



# Comprehensive Plan Update Supplemental Memo

*City Council Date: September 23, 2024*

## **GENERAL INFORMATION**

**PROJECT NAME** 2045 Comprehensive Plan

**ORDINANCE** Ordinance No. 2616

**PLANNER** Jeff Brasel, AICP, Interim Community Development Director

### **Background:**

This supplemental memo is being provided to the City Council in response to questions and feedback received during the initial public hearing on the Comprehensive Plan adoption at the September 16, 2024, City Council Meeting. The memo's intent is to provide more detail on certain aspects of the plan and how it was developed.

### **Purpose of the Comprehensive Plan**

The City's Comprehensive Plan is a long-range land use plan that will guide the growth and development of the community over the next 20-25 years. The plan is focused on community development, but does include recommendations for programmatic and city services. The plan includes a community vision statement (Page 56 of the Plan) and four core principles (Page 57) that set the document's foundation. The core principles reflect the values of the community and cut across all recommended policies contained in the plan. The four core principles are:

- Welcoming and Equitable City
- Safe, Healthy, and Livable City
- Economically Thriving City
- Environmentally Responsible City

The plan also contains seven plan elements, which are discussions centered around specific topics pertaining to:

- Character Areas (land use) – Chapter 5
- Commerce and Employment – Chapter 7
- Housing & Neighborhoods – Chapter 8
- Arts, Cultural and Tourism – Chapter 9
- Transportation and Mobility – Chapter 10
- Parks, Open Space, and the Environment – Chapter 11
- Public Facilities and Infrastructure - Chapter 12

Each of the plan elements have associated goals and objectives that are detailed in Chapter 4 (Pages 58 – 72) and recommendations of how those goals can be implemented are in the associated plan element chapters 5-12.

The plan also contains a series of more focused corridor plans, which act as mini sub-area plans for 8 roadway corridors in the city. These sub-area plans are contained in Chapter 6 – Connected Corridors.

As a high-level visionary and policy document, the plan will be used in the following ways:

- Assist city staff, Planning Commission, and City Council to evaluate future annexation and rezoning requests
- Serve as a guiding document to other planning efforts the city may carry out, such as the transportation plan, sub-area, or neighborhood plans
- Guide regulatory changes, such as updates to the Land Development Code
- Provide recommendations on how the city should operate or develop services for the community
- Guide the design of infrastructure projects in the City
- As a reference to inform the city's capital improvement projects and priorities
- Provide information and guidance to residents, business owners and developers on how the city will grow

### **Project Scope**

Due to this project's complexity, the City hired a consultant firm, Houseal Lavigne Associates, to develop the comprehensive plan. Houseal Lavigne was selected through a request for proposal (RFP) process initiated by the City. Subsequently, staff drafted, and City Council approved a professional services contract outlining the project's scope of work.

The scope of work is created at the beginning of the process to define the project clearly and ensure clarity with the consultant team. The scope of work sets forth the project requirements and includes topical items to be addressed in developing the comprehensive plan. In addition to general project management, the scope included a community engagement process, market and demographic analysis, existing conditions analysis, the establishment of a community vision, a requirement for sub-area plans (later changed to connected corridor plans), and high-level requirements for the following topics:

- Land Use and Growth
- Economic Development
- Fiscal Stability
- Housing and Neighborhoods
- Redevelopment/Reinvestment
- Transportation
- Safety and Resiliency
- Homelessness
- Healthy Community/Wellness
- Parks, Open Space and Recreation
- Public Facilities and Infrastructure
- Appearance/Design
- Cultural Facilities and Tourism

The scope of work also included creating optional supplementary plans, including the transportation plan, economic development strategic plan, and the Parks, Recreation, and Golf master plan. Those supplemental plans were separated from the comprehensive plan project, and different consultants were chosen. If a topic was outside the scope of work, it was not included in the plan.

### **Relationship between the Comprehensive Plan and Supplemental Plans**

The comprehensive plan is a very high-level document primarily focused on the city's physical development and should be viewed through that lens. The plan contains policies and recommendations to direct the city's growth

but also includes some policy direction on city services and programmatic needs. An example of this is the plan recommendation to ensure services, such as recreational activities, reflect the community's diverse needs and are accessible to underserved areas.

