



STAFF REPORT

Planning Commission

CASE #Z-774-04-21

PC Date:	February 2, 2021	Case Planner:	Domenic Martinelli
CC Date:	March 1, 2021		
Location:	Bounded Approximately by E 96th Avenue to the North, Tower Road to the East, E 88th Avenue to the South, and the Telluride Street alignment to the West.		
Applicant:	Second Creek Holdings, LLC Joel Farkas	Owner:	Same as Applicant
Address:	9033 E Easter Pl, Suite 112 Centennial, CO 80122	Address:	Same as Applicant

Case Summary

Request:	The applicant is requesting the approval of a PUD Zone Document Amendment to modify allowed uses and planning area boundaries contained within the PUD.
Project Description:	Second Creek Holdings, LLC is requesting the approval of a PUD zone document amendment to modify allowed uses and planning area boundaries, and other development standards. This PUD Zone Document Amendment generally applies to the newly proposed Filing 3, areas south of 88 th Avenue, and commercial / mixed use parcels abutting Tower Road. Filings 1 & 2 (medium density residential) have been previously been approved by the City, and construction is currently underway on Filing 1. Several neighborhood parks are proposed throughout all three residential Filings, and a park / school site is located in the existing Filing 1.
Discussion Topics:	<ul style="list-style-type: none">• Comprehensive Plan/Future Land Use Plan• Proposed Land Uses• Roadway Configuration• Tower Landfill• Plugged and Abandoned Wells
Key Approval Criteria:	Compliance with Comprehensive Plan Meets or exceeds standards of Land Development Code
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	Mixed-Use (Corridor and Commercial), Commercial, Residential - Medium

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> PUD Zone Document | <input checked="" type="checkbox"/> Future Land Use Map |

Background Information

Site Information

Site Size:	426.66 Acres
Current Conditions:	Residential units in Filing 1 currently under construction. The rest of the subject property is currently undeveloped
Existing Right-of-Way:	E 88 th Avenue (South), Tower Road (East), E 96 th Avenue (North)
Neighborhood:	Second Creek Farms
Existing Structures:	No
Structures to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Residential	Prairie Farms Subdivision Filing 1	PUD
South	Open Space	City Owned Open Space / Second Creek Floodplain	PUD
East	Residential	Legato	PUD
West	Residential	Buffalo Highlands (Filings 2, 3 & 4)	PUD

Case History

The Second Creek Farms property was annexed into Commerce City, and zoned PUD in December of 2004. In September 2005, a subdivision was approved for Filing 1, creating 333 residential lots and adjacent rights of way, in addition to dedicating land for a future neighborhood park / school site. In April 2006, a subdivision was approved for Filing 2, which created 600 residential lots and adjacent right of way. Following the approval of these two subdivisions, residential development did not immediately occur, and sat vacant following the financial crisis of 2008. In 2018, interest re-emerged in residential development in this area, and the applicant submitted applications to amend Filings 1 and 2.

In 2019, the City purchased all residential lots (210 total) south of East 88th Avenue in Filing 1 from Second Creek Holdings, LLC, with funds acquired through the DIA Noise Mitigation settlement to preserve and use for open space. These funds were awarded to Commerce City and four other Adams County municipalities for the purposes of mitigating present or future noise complaints within the Airport's 55 DNL noise contour. With input from City Council in 2016, the City pursued the acquisition of platted (but not improved) residential lots within the contour. The City acquired Second Creek Farms Filing 1 after Council's appropriation of the funds for this purpose. In order to allow for additional single family residential development in the overall development, the applicant submitted a revised Filing 2 subdivision and PUD Permit application (containing 240 lots), and then submitted a subdivision and PUD Permit application for a newly designated Filing 3 (containing 511 units) with reduced lot widths.

Additionally, National Heritage Academies has submitted an additional subdivision amendment for Filing 1, to separate the park / school site to allow for the conveyance of 10 acres of school property to School District 27J. 27J plans to transfer this site to the applicant to allow for the development of a K-8 Charter School.

