



Z-973-21-24

Anderson Ranch - Annexation Zone Change

10/21/2024

Request Summary

What is an Annexation Zone Change?

- When a property annexes into Commerce City a official zone district is required. The Annexation Zone Change officially changes the property zone district to a Commerce City zone district.
- The zoning of a property determines what uses are allowed/not allowed and sets bulk development standards such as setbacks, lot size requirement, and maximum building heights
- Actual development details are reviewed with a Development Plan

What is City Council deciding?

- Whether the zoning and associated rules for how the property can be developed and uses should be changed.
- Whether the proposed PUD zone district meets the approval criteria.

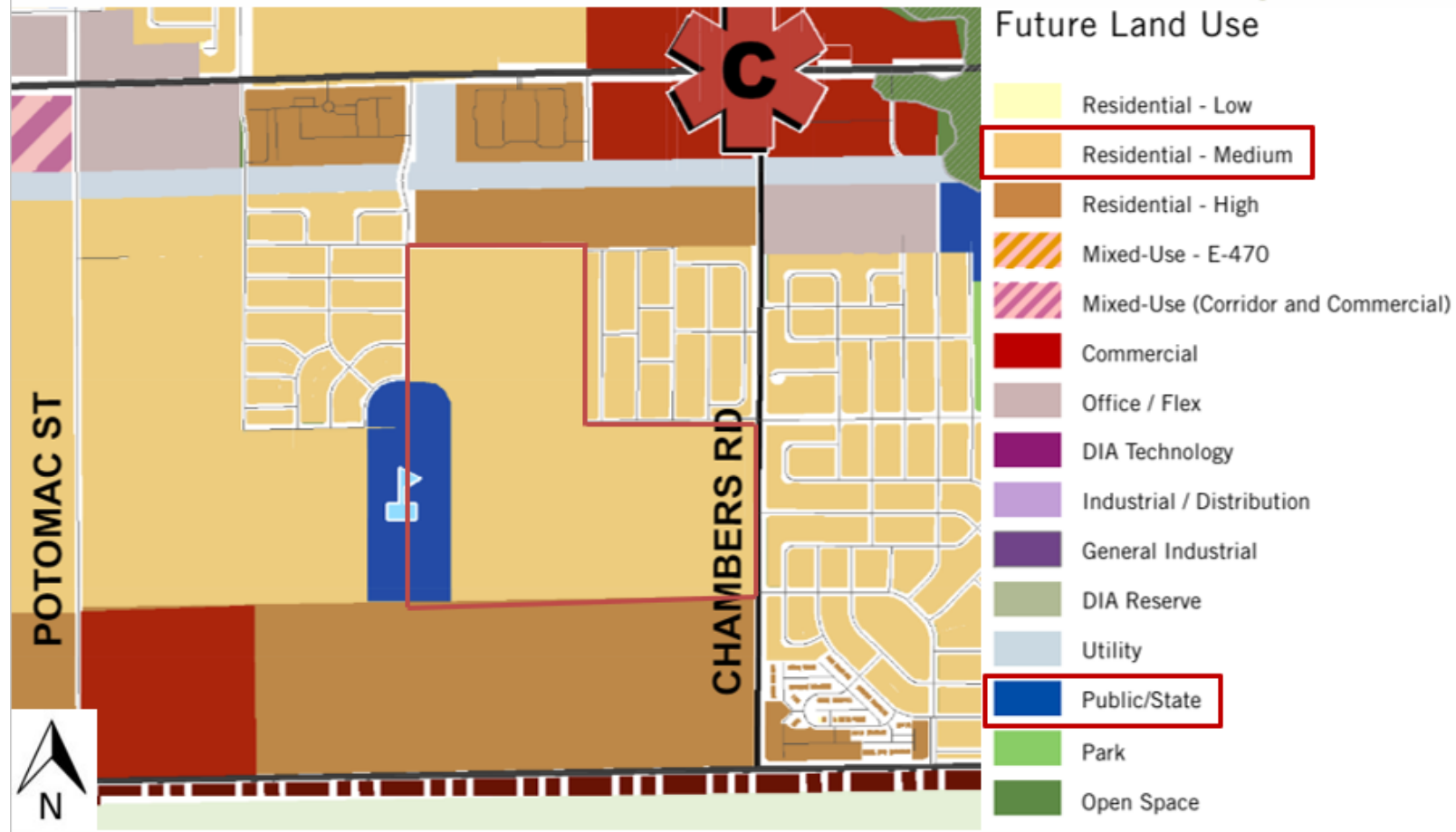
Vicinity/Zoning Map



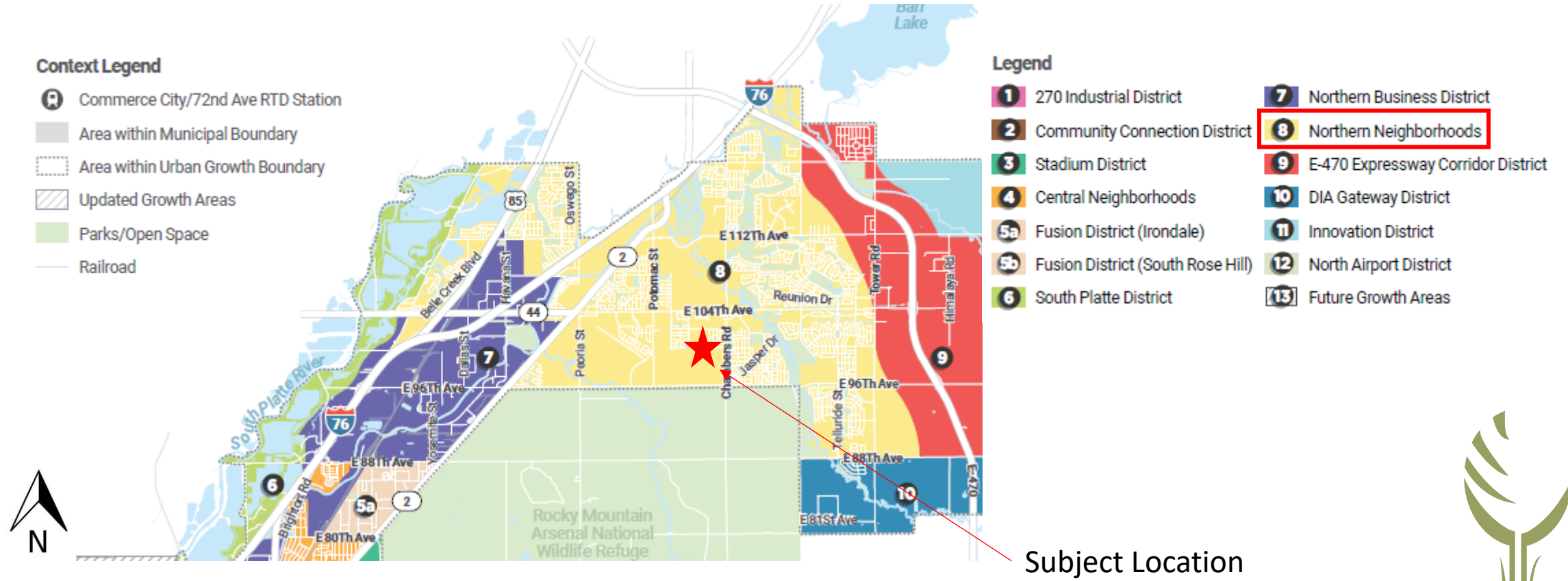
Case Summary

- Location: 9901 Chambers Road (NW corner of East 98th Avenue and Chambers Road)
- Request: Annexation Zone Change from Adams County Agricultural-3 (A-3) to Planned Unit Development (PUD)
- Future land use: Residential – Medium & Public/State
- Site size: Approximately 121 Acres
- Concurrent Cases:
 - AN-268-24: Annexation into Commerce City
 - NIGID23-0001: Inclusion into the Northern Infrastructure General Improvement District

