



# Final Plat Report

## Case #S-851-24

*Planning Commission Date: October 1, 2024*

*City Council Date: November 4, 2024*

### **GENERAL INFORMATION**

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

### **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**

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 92<sup>nd</sup> 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 92<sup>nd</sup> 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

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** fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny 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** fails to meet the criteria of the Land Development Code and based upon such finding, deny the Final Plat.

4. Continuance

a. Planning Commission

i. I move that the Planning Commission continue the public hearing of 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** to:

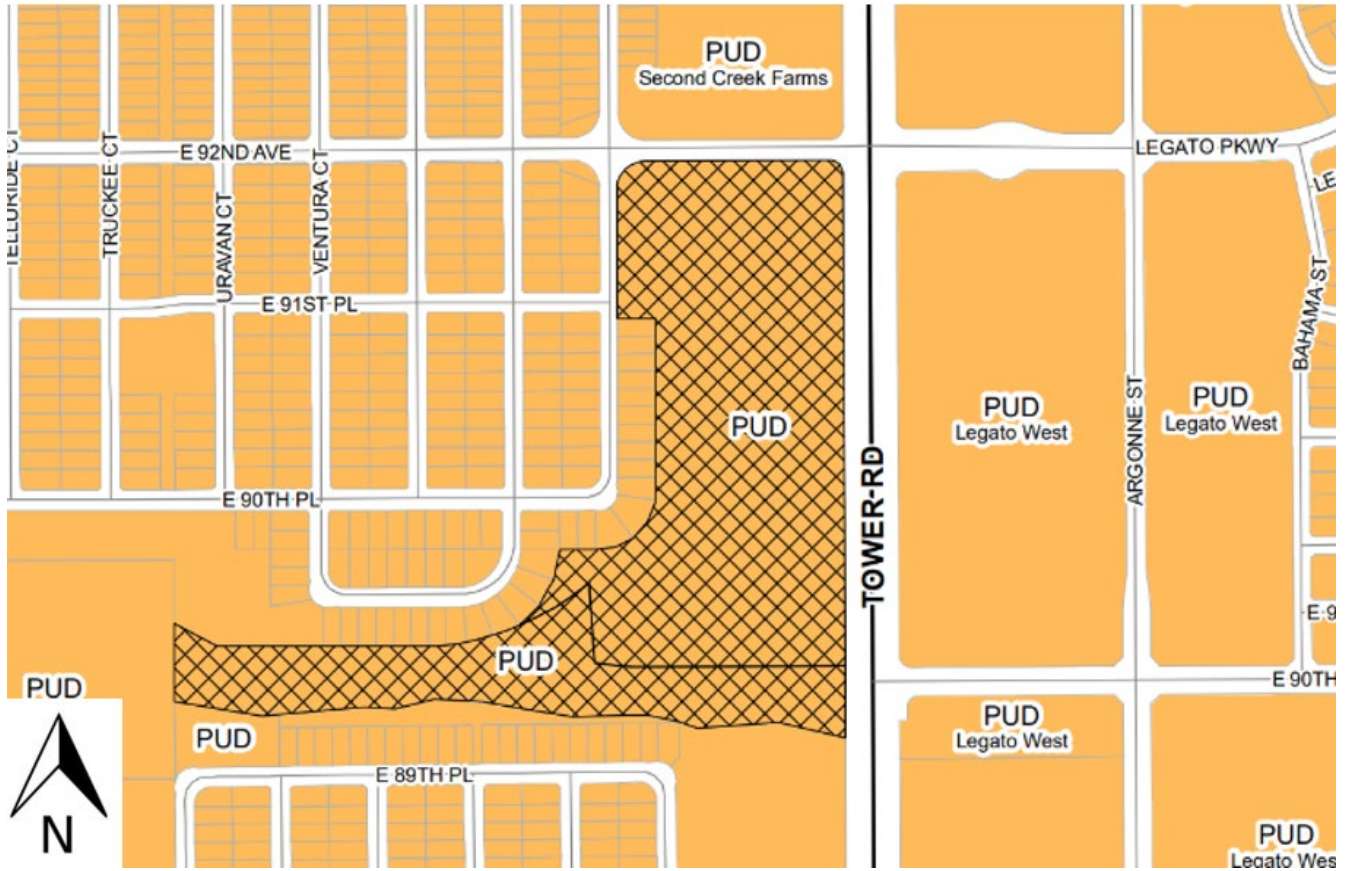
1. The next regularly scheduled Planning Commission meeting; or
2. A date certain.