Because of the comprehensive plan's high-level nature, it is meant to be supplemented by topical plans, like the currently under-development Transportation Plan, Economic Development Strategic Plan, and recently adopted [Sustainability Action Plan](#). These topical plans allow a more in-depth look at specific issues and how they affect the community and provide for a more targeted implementation of those goals. The Comprehensive Plan provides a high-level goal and policy framework, and the topical plans build upon those goals.

Similarly, the city can initiate sub-area or neighborhood plans that go into more detail of the needs and opportunities at a smaller geography than what the comprehensive plan accomplishes, but within the context of the comprehensive plan as a guiding document. Examples of these types of plans include the Derby Sub-Area Master Plan, Irondale Neighborhood & Infrastructure Plan, and Station Area Master Plan.

A list of adopted plans that were evaluated as part of this project are referenced on pages 32-37 of the document.

### **Three Mile/Annexation Plan**

One of the main uses of the comprehensive plan is to evaluate proposed annexations for consistency with the plan. Colorado's annexation law limits municipal annexations to no more than three miles beyond the current municipal boundary in any given year. As with all municipalities in Colorado, Commerce City must prepare and adopt a three-mile plan before annexing property into its territorial boundaries. The future land use plan (Character Areas), Annexation Priorities, and Urban Growth Boundary identified within the Comprehensive Plan help the City meet this requirement.

Page 53 of the document contains a map labeled, "Annexation Priority Areas." These are areas that are eligible to be annexed into the community and include unincorporated enclaves. Enclaves are properties that are completely surrounded by property already within the city's limits. State law recognizes that eventually, enclaves should be annexed into the surrounding community primarily to ensure consistency of services provided. As a reflection of this, while it is a rare occurrence, state law limits the ability of municipalities to say no to annexing enclaves when petitioned by property owners, and state law also provides cities with tools to initiate annexation of those enclaves.

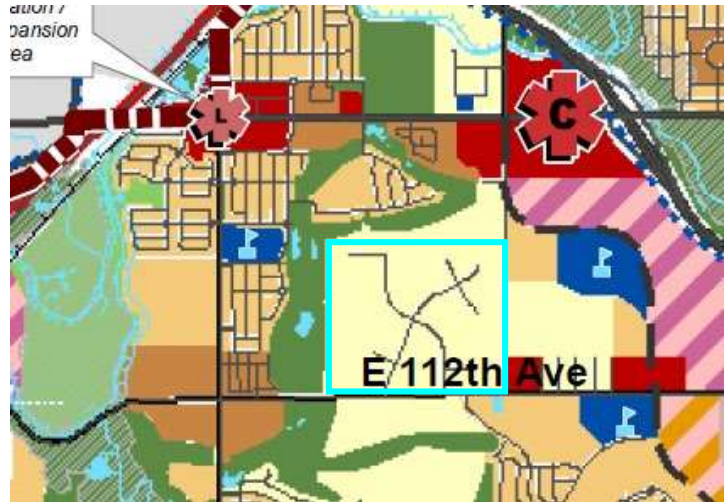
Even though a property may be identified as being eligible for annexation into the city, the act of annexation, in most cases, is still at the discretion of the City Council. Just because a property is shown as being eligible to be annexed into the city does not mean that the city must approve such a request if the annexation does not make sense for the city to do so. Also all annexation requests must still follow state law with regards to contiguity with existing city limits, which will limit the annexation opportunities of some properties.

The Annexation Priority Area/Three Mile-Plan map also contains an identified urban growth boundary (UGB). The UGB is established where the three-mile plan of multiple municipalities may overlap and properties can be considered for annexation into multiple jurisdictions. Commerce City's Urban Growth Boundary (UGB), established through an intergovernmental agreement (IGA), represents the City's anticipated geographical limit to growth within the three-mile extraterritorial jurisdiction under Colorado annexation law. Commerce City has established IGAs with the Cities of Thornton, Aurora, and Brighton. Proposed property annexations must be within the UGB and comply with the Commerce City Comprehensive Plan. An IGA with Adams County is currently contemplated and will reflect the plan. This will be forwarded to City Council at a future date.

The 2010 Comprehensive Plan has a similar map that helps guide potential annexation. The 2010 and 2045 plans are consistent with each other with the exception of an expansion of the UGB on the far northeastern boundary of the city and the far southwestern portion of the city west of the South Platte River. In the updated map, these expansion areas are designated as, "Updated Growth Areas," and are shown in a grey hatch. Copies of both maps from the 2010 plan and the current draft plan are included as Attachment 1.