<u>Case</u>	<u>Approval Date</u>	<u>Request</u>	<u>Action</u>
AN-169-02	December 2004	Annexation into Commerce City	Approval
Z-774-04	December 2004	Annexation Zone Change from ADCO A-3 to PUD	Approval
S-450-05	September 2005	Subdivision for Filing 1	Approval

<u>Case</u>	<u>Approval Date</u>	<u>Request</u>	<u>Action</u>
S-468-06	April 2006	Subdivision for Filing 2	Approval
S-450-05-19	August 2019	Subdivision for First Amendment to Filing 1	Approval
D-391-19	August 2019	PUD Permit for Filing 1	Approval
S-468-06-20	June 2020	Subdivision for First Amendment to Filing 2	Approval
D-390-20	June 2020	PUD Permit for Filing 2	Approval
Z-774-04-21	TBD	First Amendment to PUD Zone Document	Under Review
S-747-21	TBD	Subdivision for Filing 3	Under Review
D-473-21	TBD	PUD Permit for Filing 3	Under Review
S-450-05-19-21	TBD	Subdivision for Second Amendment to Filing 1	Under Review

Applicant's Request

The applicant has submitted an amendment to the existing PUD Zone Document to modify lot width standards, update the existing land use table, and modify the size, locations, and intended uses of planning areas A - O. The applicant intends to develop a mixed-use community, combining single-family, multifamily, commercial, public, and open space uses for a long-term asset in Commerce City, Colorado. The location takes full advantage of the proximity to Tower Road, the Second Creek greenway, and 96th Avenue as well as easy accessibility to Denver International Airport. The proposed land uses are generally consistent with the City's Future Land Use Map, with the central portion designated for medium-density residential, which is planned to range from 4 to 8 dwelling units per acre, surrounding a 10 acre neighborhood park and 10 acre school site. The areas along Tower Road are designated for Mixed-Use and Commercial uses, while the area to the south of East 88th Avenue, is primarily designated for commercial and office uses to provide a buffer between the Tower Landfill and the residential development. The project is anticipated to be developed in phases, with development of Filing 1 currently underway, development of Filings 2 and 3 following the development of townhome / mixed use development along Tower road. The adjacent commercial and mixed use areas will be developed once a substantial residential base is present to support those uses. The location of the property with its proximity to Denver International Airport (DIA) E-470, and the Rocky Mountain Arsenal National Wildlife Refuge make this an exciting and desirable development proposal.

Development Review Team Analysis

The following describes the purpose of the PUD Zone Document Amendment and contains the Development Review Team's analysis of the current proposal.

Comprehensive Plan / Future Land Use Plan

The Second Creek Farms property falls within the Northern Range Planning Area. As described in the Comprehensive Plan, the "the Northern Range contains residential neighborhoods with pockets of existing and planned commercial development and interspersed agricultural lands (some in Adams County). The Northern Range has potential for (and need of) commercial centers to serve the neighborhoods, and it also needs a better connected transportation system." The Second Creek Farms property can be characterized as a disperse pocket of former agricultural land with development pressures and growth occurring around it.

Some of the key policy guidance for future development in the Northern Range Planning Area includes planning for additional commercial development to serve neighborhoods, including community commercial centers with grocery store(s), providing community focus area(s), developing a multi-modal, connected transportation system (for vehicles, transit, bicycles, and pedestrians), expanding the

network of open space along creeks, and planning for parks, schools, and other infrastructure within neighborhoods to support growth.

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 and Growth	LU 1	Maintain a balanced mix of land uses citywide and within Strategic Planning Areas. Commerce City growth will occur in a manner that maintains a citywide balanced mix of jobs and housing, and that achieves additional jobs, retail, and services
<u>Analysis:</u>	The Second Creek Farms PUD provides a wide range of allowed land uses, from medium-density residential to vertical mixed-use, and from small-scale embedded neighborhood commercial to regional commercial uses and office space. This range will provide housing, service sector jobs, employment centers, and public facilities to serve the neighborhood.	

Economic Development	ED 2	Retain and increase a strong employment base. The city will retain and expand its existing industrial base, and attract and recruit new businesses that contribute positively to city revenues.
<u>Analysis:</u>	The Second Creek Farms development will provide a wide range of commercial / mixed use corridor opportunities along Tower Road from neighborhood commercial scale to regional commercial, as well as a variety of land available for Office development, primarily south of 88 th Avenue.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth	LU 1.1	Growth and Future Land Use Plan Consistency
<u>Analysis:</u>	The 426 Acre PUD zone document as proposed conforms and aligns with the City's adopted Future Land Use Plan.	