b. City Council

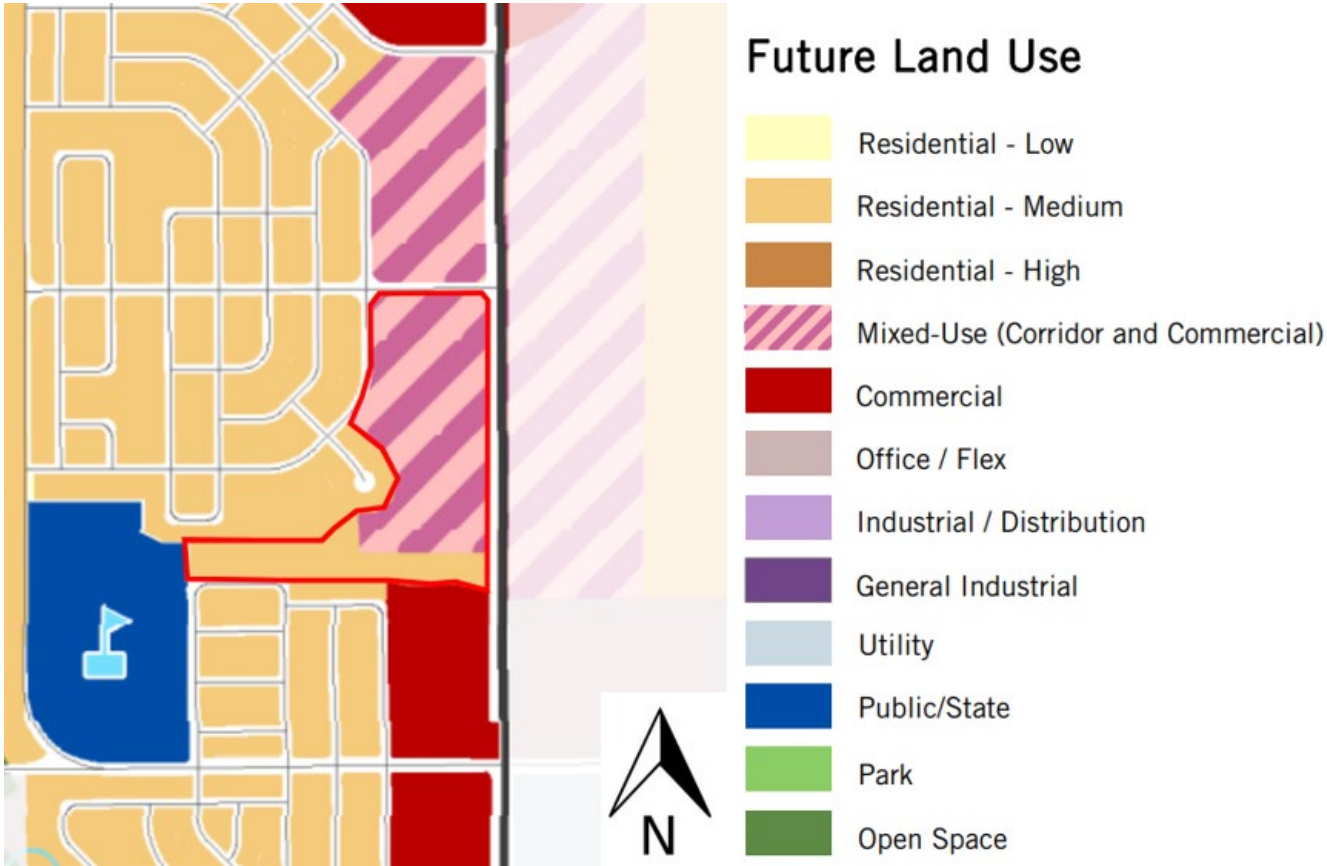
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1. The next regularly scheduled City Council meeting; or
2. A date certain.