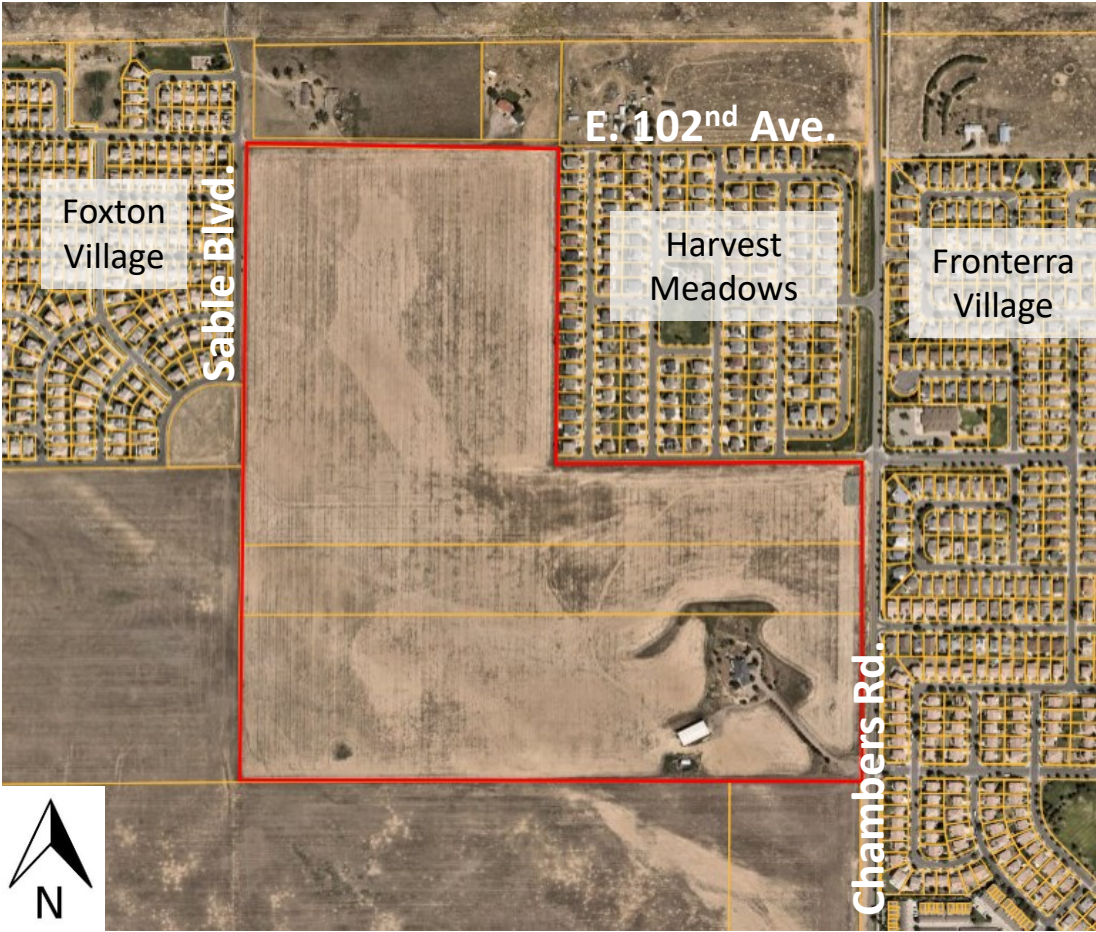
Future Land Use Plan



Character Areas



Aerial