Figure 1 - 2010 Comprehensive Plan Land Use and UGB Map

At the September 16<sup>th</sup> City Council meeting, several residents of Columbine Ranch development, an enclave that is located north and east of Chambers Road and E. 112<sup>th</sup> Avenue objected to being included as an identified annexation priority within the map. Columbine Ranch was also identified as being within the city's UGB in the 2010 plan (see Figure 1 – Columbine Ranches highlighted in a blue box), so the draft plan does not represent a change in policy for the city. As mentioned above, just because a property is identified does not mean it will be annexed. The majority of residents within Columbine Ranch, or the city would need to initiate the annexation process. If the property were to be annexed, appropriate zoning could be put in place to maintain the character of that neighborhood. A city-initiated annexation would not occur without action by City Council and would involve discussions with the community.



### Relationship to the Land Development Code

The Comprehensive Plan is not regulatory in nature. It is a reference document that assists in the decision-making process for certain land use applications (such as annexation and zoning) where the land development code specifies the comprehensive plan as a review criterion.

The land development code is and can be one of the most effective implementation tools for policies within the comprehensive plan. As such, cities usually update their land development and zoning codes soon after updating the comprehensive plan.

City Council has recognized this importance and has budgeted for a land development code update. That update is currently in process.

### Planning Commission Recommendation and City Council Proposed Changes

The Planning Commission reviewed the comprehensive plan and has recommended approval with recommended changes. Those changes can be found within Exhibit A of Ordinance 2616. The Commission articulated that they would like to see broader changes made after adoption of the plan, but did not go into detail as to what those changes were. City Council has begun to identify potential future changes as well.

A draft updated version of Exhibit A is included in Attachment 2. The updated draft version consists of both suggested changes identified by City Council, an additional condition from the Planning Commission

recommendation that was unintentionally left out of the original Exhibit A, and another staff-recommended change to the Economic Development Framework map (page 122) in order to recognize existing zoned commercial development along the Tower Road corridor south of E. 104<sup>th</sup> Ave, and the primary employment and commercial areas identified in the E-470 Expressway Corridor District, Innovation District, North Airport District and DEN gateway District character areas.

Potential identified changes by City Council include:

- Page 86 – Fix the error where Multi-family is identified as both a excluded use and a secondary use. Multi-family will be removed from excluded use.
- Page 59, Goal 3 – Change wording of Goal 3 to, “Ensure industrial areas continue to provide a strong employment base while working to lessen their overall impact on Commerce City residents.”
- Add language stating that existing Planned Unit Developments (PUDs) have generally set the land use and development patterns in the Northern Neighborhood character areas, which may result in limited opportunities for change unless amendments or rezoning were to occur.
- Review the Key Gateway Map (Page 154) and add key gateways where appropriate at key entry points in the community.

### **Additional Council Questions**

The following were additional comments/questions City Council raised during the September 16<sup>th</sup> hearing. Additional information and context are being provided on those topics:

- High Plains Parkway – This roadway connection is shown in the comprehensive plan and is primarily a reflection that this roadway has been planned for and approved as part of the Reunion PUD for some time. This roadway was also identified in the 2010 Comprehensive Plan and the draft 2045 plan does not reflect a change in approach.
- Performing Arts Center – “Pursue a performing arts venue” is an identified recommendation in Chapter 9 – Arts, Culture, and Tourism (page 163) and included in the implementation matrix #9-7.15 (page 244)
- Mixed-Use Development – The concept of mixed-use development is referenced throughout the document in various contexts.

Additional changes discussed by the City Council will be documented and included in the Ordinance for 2nd Reading should the City Council move forward with adopting the plan at 1<sup>st</sup> reading.