# Vicinity/Zoning Map

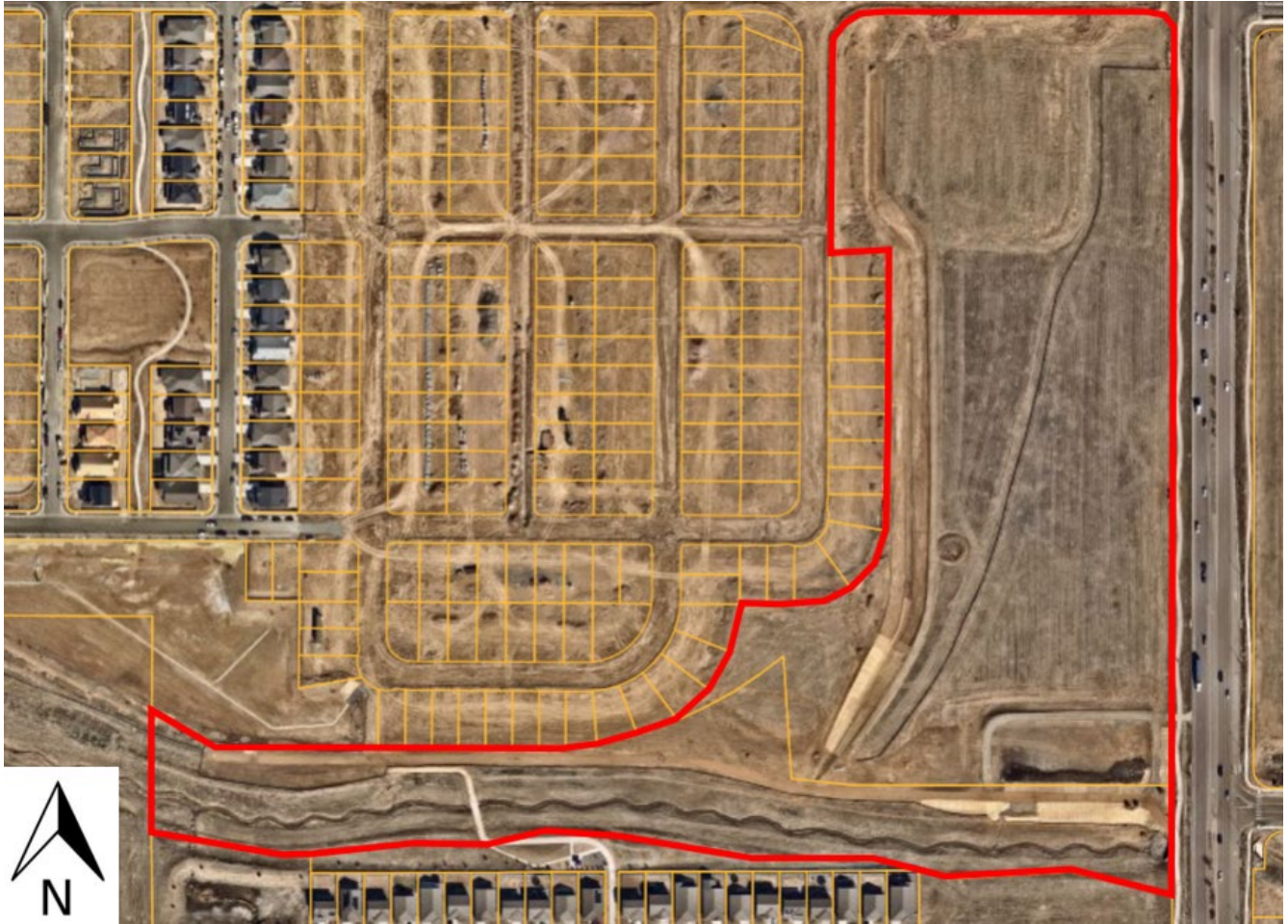


# Future Land Use Plan





# Aerial Map



Aerial of the site taken February 24, 2024