PUD Zone Document

An amendment was needed for this PUD to allow for Filing 3 to be developed as proposed. Modifications reducing the minimum lot width to accommodate the proposed 41’ wide lots in Filing 3. Additionally, the applicant has updating the Land Use Table to more accurately reflect the City’s existing Land Use Table in Article V of the Land Development Code, as well as update the Land Use exhibit to reflect planning area boundaries that represent what is proposed in the Subdivision Filings that have been recorded to date. The existing subdivision Filings 1 and 2 are not impacted by this PUD Zone Document Amendment, and were approved under the current PUD. Active construction of homes is currently underway in Filing 1. The PUD amendment must be approved prior to Filing 3 subdivision approval.

The development commonly known as Second Creek Farms consists in its entirety of approximately 426 acres extending from the Second Creek Floodplain to East 96th Avenue and from Tower Road to Telluride Street. The The PUD Zone Document amendment contains ten sheets, which can generally be summarized as follows:

- Sheet 1 – Cover Sheet, Project Intent
- Sheet 2 – Existing Conditions Analysis
- Sheet 3 – Land Use Plan, showing the collector road network and distinct Planning Areas with different allowed land uses.
- Sheet 4 -- Land Use Table, showing the allowed uses that correspond to each distinct planning area, as well as general provisions for all planning areas

- Sheet 5 -- Development Standards, including a table of bulk standards and notes and definitions specific to both residential development, commercial development, and mixed use development.
- Sheet 6 – Detail elevations for park layouts and fencing
- Sheet 7 – Landscape Planting Details
- Sheet 8 – Right of Way Sections for all proposed roadways within and adjacent to the development
- Sheet 9 -- Residential Lot Typicals demonstrating how bulk standards actually function and look on a site plan for single family detached units, single family attached units, and townhome units.
- Sheet 10 – Commercial / Mixed Use Lot Typicals demonstrating how bulks standards function for commercial / mixed use buildings, as well as design guidelines and precedent examples.

Below is a brief table summarizing major changes from the existing PUD to the proposed PUD:

Table 1. Overview of key proposed changes from existing PUD

Existing Standard	Existing Value	Proposed Value
Residential Unit Cap (maximum number of single family residential units permitted in the PUD)	1,129	923
Land Use Plan	Significant modifications to the planning area boundaries, sizes, and locations. 48.4 Acres south of E 88th Avenue converted from single family residential to open space.	
Limitation on Single Family Attached and Multifamily Development in Planning Areas A, F, K, L	No more than 65% in Planning Area A, 50% in K, 30% in L, 100 % in F	No residential permitted in A, 100% of areas F, K, L, but no more than 50% may be 2 unit attached (duplex)
Land Use Table	Significant modifications to the land use table, including allowed uses in each specific planning area, and updating the table to more accurately reflect the City’s currently adopted Land Use Table in Article V of the LDC.	

The development is organized with mixed-use development, commercial and office uses designated primarily along Tower Road, single family detached residential development encompassing the central portion of the development, open space south of 88th Avenue stretching to the Second Creek floodplain to the South, a 20 acre park / school property in the Southwest area of the site, and a 21 acre regional commercial center designated in the northeast portion of the site. Additionally, 5.8 acres of commercial mixed use is proposed on both sides of E 92nd Avenue as a “gateway” into the development of embedded local neighborhood commercial uses, and potential vertical mixed use development. The subject property is generally bisected by Gramma Gulch, a drainageway that is intended to function as open space. A pedestrian trail corridor is planned along a former Oil and Gas flowline alignment (all equipment has been abandoned and removed) connecting Filings 2 and 3 to Filing 1, via an above grade crossing over Gramma Gulch.