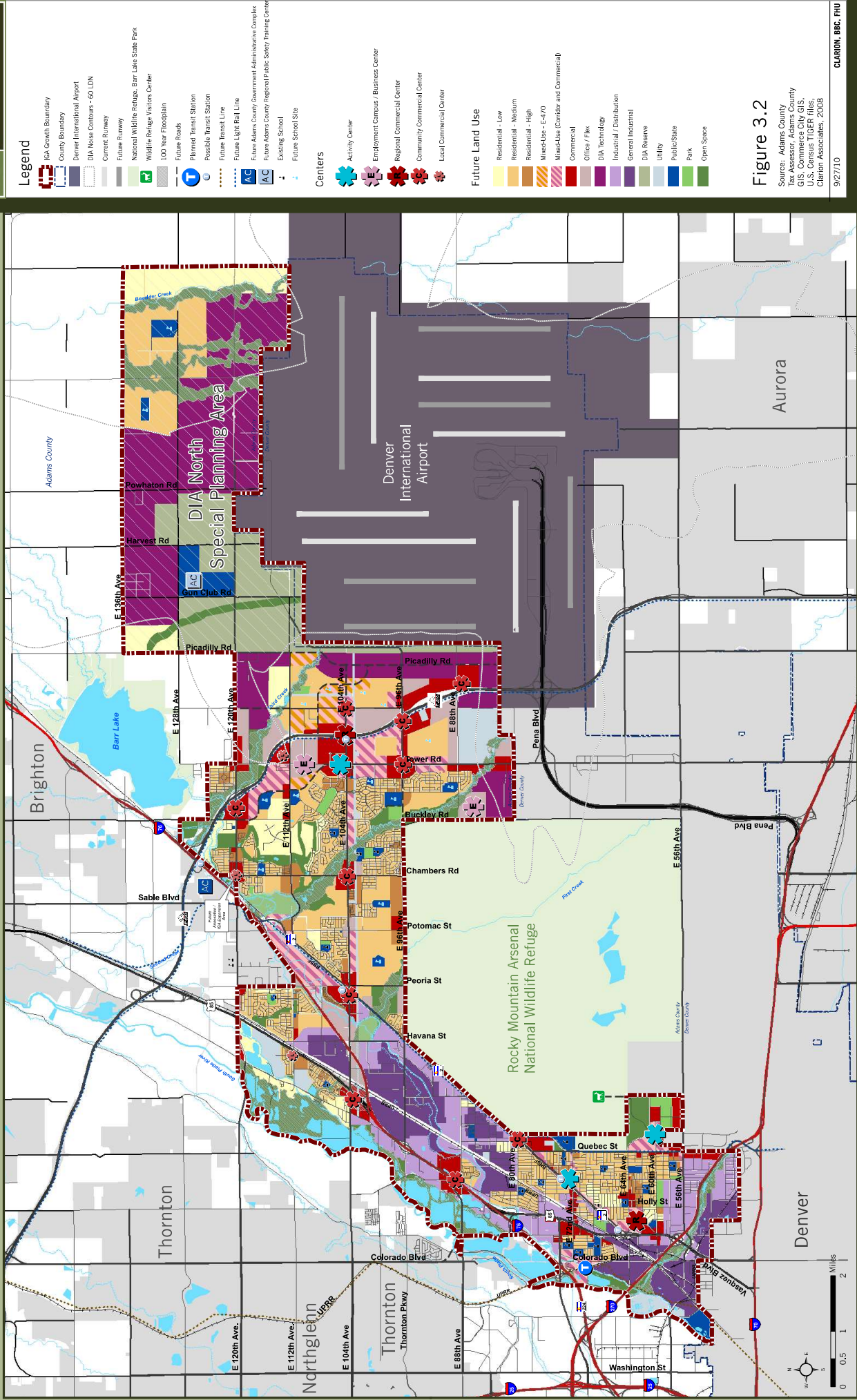
### **Attachments**

Attachment 1 – 2010 Land Use and UGB Map, 2045 Comprehensive Plan – Annexation Priorities Map  
Attachment 2 – Draft updated Exhibit A – Proposed Changes



