



Zone Change Report

Case #Z-705-99-00-09-24

Planning Commission Date: June 4, 2024

City Council Date: August 5, 2024

GENERAL INFORMATION

PROJECT NAME	Tower Landfill
LOCATION	Southwest corner of East 88 th Avenue and E-470
SITE SIZE	110 Acres
CURRENT ZONING	Adams County A-3 (Agriculture-3)
APPLICANT	Allied Waste Services, LLC
OWNER	DIBC HQTS, LLC
CASE PLANNER	Dalton Guerra

REQUEST

The request is for an annexation zoning from Adams County A-3 (Agriculture-3) to Commerce City PUD (Planned Unit Development).

PUD ZONING

The zoning of a property determines what uses are allowed/not allowed and sets bulk development standards such as setbacks, lot size requirements, and maximum building heights. The City has a variety of straight zoning districts including residential districts, commercial districts, industrial districts. PUD Zoning is a zoning district that allows specific uses and standards that a straight zone district would not allow. The intent of the PUD Zoning is to support a unique development that would not be feasible within a straight zoning district. PUD Zoning is approved by the City Council in the form of an ordinance and “runs with the land” meaning that the zoning for a parcel remains in effect unless it is modified by a subsequent PUD Amendment.

BACKGROUND AND CASE HISTORY

There are five related applications being reviewed for this site:

- Land Use Plan Amendment (LUP-058-24)
- Annexation (AN-263-24)
- Vacation of Right-of-Way (V-93-24)
- Final Plat (S-840-24)
- PUD Permit (D-508-24)

The existing landfill property is not under consideration for any of the land use applications being reviewed. All applications are related to the subject property located at the southwest corner of East 88th Avenue and E-470. However, the existing landfill will be directly impacted by the decisions made.

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 existing landfill. Approval of this PUD Zone Document would not allow the existing landfill footprint to expand by right. There are a number of processes and approvals that would be required from the State, County, and City if the footprint of the existing landfill were to expand. There is no plan for the landfill footprint to be expanded into the subject property at this time. However, if the footprint is expanded in the future it will need to be approved by City Council.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property is currently designated on the Future Land Use Map as DIA Technology. There is a Land Use Plan Amendment being processed for this property to change the future land use designation to Utility.

The proposed zoning is not compatible with the current future land use plan designation of DIA Technology. DIA Technology is a designation that aims to provide light industrial, distribution, office, flex space, and employment land uses. Secondary uses can include open space, public facilities, retail, and hotels. The DIA Technology designation is appropriate along the E-470 corridor and DIA North.

The Utility designation being proposed in the Land Use Plan Amendment application is more appropriate for the proposed uses within the proposed PUD Zoning. The existing landfill directly adjacent to the west is within the Utility designation. The Utility designation is for land to be used for utilities, waste water facilities, electricity, and active/future landfills.

The proposed zoning would be consistent with the comprehensive plan future land use plan if the land use plan amendment were approved to change the designation of the subject property from DIA Technology to Utility. However, the comprehensive plan goals for this area of the city are to develop the E-470 corridor with employment, commercial, and mixed-use development.

PROJECT ANALYSIS

Site Overview

The requested annexation zoning is for approximately 110 acres, located at the southwest corner of East 88th Avenue and E-470. Per the submitted PUD Permit, all structures currently on the site would be demolished before the site is redeveloped. The subject property is proposed to have the main entrance to the landfill and other landfill operations on site.

This site is bordered by the existing landfill to the west which is not under consideration for this annexation zoning request. East 88th Avenue is to the north while E-470 borders to the east. To the south is a vacant property that is within Adams County and owned by City and County of Denver. The nearest residential zoning is within the Legato subdivision 2,000 feet to the northwest of the subject property.

Neighborhood Meeting

A neighborhood meeting was conducted on December 28, 2023 at Bison Ridge Recreation Center. Approximately ten residents were in attendance to ask questions and provide comments about the annexation zoning request. The main questions from the public were in regards to renewable energy and plans for the landfill post-closure. The applicant has indicated that they have future plans to utilize renewable natural gas. They also indicated that post-closure, the landfill site will provide passive and active open space features including trails in Second Creek and along E-470.

