



# STAFF REPORT

## Planning Commission

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### CASE #Z-945-17-19-21

<b>PC Date:</b>	April 6, 2021	<b>Case Planner:</b>	Jenny Axmacher
<b>CC Date:</b>	May 3, 2021		
<b>Location:</b>	Property generally located on northwest corner of Telluride Road and East 84th Avenue		
<b>Applicant:</b>	Becknell Services, LLC	<b>Owner:</b>	Nexus North Owner LLC
<b>Address:</b>	2750 E 146th St Suite 200 Carmel, IN 46033	<b>Address:</b>	2750 E 146th St Suite 200 Carmel, IN 46033

### Case Summary

<b>Request:</b>	Amend the Nexus North PUD Zone Document to include twelve additional acres of land into the development.
<b>Project Description:</b>	The applicant wishes to amend the Nexus North PUD Zone Document to include twelve additional acres of vacant land that is currently part of the DIA Tech Center Development. This additional property is proposed to be incorporated into Planning Areas (PA) 1 within the Nexus North PUD. DIA Technology land uses and the Nexus North design and development standards will apply.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Allowed Land Uses</li><li>• Planning Areas</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li><li>• Compliance with the PUD approval criteria</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	Planned Unit Development (PUD)
<b>Comp Plan Designation:</b>	DIA Technology

#### Attachments for Review: *Checked if applicable to case.*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input type="checkbox"/> Design Standards |
| <input checked="" type="checkbox"/> PUD Zone Document             | <input type="checkbox"/> Traffic Study    |

## Background Information

### Site Information

<b>Site Size:</b>	12 acres
<b>Current Conditions:</b>	Undeveloped/Vacant
<b>Existing Right-of-Way:</b>	Quintero Street, E. 81 <sup>st</sup> Avenue, E. 84 <sup>th</sup> Avenue, Telluride Street
<b>Neighborhood:</b>	DIA Tech Center
<b>Existing Buildings:</b>	Vacant
<b>Buildings to Remain?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

Existing Land Use		Occupant	Zoning
<b>North</b>	Open space & Residential	Buffalo Highlands Development	PUD
<b>South</b>	DIA Technology	The Nexus at DIA Development including existing warehouse and distribution facilities	PUD
<b>East</b>	Residential & DIA Technology	Second Creek and associated floodway, City-owned openspace, Future single-family homes as part of the Second Creek Farms Development and additional Nexus at DIA development	PUD & PUD
<b>West</b>	Open Space	Rocky Mountain Arsenal National Wildlife Refuge	ADCO

### Case History

The relevant case history for the subject property is listed below.

#### AN-246-17, Z-896-11-12-16-17:

- Subject property was annexed into Commerce City and zoned as part of the DIA Tech Center PUD.

#### Nexus North Case History

#### Z-945-17:

- In April of 2018, the Planning Commission reviewed and provided feedback on a PUD Concept Schematic for the Nexus North property.

#### Z-945-17-19:

- In April of 2019, Council approved the Nexus North PUD Zone Document and PUD zoning designation for the newly annexed site.

#### Z-945-17-19-20

- In January of 2020, Council approved an amendment to allow for the modification of planning area sizes within the Nexus North PUD to allow for a 750,000 sf or larger building in PA -1.

## Applicant's Request

The applicant states that the 12-acre parcel is currently isolated in the northwest corner of the DIA Tech boundary with an existing building to the south, wildlife refuge to the west, Nexus North PUD to the north, and Quintero Street to the east. Incorporating this parcel into Nexus North will allow much more flexibility for how it can be developed. The parcel is adjacent to PA-1 within the Nexus North PUD, and is proposed to be included as PA-1 in this amendment. PA-1 is similar in nature to PA-10 that the 12-acre parcel is currently under within the DIA Tech PUD.

Adding this parcel to the Nexus North PUD would increase the total acreage from 158 acres to 170 acres. The uses remain the same within each planning area. The total area of PA-3 uses (primary flex, office, tech and