Land Uses

The submitted PUD Zone Document depicts a similar land use layout to the Future Land Use Plan. The allowed land uses for each planning area are in line with what the Comprehensive Plan envisions for the comparable future land use designations. The PUD Land Use Plan and a summary of those planning areas is shown in Figure 1 below:

Figure 1. Land Use Plan showing the various planning areas and their primary allowed land uses. *North Faces Right*

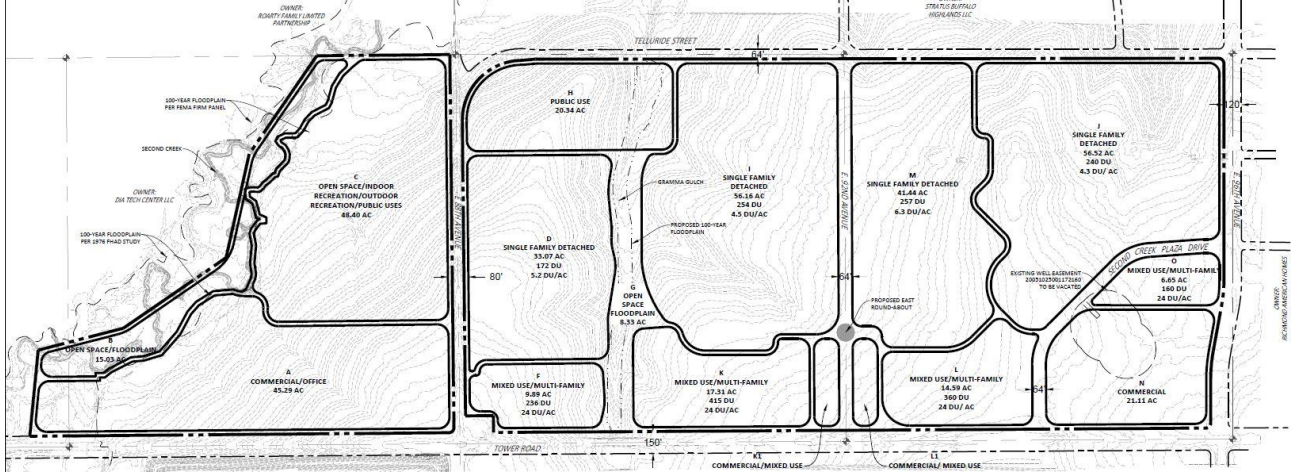


Table 2. Overview of total change in Land Uses.

Land Use	Dedicated Acreage in Existing PUD	Dedicated Acreage in Proposed PUD
Retail / Commercial / Office	27.1 Acres	72.2 Acres
Open Space	22.2 Acres	71.8 Acres
Single Family Detached	206.4 Acres	187.2 Acres
Mixed Use / Multifamily	120.7 Acres	48.4 Acres
Public Use	25 Acres	20.3 Acres
Right of Way	25.3 Acres	26.7 Acres