Overall Analysis

The proposed annexation zoning has been reviewed by the Development Review Team (DRT) including Planning, Public Works, Engineering, Environmental, South Adams County Fire 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 for the proposed PUD zoning. There were no comments from referral agencies in opposition to the proposed annexation zoning. A preliminary traffic and drainage report have been reviewed by the DRT and will be approved at the time that the pending PUD Permit is approved.

ZONING OF NEWLY ANNEXED LAND APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3350(2) of the Land Development Code. An application may be approved if:

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.**

The application meets criteria (a) only if the corresponding Land Use Plan Amendment is approved to change the designation from DIA Technology to Utility. Otherwise it would need to meet criteria (b) or (c). The land is currently zoned Adams County Agriculture-3 and has an Agriculture use on it.

PUD ZONE DOCUMENT APPROVAL CRITERIA

A decision for this case must be based on the following criteria from Sec. 21-3251(3) of the Land Development Code. An application may be approved if:

Criteria (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;

The proposed PUD Zone Document is not consistent with the current comprehensive plan land use designation of DIA Technology. The corresponding Land Use Plan Amendment to change the designation from DIA Technology to Utility must be approved for the proposed PUD Zone Document to be consistent with the comprehensive plan land use designation. The comprehensive plan goals for this area are to promote development that is in line with the DIA Technology land use designation along the E-470 corridor.

Criteria (b): The PUD zone document is consistent with any previously reviewed PUD concept schematic;

Not applicable.

Criteria (c): The PUD 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;

The existing landfill is within a PUD Zone Document and the proposed uses within the new PUD Zoning are intended to support the existing landfill. The proposed uses for supporting landfill operations are unique and better addressed through the use of a PUD Zone Document rather than straight zoning. The proposed PUD Zone Document would be in line with the existing landfill PUD.

Criteria (d): The PUD complies with all applicable city standards not otherwise modified or waived by the city;

The proposed PUD has been reviewed by the Development Review Team and meets all applicable city standards.

Criteria (e): The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;

The proposed PUD will provide access to the existing landfill to the west. There will also be a future trail on the east side of the subject property along E-470.

Criteria (f): To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;

The subject property is adjacent to the existing landfill and is bordered by E-470 to the east and vacant land to the south. To the north, across East 88th Avenue, is a new development known as Legato. Legato is zoned to allow Office/Flex space along East 88th Avenue and single-family homes throughout the interior of the site.

Criteria (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;

The property will need to be included into the South Adams County Water Sanitation District, South Adams County Fire District, and the E-470 Commercial Area General Improvement District. Commerce City Public Works, South Adams County Water Sanitation District, and South Adams County Fire Department were included in the review for this zoning request.

Criteria (h): As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and

Not applicable.

Criteria (i): The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

The proposed uses and standards to support the existing landfill are more easily accomplished under a PUD rather than straight zoning or the use of other techniques. The proposed PUD would be in line with the existing PUD for the landfill property.