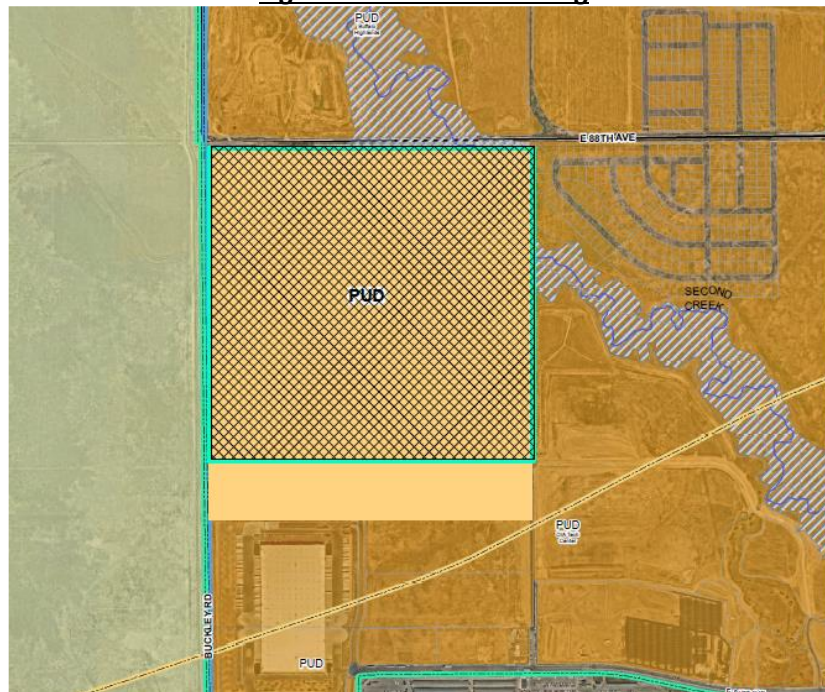
research) has been maintained. PA-2 has shrunk, as allowed under previous amendment to accommodate the large distribution facility currently under development. Similarly, PA-1 has grown to accommodate this development along with the 12-acre parcel proposed with this amendment.

## Development Review Team Analysis

### Project Details

The applicant describes the project as an employment center that can accommodate a variety of airport related land uses including warehouses, flex space, light manufacturing, office, distribution and retail. Nexus North at DIA will be accessed from Tower Road to the east and the DIA Tech Center to the south via East 81st Avenue and East 83<sup>rd</sup>/84<sup>th</sup> Avenue. Quintero Street and Telluride Street will both extend north into this property as well.

**Figure 1.1 – Current Zoning**



### Approved Uses

The PUD Zone Document currently allows a modified version of the I-1 Light Intensity Industrial Zone District, allowing land uses more similar to the DIA Technology Uses on the south side of the property. These DIA Technology uses transition from the south of the project to the north in PA -1. The additional uses include vehicle oriented uses, indoor auction houses, above-ground storage tanks, truck/transportation services including terminals and truck sales, warehousing and distribution, and private bus stations.

It is important to note that residential uses are prohibited in this area due to the potential conflicts created by DIA's flight patterns. Residential uses are listed as excluded in the PUD Zone Document's land use schedule on sheet 6.

The applicant's intent is to create an employment center that is attractive to the market while not going to the full extent of allowing I-2 Industrial Zone District uses.

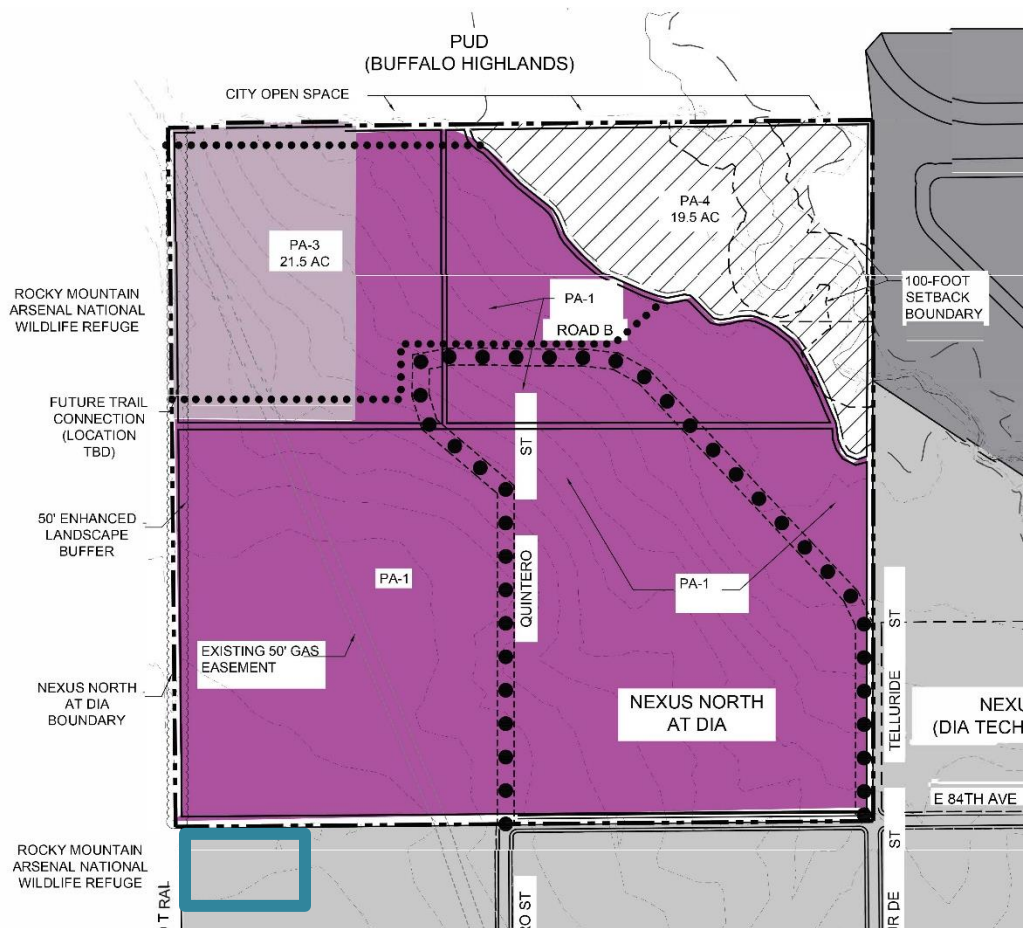
No changes to the approved uses are being proposed with this amendment.