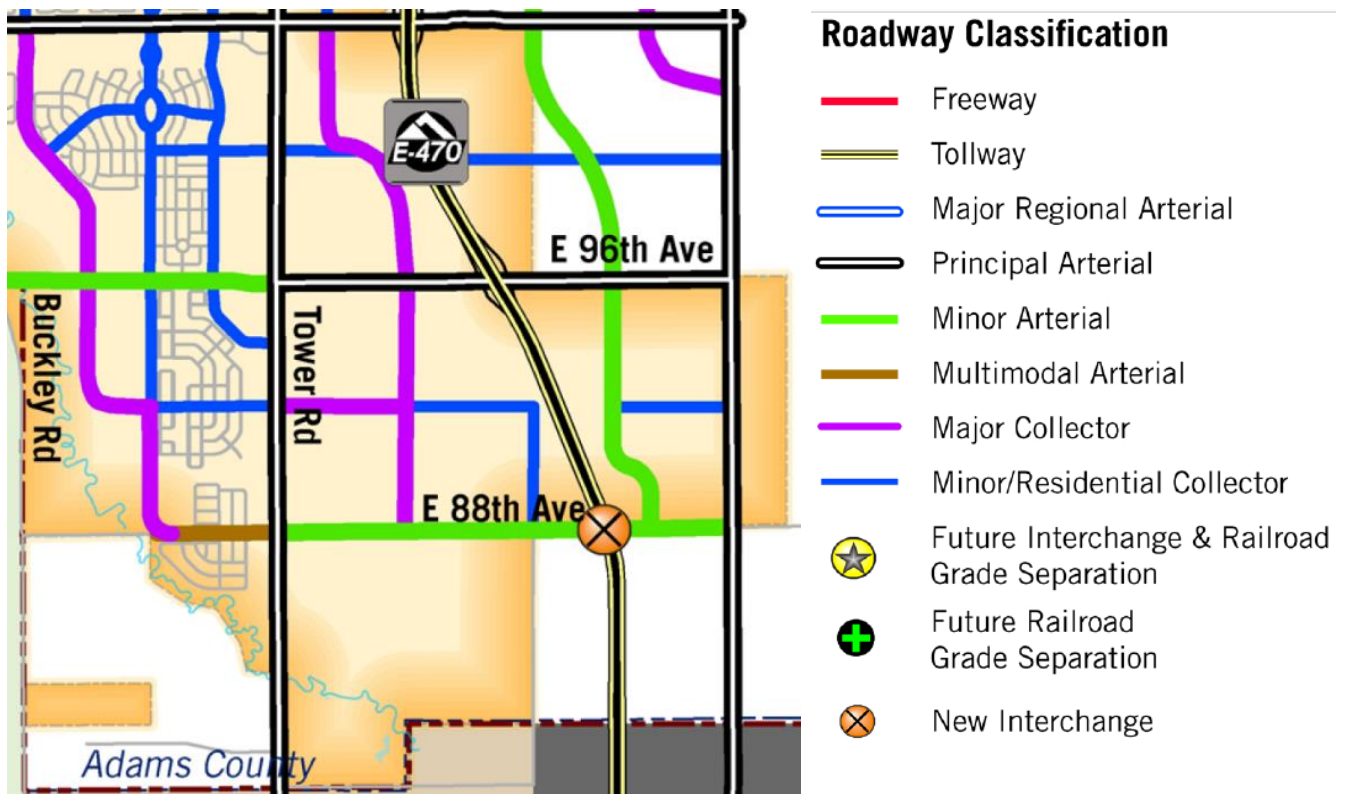
- Commercial along Tower Road – 66.39 Acres
 - Potential uses include restaurants, shops, financial services, medical/dental/veterinary offices, child care, theater, auto-oriented uses, hotels, other general commercial and public/civic uses
- Commercial along E 92nd Avenue – 5.8 Acres
 - Serves as a “gateway” into the development of embedded local neighborhood commercial uses, and potential vertical mixed use development. Permits high-density residential as part of vertical mixed-use development with ground floor retail and apartments on top. Height maximum of 90’.
- Mixed-Use along Tower Road & 96th Avenue – 48.4 Acres
 - Potential uses include restaurants, shops, financial services, day care, places of worship, hotels, other general commercial/retail uses, multi-family or other high density multi-story attached residential townhomes, vertical or horizontal mixed-use developments, and public/civic uses. Allows duplex (2 unit product), but no more than 50% of any individual planning area.
 - Excludes auto-oriented uses such as drive-thrus, repair shops, and gas stations
- Single-Family Detached Residential – 187.2 Acres
 - 4 to 8 dwelling units per acre, allows single-family detached, cluster homes and green court homes
- Neighborhood Park/School site – 20 acres
 - 10 acres for park, 10 acres for school, with shared resources such as parking and sports fields. Application currently under review for National Heritage Academies
- Gramma Gulch Drainageway – 8.33 acres
- Second Creek Floodplain Open Space – 15 acres

- Open Space – 48.4 Acres
 - Consists of the former residential lots south of 88th Avenue acquired by the City. Designated in the future for open space, some flexibility allowed for development of public facilities, including public administration or service buildings, police or fire stations, public libraries, or community gardens.

Circulation Network

Around the perimeter of Second Creek Farms, the Transportation Master Plan identifies Tower Road as a principal arterial. The city's recent improvements to Tower Road include space for full-movement signalized intersections at East 92nd and 94th Avenues to align with planned development in the Legato PUD to the east. E 96th Avenue is identified as a minor collector north of Filing 2, and extends east from the Second Creek Farms development as a principal arterial to an existing interchange with E-470. Telluride Street is identified as a major collector to the west of the site. Filing 1 modified the existing alignments of Telluride Street and 88th Avenue to reflect the Transportation Master Plan, and Telluride Street now curves into 88th Avenue, where it becomes a multimodal arterial. A future interchange has been identified at E-470 and East 88th Avenue to complement the existing one at East 96th Avenue; this interchange is under design by E-470, but there is no anticipated date for construction.

Figure 2. Excerpt from the Transportation Master Plan (2010) showing the anticipated street network and roadway classifications along the E-470 corridor.