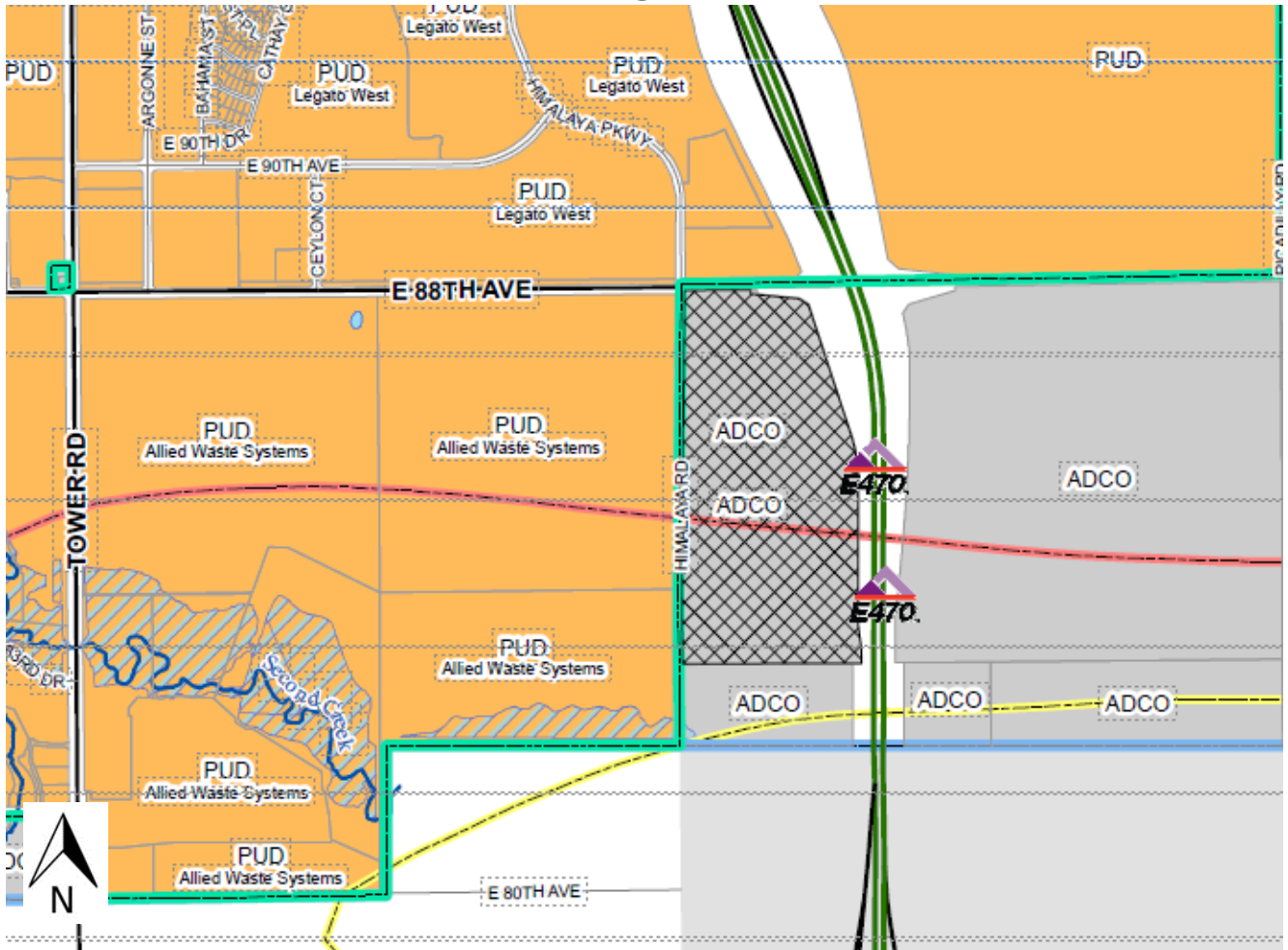
CONSIDERATIONS FOR REQUESTED ANNEXATION ZONING

1. The subject property cannot be zoned unless it is first annexed.
2. The proposed PUD is not compatible with the existing land use plan designation of DIA Technology.
3. The proposed PUD would be compatible with the land use designation of Utility.
4. The proposed PUD does not allow the landfill footprint to expand by right.
5. Any expansion of the landfill footprint in the future would require City Council approval.
6. The proposed PUD does allow landfill operations to support the existing landfill by right.
7. This property is highly visible from E-470.
8. The existing landfill sits at approximately 385 acres.
9. There is a projected 20 years of life remaining within the existing entitled footprint.
10. The proposed zoning would limit the developable area to be used for future commercial, distribution, and employment uses.

