layout is logical and allows for future development of this site and properties to the north as well. Lastly, the Final Plat is consistent with the purpose and intent of the Land Development Code.

Criteria (e): 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;

After review of the final plat, the DRT found that the subdivision complies with City standards and does not create a lot or a layout that would make the implementation of any standards difficult.

Criteria (f): The subdivision:

i. 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

ii. Any adverse effect has been or will be mitigated to the maximum extent feasible;

The proposed subdivision is the first step in preparing the site for development and development of the site is not proposed at this time. As a result, no substantial or undue adverse impacts are expected for adjacent properties. Future site improvements will occur with the review and approval of a PUD Development Permit and Final Plat if necessary.

Criteria (g): 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 facilities and services already exist in the area due to existing residential development. When a proposal to develop the site is proposed, additional services will be added to serve the future residential and commercial uses.

Criteria (h): A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements shown on the consolidation plat documents; and

No Development Agreement is required at this time because no public improvements are required.

Criteria (i): As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

No phasing is proposed for this plat.

CONSIDERATIONS FOR REQUESTED FINAL PLAT

1. The land within proposed Tract B is currently unused
2. The Final Plat will allow the property owner to request purchase of Tract B, so that the northern parcel and property to the north may develop
3. Future PUD Development Permits will finalize the site layout and details
4. No development is proposed at this time

POTENTIAL MOTIONS

1. Approval
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Final Plat** for the property located **at the southwest corner of East 92nd Avenue and Tower Road** contained in case **S-851-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the Final Plat.
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Final Plat** for the property located **at the southwest corner of East 92nd Avenue and Tower Road** contained in case **S-851-24** meets the criteria of the Land Development Code and based upon such finding, approve the Final Plat.
2. Approval with conditions
 - a. Planning Commission

I move that the Planning Commission enter a finding that the requested **Final Plat** for the property located **at the southwest corner of East 92nd Avenue and Tower Road** contained in case **S-851-24**, meets the criteria of the Land Development Code with conditions, and based upon such finding, recommend that the City Council approve the Final Plat with the following conditions:

Proposed conditions
 - b. City Council

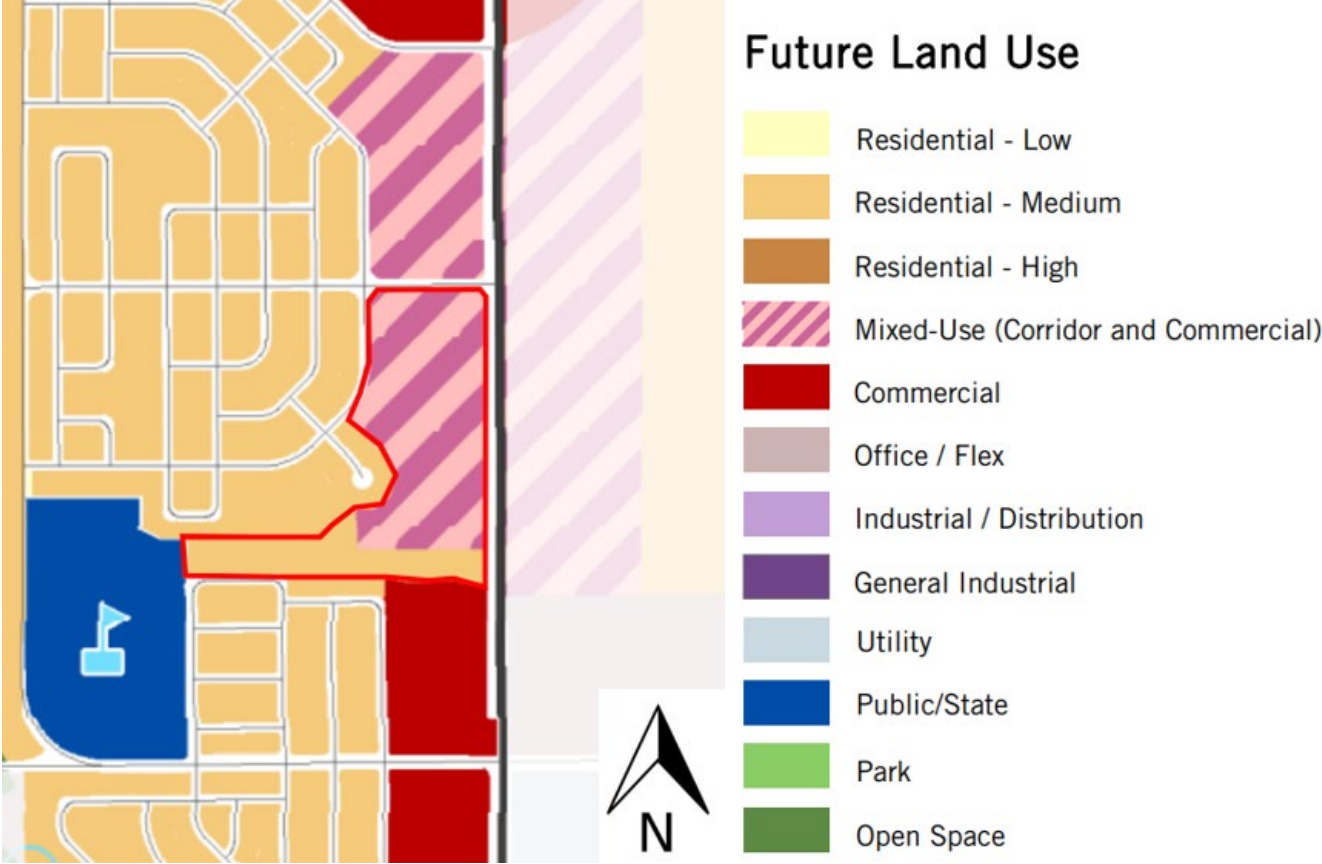
I move that the City Council enter a finding that the requested **Final Plat** for the property located **at the southwest corner of East 92nd Avenue and Tower Road** contained in case **S-851-24**, meets the criteria of the Land Development Code with conditions, and based upon such finding, approve the Final Plat with the following conditions:

Proposed conditions
3. Denial
 - a. Planning Commission

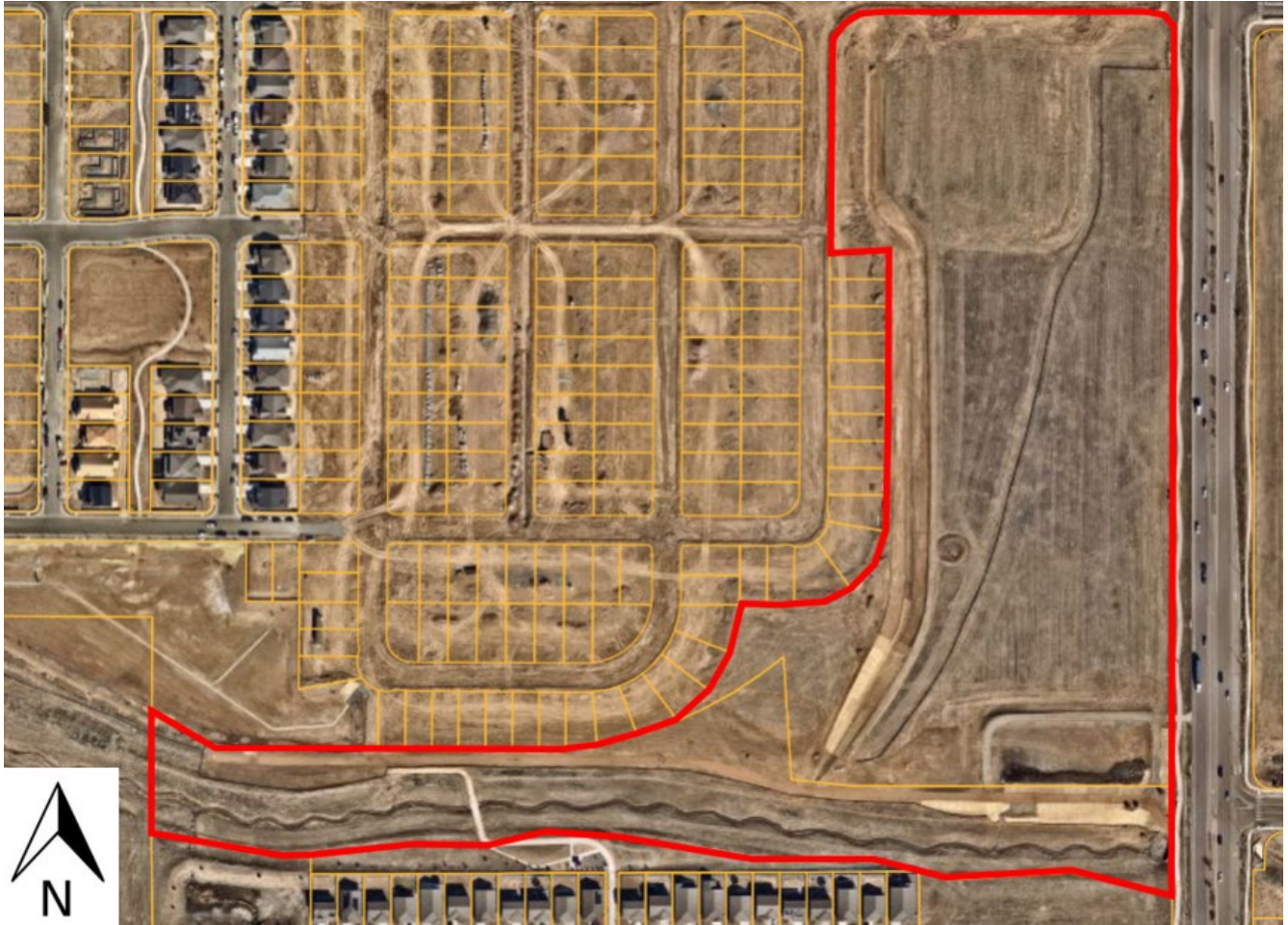
Vicinity/Zoning Map



Future Land Use Plan



Aerial Map



Aerial of the site taken February 24, 2024