Internally, East 92nd Avenue, and Second Creek Farm Plaza will be dedicated as minor residential collectors. Primary north / south access in the development will occur on Telluride Street. All public right of way within the development will contain sidewalks and a tree lawn with trees spaced every 40 liner feet, per LDC requirements. Collectors in the development (88th Avenue, Telluride Stret, E 92nd Avenue, and Second Creek Plaza Drive) will feature 6' wide on street bike lanes. A 30' wide former Anadarko Oil and Gas Pipeline Easement was remediated and removed, and in it's place, a trail corridor will extend from E 96th Avenue, south to a crossing of Gramma Gulch, connecting all three residential filings. The trail will connect 4 separate private parks. A minor trail corridor exists in Filing 1, bisecting the development from east to west, leading into the park / school site.

Infrastructure

The site has gently rolling topography that generally slopes southeast towards Gramma Gulch and the Second Creek Floodplain in the southwest corner, near the convergence of East 88th Avenue and Telluride Street. The Northern portion of the site starts to slope northwest, and because of this, the infrastructure design of the development is generally bisected between Filing 2 & 3, where drainage flows north in Filing 2 to a detention pond in the northwest corner of the site, and flows in Filings 3 & 1 flow into Gramma Gulch.

For the 27 Acre Commercial Property in the Northeast Corner of the Site (Tower Road & 96th Avenue), The city constructed storm drainage improvements in the area during the Tower Road project as part of the T88 Diversion project, which redirects some of the anticipated flows from the north

Figure 3. Non-Vehicular Circulation Exhibit & Filing Layout



to the southwest. The developer will provide internal storm drainage improvements in accordance with the T88 plans, and will also be reimbursing the city for their share of the portion already constructed downstream.

According to South Adams County Water and Sanitation District, adequate water service and sanitation service is available adjacent to the development. The developer will be responsible for extending necessary utilities into the site. An application to include the entire property into the Northern Infrastructure General Improvement District (NIGID) was approved by the NIGID board in 2019.

Public Facilities

The Second Creek Farms development is organized around a 20-acre future school and neighborhood park site as identified in the Comprehensive Plan. Of the 20 acres, 10 acres would be intended for the future school site, and the remaining 10 acres would be dedicated to the city for a neighborhood park, similar to Fronterra Park or Turnberry Park, with some shared facilities between the park and the school (such as parking). Designing school/park sites like this requires a smaller overall land dedication than separate school and park sites due to the shared facilities.

An application is currently under review from National Heritage Academies for a tuition free charter school serving K-8, which will be called Capstone Academy. As the City currently owns all of the 20 acre park / school site, a subdivision application has also been submitted to divide the property into two separate 10 acre lots, in order to convey the school site to Brighton School District 27J, which will then transfer ownership to National Heritage Academies. Brighton School District 27J has been involved in discussions for the location and layout of the school site and land conveyance, and is supportive of the PUD Zone Document.

In addition to the public park and school facilities, each subdivision filing has dedicated 3% of their usable land area for private parks, which are to be owned and maintained by a homeowners' association or metro district. Four metro districts are currently in place, and no amendments have been proposed by the applicant in association with this PUD Amendment. Further, the PUD Zone Document allows for a wide variety of public uses in appropriate locations.

Airport Compatibility

The 60 LDN (day-night equivalent noise level) noise contour is shown on the Future Land Use Plan for the full build-out of all planned runways at DIA, based on the modeling available at the time the Comprehensive Plan was adopted. Residential development is restricted within this noise contour due to potential health impacts of regular exposure to noise at this decibel. All residential development in Second Creek Farms lies outside of this noise contour, and therefore is not impacted by the restriction on residential development inside the contour. The proposed building heights are subject to FAA standards and will be reviewed on a case-by-case basis as development occurs.