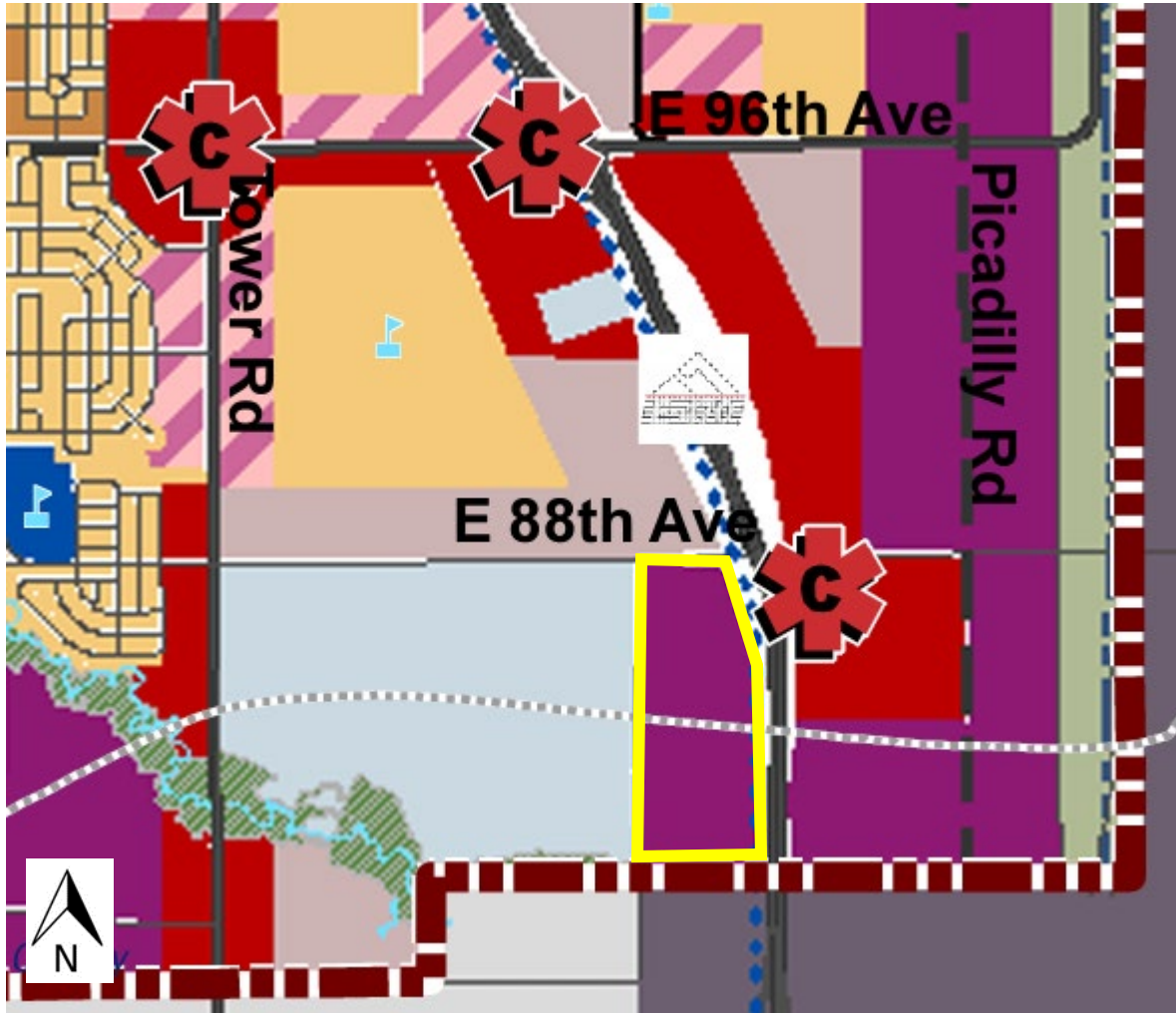
POTENTIAL MOTIONS

1. Approval
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Planned Unit Development (PUD) Zoning** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **Z-705-99-00-09-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **PUD Zoning**.
 - b. City Council
 - i. I move that the City Council enter a finding that the requested **Planned Unit Development (PUD) Zoning** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **Z-705-99-00-09-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **PUD Zoning**.
2. Denial
 - a. Planning Commission
 - i. I move that the Planning Commission enter a finding that the requested **Planned Unit Development (PUD) Zoning** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **Z-705-99-00-09-24** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **PUD Zoning**.
 - b. City Council
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3. Continuance
 - a. Planning Commission
 - i. I move that the Planning Commission continue the public hearing of the requested **Planned Unit Development (PUD) Zoning** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **Z-705-99-00-09-24** to:
 1. The next regularly scheduled Planning Commission hearing; or
 2. A date certain.
 - b. City Council
 - i. I move that the City Council continue the public hearing of the requested **Planned Unit Development (PUD) Zoning** for the property located **at the southwest corner of East 88th Avenue and E-470** contained in case **Z-705-99-00-09-24** to:
 1. The next regularly scheduled City Council hearing; or
 2. A date certain.