### Proposed Amendment

The applicant wishes to amend the Nexus North PUD Zone Document to allow twelve additional acres to be included into the development. The subject property is currently undeveloped and has a similar zoning designation within the DIA Tech Center PUD. The City’s Land Development Code prohibits buildings from being built across lot lines, so this property needs to be rezoned so that it can be replatted and incorporated into a portion of the Nexus North development to the North. The proposed amendment does not change any of the approved uses, bulk standards, or design standards for the Nexus North project. It simply adds the additional property to the existing planning area in Nexus North, PA-1.

The Development Review Team (DRT) is supportive of this amendment because it allows this small amount of remaining vacant property in the DIA Tech Center development, under similar ownership, to be combined with property in the Nexus North Development to present an opportunity for a larger building and increased overall development potential. The rezoning preserves the use of the property for DIA Technology future land uses as prescribed in the Comprehensive Plan as both PA-10 in the DIA Tech Center PUD and PA-1 in the Nexus North PUD allow for similar land uses. The DRT is also supportive of the limited scope of the amendment; only adding property to the project and preserving the overall integrity of the PUD with no other alterations.

**Figure 1.2 – Proposed Allowable Alterations to Planning Areas**

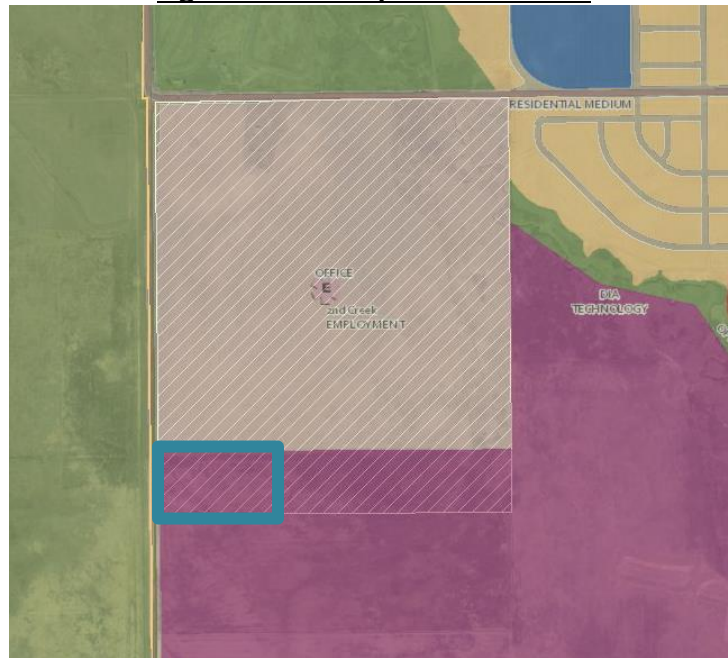


### Comprehensive Plan

The city’s Comprehensive Plan identifies the future land use for the subject property as DIA Technology (dark purple below, in Figure 1.3) which allows for a mix of light industrial, industrial distribution, offices, flex space, research and development, and production uses. No residential use is allowed. The requested change from the DIA Tech Center PUD zone designation to the Nexus North PUD zone designation does not conflict with the future plan for the site as DIA Technology.