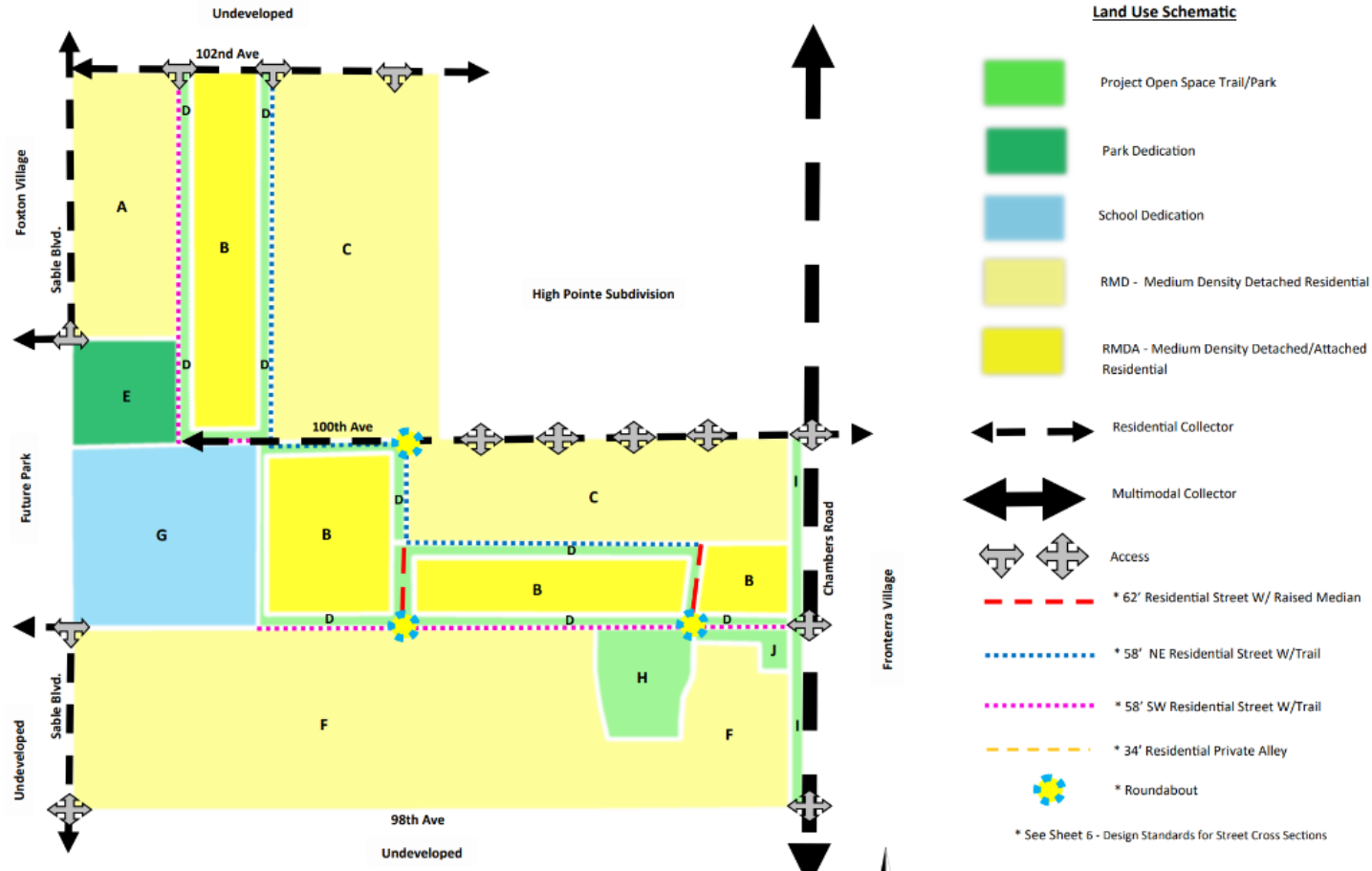
Current Conditions



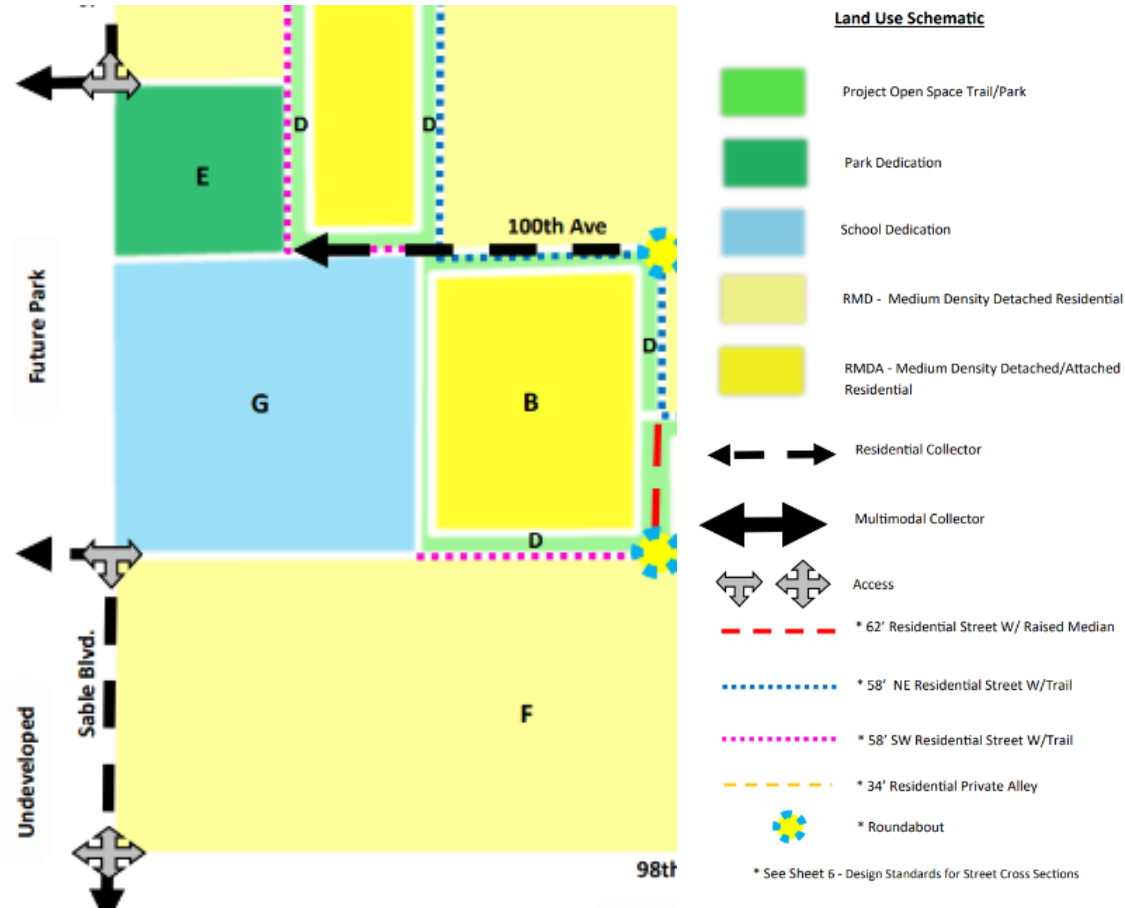
Current Conditions Cont.