Zoning Map

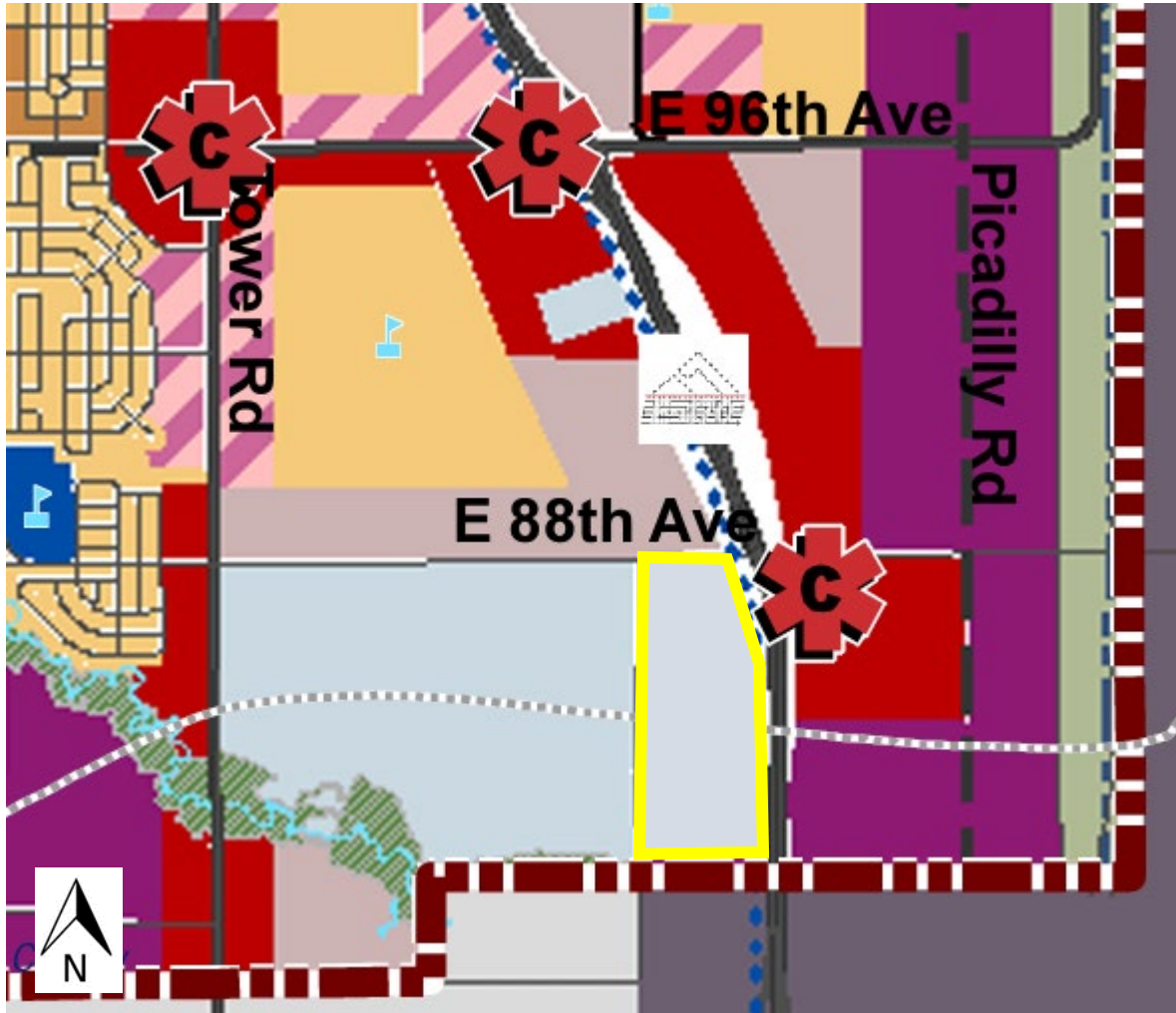


Future Land Use Plan (existing)