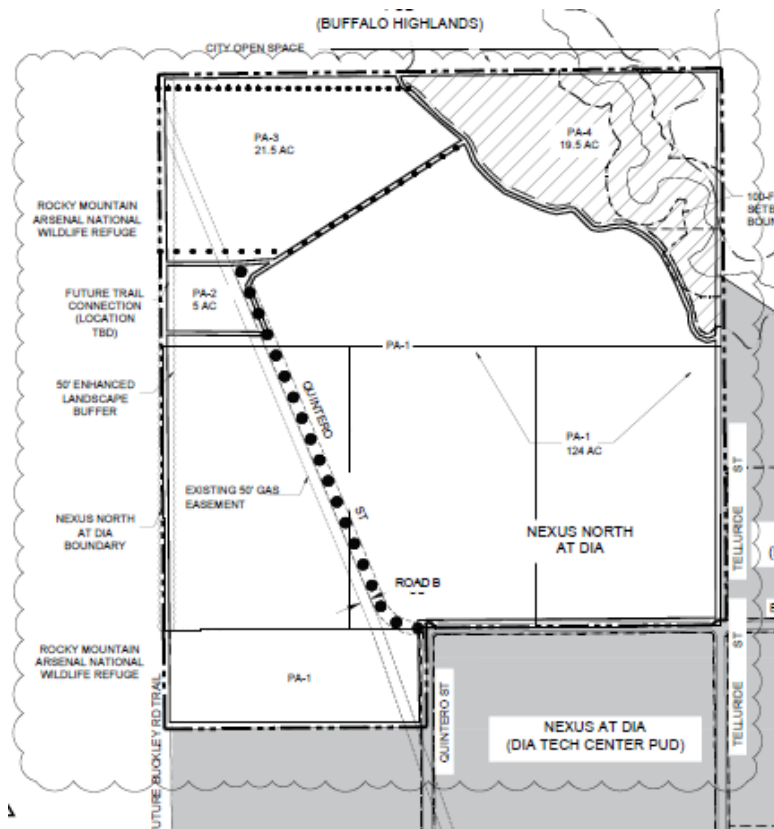
The DRT believes the proposed amendment is in harmony with the Comprehensive Plan designation for the subject property.

**Figure 1.3 – Comprehensive Plan**



PUD Zone Document

**Figure 1.4 – Proposed Updated Planning Areas**



### Land Uses:

The applicant is proposing to allow for more intense industrial uses on the site in PA-1. The most noteworthy of these types of uses are truck/transportation services including terminals and truck sales, and warehousing and distribution uses. The intensity of industrial uses is proposed to lessen further north in PA-2 and be the least intense in PA-3, focusing more on employment and commercial uses. PA-4 is proposed to be limited to detention, open space, and floodplain uses only.

The expanded uses allowed in PA-1 become excluded or allowed only by permit in the other planning areas, with very limited public-type uses allowed in PA-4.

The approved uses in the PUD Zone Document are not proposed to change with the amendment. The amendment will only allow for the addition of twelve acres into PA-1 from the DIA Tech Center Development. It will not change the any of the planning areas for the existing Nexus North property.

The design standards proposed for the site should help to mitigate the potential negative impacts of these expanded uses by requiring more aesthetically pleasing buildings and increased landscaping. Enhanced buffers along the Rocky Mountain Arsenal National Wildlife Refuge are also proposed to protect the RMANWR from any development and to provide opportunities for trail connections. The buffer required in the Nexus North design standards is more substantial than what is currently required in the DIA Tech Center Design Standards.

The DRT is supportive of the proposal and believes the transition of allowed uses should integrate nicely between the DIA Tech Center (Nexus at DIA) industrial development to the south and the Buffalo Highlands and Second Creek Farms residential developments to the north.

### Bulk Standards:

No changes to the Bulk Standards are proposed in the PUD Amendment. The current building height, minimum lot size, and floor area ratio are greater than the existing regulations for the I-1 zone district however these changes are similar in nature to what was allowed in the DIA Tech Center PUD to the south. The rest of the bulk standards, including the setbacks, match with I-1 zone district regulations.

### Design Standards and Landscaping:

The applicant has approved design standards and guidelines, including landscape standards, through a separate document. The Nexus North at DIA design standards and guidelines are authorized through the PUD Zone Document but approved by the Community Development Director. These standards will continue to apply to the project, including the twelve new acres.