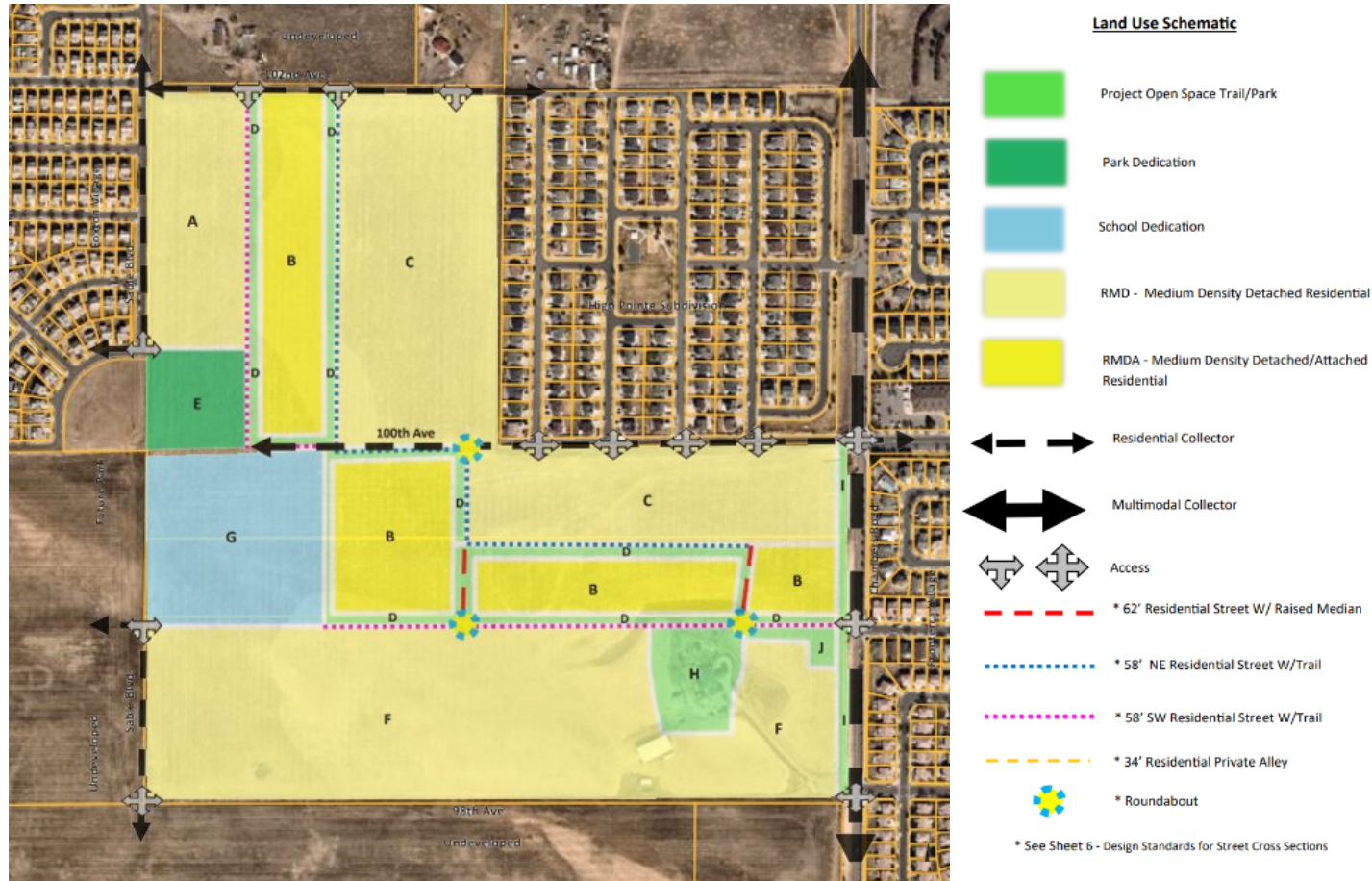
Proposed PUD Zone Document (1)