Tower Landfill

The Tower Landfill lies to the Southeast of Second Creek farms. It is an active non-hazardous solid and liquid waste disposal site operated by Allied Waste and serving much of the Denver Metro Area. The landfill has approximately 25-35 more years of active operation, and by the nature of its operation, generates noise and dust and produces certain gases and odors. As noted in the Comprehensive Plan, policy direction for the E-470 Influence Area includes providing buffering from Tower Landfill to any residential development to help mitigate these potential impacts. Other relevant policies in the Comprehensive Plan include PF 1.11 (Public Facilities and Infrastructure), which promotes the provision

of adequate buffers for the Tower Landfill to prevent the encroachment of incompatible land uses; and EC 8.4 (Environmental Conservation and Stewardship), which seeks to avoid developing residential uses near existing or former landfill sites to protect residents from methane gas and other negative landfill externalities. Non-residential developments also should include measures to protect workers from methane gas.

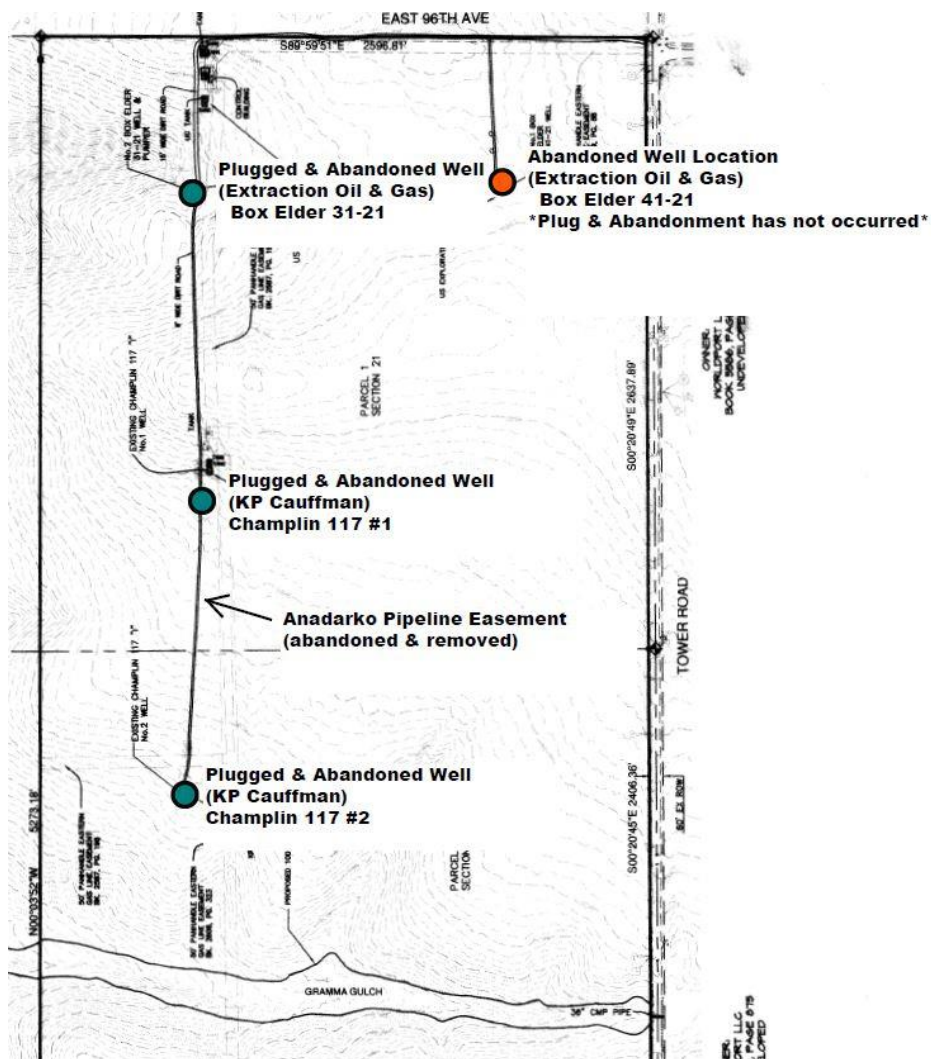
Tri-County Health Department (TCHD) also provided comments pertaining to best practices for development near active landfills, most of which are included in this application. One recommended best management practice is identifying buffer areas for land directly adjacent to the landfill which will experience greater impacts, such as noise, odors, and dust. Identifying these areas within a certain distance of the Tower Landfill could allow the applicant to specify appropriate land uses, transportation corridors, and landscape and topography treatments that will mitigate such impacts. For example, more compatible uses such as industrial and commercial uses could be allowed in this area with residential and public uses prohibited in order to ensure greater land use compatibility. Another common best practice is the use of berms to reduce noise and dust impacts, which the applicant could make a requirement for landscape area within the buffer area. TCHD also confirmed that the landfill has an active gas extraction and control system that addresses the migration of landfill gas off-site, so no additional methane mitigation is needed in the proposed development.