### Infrastructure:

With the inclusion of additional property, updates to approved traffic and drainage studies will be considered and the applicant would work closely with the South Adams County Water and Sanitation District and South Adams County Fire Protection District to make sure any new facility has adequate infrastructure. No infrastructure issues are anticipated at this time.

### **Next Steps:**

Any further development on the site must go through administrative review in the PUD Development Permits process. The applicant would also need to complete a consolidation plat process to combine the twelve acres with the property to the north.

### **Outside Agency Review:**

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed PUD amendment would not create conflicts with their regulations and no objections were received.

**Summary:**

In summary, the DRT has determined that the request meets the approval criteria for a PUD Zone Document Amendment outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals, and the proposal is appropriate given the surrounding area. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<input checked="" type="checkbox"/>	The PUD zone document is consistent with all applicable City adopted plans or reflects conditions that have changed since the adoption of such plans	The City’s plan for the subject property is DIA Technology. The proposed PUD and Amendment are designed to provide this type of development in PA-1.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with the PUD concept schematic	The PUD is consistent with the concept plan that was done in the Spring of 2018 and takes into account the feedback provided by the Planning Commission.
<input checked="" type="checkbox"/>	The PUD achieves the purposes set out in section 21-4370 and represents an improvement over what could have been accomplished through straight zoning.	The proposed PUD achieves the purposes identified in Section 21-4370. The customized zoning allows for an employment center development that is sensitive to adjacent property as identified in the Comprehensive Plan.
<input checked="" type="checkbox"/>	The PUD complies with all applicable city standards	The proposed PUD meets the applicable City standards and includes language that any item governed by the Land Development Code (LDC) and not addressed by the PUD shall default to the future Design Standards or LDC.
<input checked="" type="checkbox"/>	The PUD is integrated and connected with adjacent development	The property has been integrated with adjacent property as outlined above in the land use section.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts	The PUD has been created to minimize impacts to adjacent property. The PUD Zoning allows for the site to be developed in a comprehensive manner that is considerate to the adjacent development and incorporates elevated design standards.
<input checked="" type="checkbox"/>	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 development of the site will upgrade existing utilities and infrastructure on the site and have no impact to existing services.
<input checked="" type="checkbox"/>	The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications	The primary objective of this PUD is to create a comprehensively planned employment and commercial center with a cohesive appearance. This could not be achieved through a straight zoning designation and would not guarantee a uniformity to the development and higher quality building materials.

## Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	<p><b><u>Future Land Use Plan (FLUP) as a Guide:</u></b> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).</p>
<b><u>Analysis:</u></b>	The FLUP identifies the subject property for Office/Flex development. The proposed zoning is compatible with this type of development.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 6a	<p><b><u>Airport-Related Incentives:</u></b> Develop incentives for employment related to the airport..</p>
<b><u>Analysis:</u></b>	The PUD Zone Document is proposing entitlements that endeavor to create an employment center that can accommodate a variety of airport related land uses.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 6c	<p><b><u>Housing Compatibility Near the Airport</u></b> Avoid placing residential in noise and height-restricted areas near the airport and within the ground rumble area within 2,000 feet from the DIA property line.</p>
<b><u>Analysis:</u></b>	The PUD excludes residential development in support of this goal.	

*The Comprehensive Plan supports the type of development proposed for this site because it adheres to the Future Land Use Plan, supports DIA Technology land uses related to the airport and excludes residential development within a flight path.*

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a PUD Zone Document Amendment set forth in the Land Development Code and recommends that the Planning Commission forward the PUD Zone Document Amendment request to the City Council with a favorable recommendation.

## \*Recommended Motion\*

### ***To recommend approval:***

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property located **on the northwest corner of Telluride Road and East 84th Avenue**, contained in case **Z-945-17-19-21** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment.

## Alternative Motions

### ***To recommend approval subject to condition(s):***

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested PUD Zone Document Amendment for the property located **on the southeast corner of Buckley Road and East 88th Avenue**, contained in case **Z-945-17-19-21** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment. subject to the following conditions:

*Insert Condition(s)*



*To recommend denial:*

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property located **on the northwest corner of Telluride Road and East 84th Avenue** contained in case **Z-945-17-19-21** fails to meet the following criteria of the Land Development Code:

*List the criteria not met*

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the PUD Zone Document Amendment.

*To continue the case:*

I move that the Planning Commission continue the requested PUD Zone Document Amendment for the property located **on the northwest corner of Telluride Road and East 84th Avenue** contained in case **Z-945-17-19-21** to a future Planning Commission agenda.