



# Commerce City

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## Council Communication File Number: Res 2024-107

**Agenda Date:** 11/4/2024

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Resolution

A RESOLUTION APPROVING THE FINAL PLAT FOR SECOND CREEK FARM FILING NO. 3 AMENDMENT 3, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF EAST 92ND AVENUE AND TOWER ROAD, AND CONSISTING OF 28.90 ACRES

### Summary and Background Information:

Joel Farkas on behalf of Second Creek Holdings, LLC and the City of Commerce City is requesting approval of Second Creek Farm Filing 3 Amendment 3. This subdivision plat is being forwarded to City Council for approval because it includes the subdivision of city owned property.

The plat totals approximately 28.90 acres and is located at the southwest corner of East 92nd Avenue and Tower Road. The plat proposed to replat a existing Tract KK into two lots for future development. 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 lot and both are undeveloped except for a detention pond for Tower Road drainage.

The plat is also proposing to split existing Tract B, which is owned by the City, into two separate tracts. Proposed Tract A is approximately 7.59 acres and is occupied by the Gramma Gulch, a drainageway, with future plans to route the 100-year floodplain through the drainageway. Proposed Tract B is approximately 0.73 acres and undeveloped. The purpose for splitting the city owned tract is to create Tract B for future use as a private detention basin to accomodate stormwater runoff for the future development of Lot 1, Lot 2, and other vacant properties across East 92nd Avenue. The applicant is proposing to purchase newly created Tract B from the City. This purchase will be heard by City Council as Resolution 2024-127. There is no proposed development related to this Final Plat application.

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.

A full analysis of the approval criteria is provided in the attached Final Plat report. Relevant approval criteria are as follows LDC Sec. 21-3241(3).

**Final Plat approval criteria - Land Development Code Section 21-3241(3)**

A final plat may be approved if the decision maker finds that:

- (a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;
- (b) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
- (c) There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
- (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;
- (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;
- (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;
- (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;
- (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
- (i) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

**Staff Responsible (Department Head):** Jeff Brasel, Interim Community Development Director  
**Staff Member Presenting:** Nathan Chavez, Planner

**Financial Impact:** N/A  
**Funding Source:** N/A

**Planning Commission Recommendation:** On October 1, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the Final Plat 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