# Future Land Use Plan

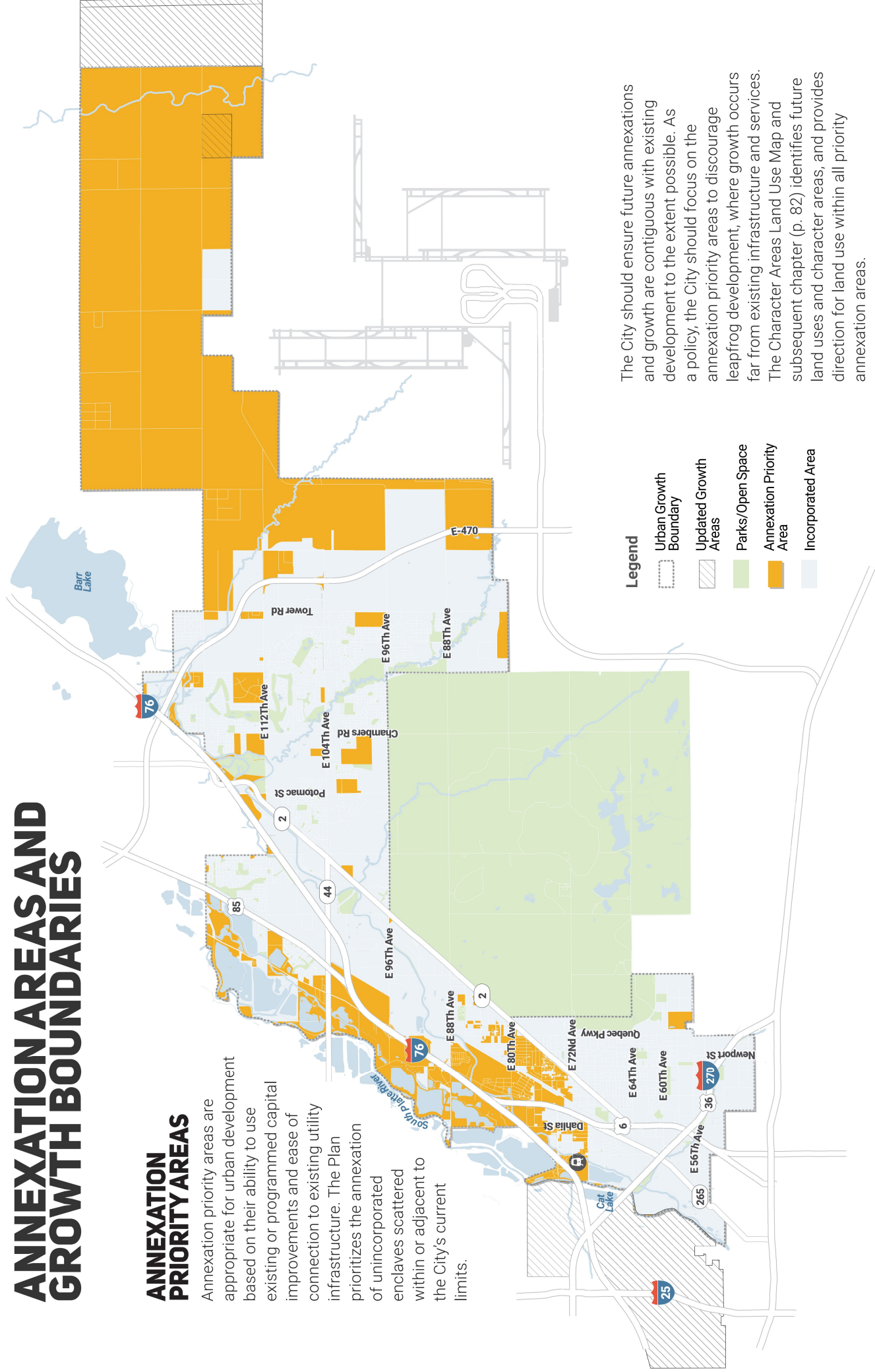
This map is from the 2010 Comprehensive Plan



# ANNEXATION AREAS AND GROWTH BOUNDARIES

## ANNEXATION PRIORITY AREAS

Annexation priority areas are appropriate for urban development based on their ability to use existing or programmed capital improvements and ease of connection to existing utility infrastructure. The Plan prioritizes the annexation of unincorporated enclaves scattered within or adjacent to the City's current limits.



The City should ensure future annexations and growth are contiguous with existing development to the extent possible. As a policy, the City should focus on the annexation priority areas to discourage leapfrog development, where growth occurs far from existing infrastructure and services. The Character Areas Land Use Map and subsequent chapter (p. 82) identifies future land uses and character areas, and provides direction for land use within all priority annexation areas.

- Legend**
- Urban Growth Boundary
  - Updated Growth Areas
  - Parks/Open Space
  - Annexation Priority Area
  - Incorporated Area

## EXHIBIT A (Draft Update 9.23.2024)

The following are Planning Commission's recommended revisions to the Comprehensive Plan.

### ***Modification of the graphics/maps:***

Throughout the document, the graphics/maps would benefit from cross-referencing and complete legends to improve readability and user friendliness.