Proposed PUD Zone Document (2)



Road Network Impact



Neighborhood Meeting

- Neighborhood meeting held March 15, 2023 from 5:00 pm – 6:30 pm at Stuart Middle School
- Applicants mailed letters in a 500-foot radius to notify surrounding property owners of the meeting
- Eight residents attended
- Questions and concerns from the public included:
 - The maximum height of the homes and the timeframe of development
 - Increased traffic
 - Blocking mountain views from Chambers Road
 - Lack of commercial in the area
 - Multi-family as an undesirable adjacent use
 - The width of Chambers Road
 - Deteriorating conditions of nearby roads during construction

Planning Commission

- Heard by Planning Commission on July 2nd & August 6th
- Planning Commission voted 3-0 on August 6th to recommend approval to City Council.

Public Comment

- As of October 9, 2024, Staff has received 6 written public comments.
- Concerns from the public included:
 - Increased traffic
 - Pedestrian safety
 - Connection to existing subdivisions
 - Lack of commercial and public uses in the area
 - Increased crime
 - Too many people

Project Analysis

- Proposed Annexation Zone Change was reviewed by all relevant Development Review Team (DRT) agencies

Zoning of Newly Annexed Land Approval Criteria

(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

(3) *Approval Criteria.* 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.

Considerations for Discussion

- Annexation zoning allows the site to develop as a residential neighborhood, compatible with the Comprehensive Plan and surrounding uses.
- The proposed PUD includes 10.09 acres for a school site within the 27J School District.
- The proposed PUD includes 3.37 acres for a public park site.
- Development of the property will create roadway connections between Chambers Road and Sable Boulevard, as well as greater overall connectivity for vehicular users and pedestrians in this area.
- The proposed PUD includes over 18% of private parks, open space, and trails which exceeds the 3% requirement of the LDC.
- The gross density meets the intent of the Residential – Medium designation.
- The entire site may be developed as single-family detached.
- No architectural design standards are proposed, and the PUD Zone Document defers to the Land Development Code.



Discussion

Zoning of Newly Annexed Land Approval Criteria

A decision for the zoning of newly annexed land must be based on the following criteria from Sec. 21-3350(2) of the LDC.

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;

Analysis: The 2010 Vision C3 Comprehensive Plan Future Land Use Plan designates the property as Residential-Medium and Public/State. The Residential – Medium designation lists related zoning of R-1, R-2, and PUD and primary uses of single-family detached residences, single-family attached, and some townhomes, and patio homes, and secondary uses including schools and open space. The Public/State designation lists related zoning of Public and primary uses including parks and schools. Proposed is a primarily residential PUD, which allows for a potential mixture of housing types including single-family detached, single-family attached, and townhomes; and secondary uses including a school, open space, and a public park. The Comprehensive Plan further states: the Residential – Medium “category allows a wider range of residential types and is appropriate near commercial and activity centers where characteristics are suburban to urban neighborhoods at moderate density. Generally, neighborhoods are accessed by collector streets that connect to arterial streets and should be transit-supportive.” Lastly, the proposal meets the intent of the Future Land Use Plan Residential – Medium designation density and the maximum density will not exceed the maximum allowed for the PUD. Within the 2045 Comprehensive Plan, the subject property is located with the Northern Neighborhoods character area in which single-family attached, single-family detached, townhomes, and parks and open space are listed as primary land uses. The proposed PUD allows for all four land uses. **Therefore, it can be found that this application meets Criteria (a).**