Oil and Gas

A number of former legacy wells and Oil and Gas development exists within Filings 2 & 3 of Second Creek Farms. Three wells (shown in blue) formerly operated by both Extraction Oil and Gas and KP Cauffman were recently plugged & abandoned within the last two years. One existing well location (Box Elder 41-21) owned and operated by Extraction Oil and Gas currently exists on the commercial tract on the northeast corner of the site. All lots within Filing 2 are currently platted at least 250' from the center of the wellhead. Any multifamily residential or commercial development could not occur on this parcel until proper plugging & abandonment procedures have been conducted with the Colorado Oil and Gas Conservation Commission.

The proposed PUD also specifies a minimum setback of 300' from any well heads that have not been plugged & abandoned, as well as a 50' setback from plugged & abandoned wellheads. In the Land Use Table, support

Figure 4. Legacy Oil & Gas Wells in Second Creek Farms



activities for Oil and Gas require obtaining a Conditional Use Permit, and any new Oil and Gas Locations would require approval of an Oil and Gas Permit in all planning areas except in open space areas (no activity prohibited). Due to the ongoing residential construction occurring in Filing 1 and anticipated construction underway on Filing 2 in the near future, planned horizontal well construction from Extraction Oil and Gas targeting all underlying mineral rights in this area, and setback regulations proposed under revised Oil and Gas regulations being considered by City Council on February 11, it is highly unlikely additional Oil and Gas development will occur within the Second Creek Farms PUD.

Approval Criteria

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 proposed PUD Zone Document is consistent with the Comprehensive Plan for the overall layout and the allowed uses. The road network meets the intent of the Transportation Master Plan, and the trail corridors reflect the Prairieways Action Plan.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with the PUD concept schematic	The layout and land uses feature minor changes from the existing PUD, which was approved in 2004.
<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.	In order to comply with the Comprehensive Plan, the PUD allows a greater mix of uses and density than can currently be achieved with any straight zone district in the Land Development Code.
<input checked="" type="checkbox"/>	The PUD complies with all applicable city standards	All applicable standards have been met.
<input checked="" type="checkbox"/>	The PUD is integrated and connected with adjacent development	The proposed development includes road connections to adjacent developments in Buffalo Highlands to the West, Prairie Farm Subdivision to the North, and Legato to the East.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts	The PUD includes a required landscape buffer along East 88 th Avenue to help mitigate the impacts of the adjacent Tower Landfill to the south.
<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	No objections were received from referral agencies with regard to public safety, transportation, and utility facilities and services. The developer will construct the necessary internal infrastructure. The PUD's allowed uses permit any necessary public offices to locate within the project.
<input checked="" type="checkbox"/>	The proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing.	Single Family Residential development is currently under construction in Filing 1. The single-family detached residential planning areas will likely be the first phase to develop, followed by single-family attached, and then commercial and office/flex uses as the market allows.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
☒	The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications	The density and heights proposed in the PUD could not be achieved with height exceptions, variances, or minor modifications. The Land Development Code explicitly prohibits the use of those processes to increase density.

Summary

This amendment to the existing PUD Zone Document has been submitted to modify lot width standards, update the existing land use table, and modify the size, locations, and intended uses of planning areas A - O. Through it's review, the DRT found that the proposed modifications complies with all approval criteria outlined in LDC Section 21-3251, would provide an enhanced and higher quality development product compared to the development and lot configuration currently entitled today, and would set a positive precedent for continued residential growth in the Northern Range.

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 set forth in the Land Development Code and recommends that the Planning Commission forward the PUD Zone Document request to the City Council with a recommendation for approval.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested PUD Zone Document for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case **Z-774-04-21** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document.

Alternative Motions

To recommend approval subject to conditions

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case **Z-774-04-21** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document, subject to the following conditions:

List conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case **Z-774-04-21** 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.

To continue the case:

I move that the Planning Commission continue the requested PUD Zone Document for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case Z-774-04-21 to a future Planning Commission agenda.