1. The Connected Corridors section needs to show the existing trails along the South Platte River.
2. Pg. 98/99 Connected Corridors, add 120th Avenue as a connected corridor.
3. Pg. 102, pg. 106, pg. 108 and pg. 109 address gaps between the north and south for trail connections and bike routes, and emphasize connections to light rail. Refer to connection to bike lanes on Hwy. 2.
4. Pg. 173 Active Transportation Framework add missing trails in the Rocky Mountain Arsenal National Wildlife Refuge.
5. Pg. 110 show the 72<sup>nd</sup> intersection connection. Show buffering for bikes/peds along Hwy. 2.
6. Pg. 112 label underpass connections, the 112th Avenue connection needs to be made a priority, note the new trail connection, trails need to be shown as connecting with arrows.
7. Pg. 114 emphasize connection on 104<sup>th</sup> Avenue west for bikes and peds.
8. Pg. 116 the trail on Tower Rd. does not connect to anything currently.
9. Pg. 154 104<sup>th</sup> and E-470 should be shown as a gateway.
10. Pg. 175 112<sup>th</sup> as a multi modal arterial should be shown as a future connection.
11. Pg. 194 Show Riverside cemetery on Parks, Open Space and the Environment map.

### ***Text Changes:***

1. Pg. 61, add to Goal 2 Objective 1 to ensure the availability of water and resiliency of the water supply.
2. Pg. 64 add Goal 7 Objective 3 to emphasize the importance of the northern range to provide more retail and service options for residents.
3. Pg. 66 add to Goal 5 Objective 2, code enforcement should be emphasized to upkeep properties.
4. Pg. 66 add to Goal 4 Objective 6, advocate for different housing types to serve all residents.
5. Pg. 67 add to Goal 3 Objective 5, create an arts district in the southern portion of the City.
6. Pg. 69 add Goal 5, Objective 4, improve connection to existing regional trails throughout the City.



7. pg. 72 add Goal 7, Objective 2, ensure adequate water supply prior to development occurring.
8. Pg. 78 A Vision for Commerce City's Places, replace equitable investment efforts with investments in public infrastructure in the southern and northern parts of the City.
9. Pg. 101 Enhanced Rail Crossing add, rail corridors are an impediment to pedestrians.
10. pg. 132 Derby Recommendations add, support an art gallery and creation of an arts district.
11. Pg. 146 Code Enforcement Recommendations, add allow deviation from parking minimums at transit-oriented development.
12. Pg. 147 Neighborhood Reinvestment, change to reinvest in traditionally disinvested neighborhoods to increase the standard of living.
13. Pg. 179 Traffic Management Intersection Control, and pg. 181 East West Connections, add rail crossings cause delays at major intersections of 72<sup>nd</sup>, 88<sup>th</sup>, 96<sup>th</sup> and 104<sup>th</sup>.
14. Pg. 182 Tower Road, add the Intergovernmental Agreement with Denver and DIA notes the connection of Tower Road to the south.
15. Pg. 200 Preserving Tree Canopy Recommendations, add require trees along the right of way in subdivisions with enough space and soil in streetscape landscape areas to allow trees to flourish.
16. Pg. 201 Public Access to Parks Recommendations, add require preservation of public easements and tracts in PUDs and subdivisions.
17. Pg. 202 Sustainability, add encourage use of bioswales in parking areas at parks and recreation centers.
18. Pg. 214 Water and Wastewater, add ensure the availability of water and resilience of the water supply.
19. Pg. 217 Efficient Strategic Investments Recommendations, add development should pay its own way.
20. Pg. 222 Reference the Plan Regularly, add Planning Commission should be involved in the use of the Plan.
- 20.21. Modify the text in the Highway 2 Corridor plan page on Page 113 to reference residential east and west of Hwy 2 so it is consistent with the map on Page 112.

***Organization and Structure of the document:***

1. Pg. 46, People Experiencing Homelessness by Age graphs, update that data.
2. Pg. 162 top paragraph top right correct "Downstream water treatment plant" is "upstream".
3. Pg. 162 correct "ground water water" typo.
4. Pg. 171 correct street graphic has typo "Bike Lane"
5. Pg. 183 Roadway Widening reference in the Connected Corridors.
6. Pg. 185 Key Connections to the Airport Recommendations first bullet reference in the Connected Corridors.

7. Pg. 199 Recommendations reference in Connected Corridors about prioritizing low income areas for greater trail and sidewalk access.
8. Pg. 230 Restate Core Principles: Welcoming and Equitable City, Safe, Healthy and Livable City, Economically Thriving City, Environmentally Responsible City.

The following are City Council's recommended change to the Comprehensive Plan document:

- Page 86 – Fix the error where Multi-family is identified as both a excluded use and a secondary use. Multi-family will be removed from excluded use.
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