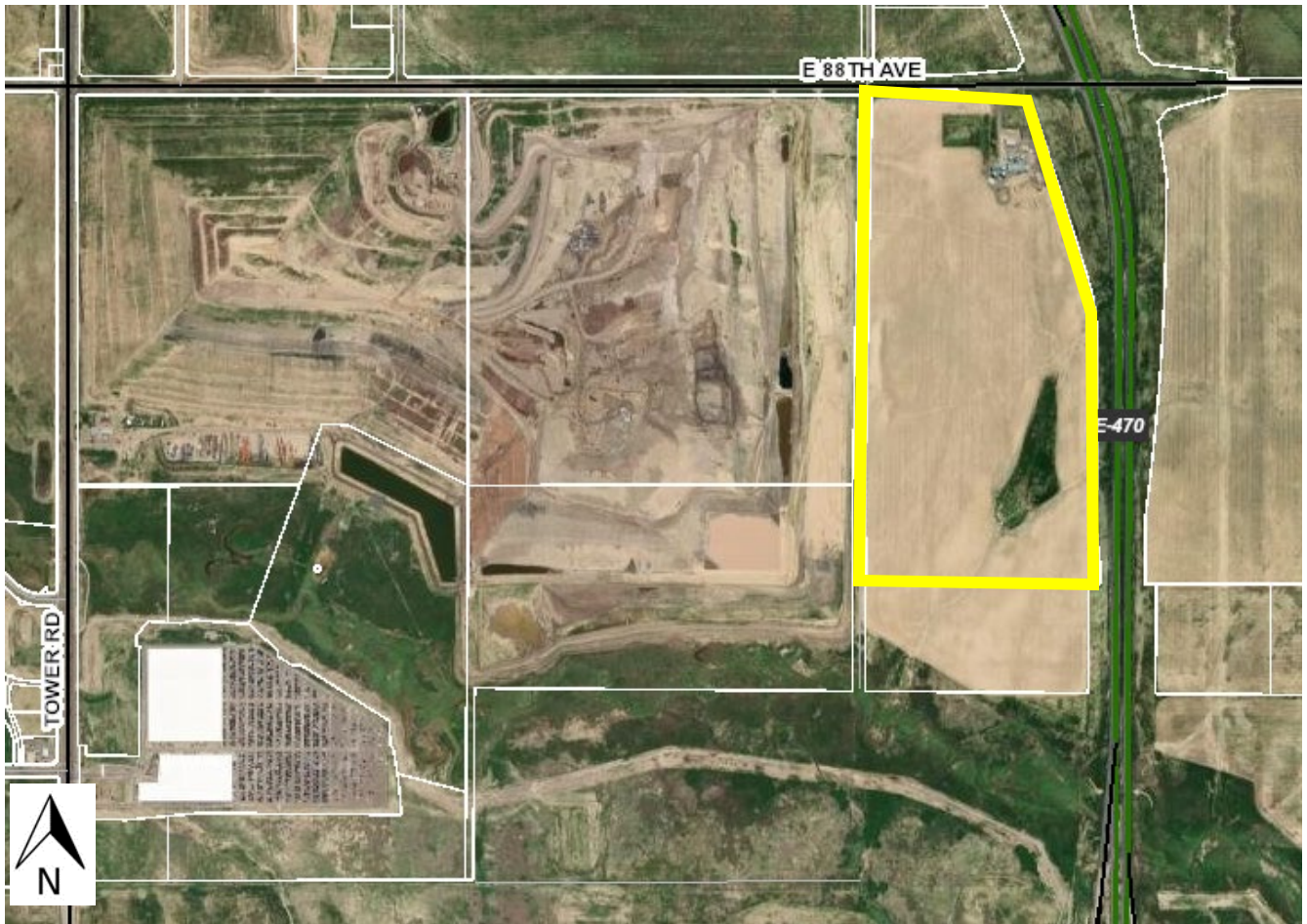
 DIA Technology

Future Land Use Plan (proposed)



Utility

Aerial Map



Existing Entrance and Operations



Proposed Entrance and Operations