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

Not applicable

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

21 *Not applicable*

PUD Approval Criteria

A decision for a PUD Zone Document must be based on the following criteria from Sec. 21-3251(3) of the LDC. 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;

Analysis: The proposed PUD Zone Document meets the land use the intent of the 2010 Vision C3 Comprehensive Plan because the proposed uses are residential and public in nature. In addition, the proposed zoning offers the potential for a variety of medium density housing, which is specifically stated as a characteristic of the Residential – Medium Future Land Use Plan designation. However, there is the opportunity for the site to be developed as entirely single-family detached. In addition, there are concerns from Staff regarding the proposed density of between six to sixteen DU/AC for planning area B, a density that is higher than the Residential – Medium designation. Because the density is considered as a whole, the proposed DU/AC for all of the PUD meets the intent of the of the Residential – Medium designation. Similarly, the proposed PUD meets the land use intent of the 2045 Comprehensive Plan because the proposed uses are residential and public in nature. **Therefore, it can be found that this application meets Criteria (a).**

- b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;

Analysis: The proposed PUD Zone Document is consistent with the previously reviewed PUD concept schematic (Z-973-21). **Therefore, it can be found that this application meets Criteria (b).**

PUD Approval Criteria Cont.

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

Analysis: Through the proposed PUD, the applicant is offering the City private parks and open space which exceeds the LDC minimum, greater density, and the possibility of variety of housing types within the area. The LDC requires a minimum of 3% of land to be used for private park space for residential subdivisions. Approximately 18.67% (13.85 acres) of the usable land shall be developed as a private park, trails, and open space. A part of the 13.85 acres contains two miles of 10-ft. wide trails along the internal spine of the development. The Residential – Medium designation states that the designation allows for “a wider range of residential types” including “single-family detached residences, single-family attached, and some townhomes.” A greater density is needed for the potential Planning Area B townhomes and single-family attached products. **Therefore, it can be found that this application meets Criteria (i).**

- ii. The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;
Not Applicable

PUD Approval Criteria Cont.

- d) The PUD complies with all applicable city standards not otherwise modified or waived by the city;
Analysis: The proposed PUD has been reviewed by the Development Review Team and meets all applicable city standards. **Therefore, it can be found that this application meets Criteria (d).**

 - e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
Analysis: The proposed PUD includes roadways, trails, and sidewalks which will better connect this area of Commerce City. Specifically, additional east-west roadway connections including East 100th Avenue, East 98th Avenue, East 99th Avenue, and East 102nd Avenue will be provided. Sable Boulevard, a north-south Minor/Residential Collector per the Master Transportation Plan, will also be partially constructed. Sidewalks will be included throughout the site for pedestrian use and one of the main features of the site is a 10-foot multi-use path which will run along the internal spine of the site. **Therefore, it can be found that this application meets Criteria (e).**

 - f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
Analysis: The applicant has worked extensively with the Development Review Team agencies to address any comments and concerns that would pose significant adverse impacts to adjacent properties and the general community. This includes working through the traffic and drainage reports and shifting the school dedication site to the north closer to the park site. The applicant has also agreed to cash contributions for future traffic signals at the intersections of East 104th Avenue and Sable Boulevard and East 100th Avenue and Chambers Road, thereby assisting with future mitigation of traffic concerns. Lastly, members of the public expressed concerns regarding the types of residential units that would be adjacent to existing single-family detached homes. Per the PUD, the applicants have committed to build similar single-family detached homes adjacent to the existing subdivision and only build townhomes and duplexes within the interior of the development. **Therefore, it can be found that this application meets Criteria (f).**
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PUD Approval Criteria Cont.

- 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;
Analysis: The property will need to be included into the South Adams County Water Sanitation District and the Northern Infrastructure 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 and have no outstanding comments or concerns. **Therefore, it can be found that this application meets Criteria (g).**

- h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and
Analysis: Phasing will be addressed at the PUD Development Permit and Final Plat stages. **Therefore, it can be found that this application meets Criteria (h).**

- i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.
Analysis: The proposed development can only be accomplished through a PUD. The applicant is seeking greater density and greater mixture of land uses than current straight zoning such as R-2 (Single-Family Attached Residential District) and R-3 (Multi-Family Residential District) would allow for. **Therefore, it can be found that this application meets Criteria (i).**