



STAFF REPORT

Planning Commission

CASE #Z-945-17-19-20-21-22			
PC Date:	December 6, 2022	Case Planner:	Dalton Guerra
CC Date:	February, 2022		
Location:	Nexus North at DIA, located at the southeast corner of Buckley Rd and E 88 th Ave		
Applicant:	Becknell Services LLC	Owner:	Nexus North Owner LLC
Address:	2750 E 146 th St, Suite 200 Carmel, IN 46033	Address:	2750 E 146 th St, Suite 200 Carmel, IN 46033

Case Summary	
Request:	PUD Zone Document Amendment to permit additional land uses and modify bulk standards for Planning Area 3 of the Nexus North at DIA PUD Zone Document
Project Description:	Becknell Services LLC is requesting approval of an amendment to the Nexus North DIA PUD Zone Document to permit three land uses and modify one bulk standard in Planning Area 3 for the property located at the southeast corner of Buckley Rd & E. 88 th Avenue, zoned PUD (Planned Unit Development District).
Issues/Concerns:	<ul style="list-style-type: none"> Designing the site to mitigate potential impacts to residential neighborhood to the north
Key Approval Criteria:	<ul style="list-style-type: none"> Land Development Code (LDC) PUD Zone Document Criteria
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development District)
Comp Plan Designation:	Office/Flex

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

- Vicinity Map
- Applicant's Narrative
- Nexus North at DIA PUD Zone Document Amend. 2
- Proposed Nexus North at DIA PUD Zone Document Amend. 3
- Conceptual Site Plan

Background Information

Site Information

Site Size:	21.5 acres
Current Conditions:	Vacant
Existing Right-of-Way:	Quintero St to the south
Neighborhood:	Nexus North
Existing Buildings:	Barn structure
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

	<u>Existing Land Use</u>	<u>Occupant</u>	<u>Zoning</u>
North	Residential	Buffalo Highlands	PUD
East	Vacant	Nexus North	PUD
South	Warehouse	Nexus North	PUD
West	Rocky Mountain Arsenal	Rocky Mountain Arsenal National Wildlife Refuge	N/A

Case History

- The original Nexus North at DIA PUD Zone Document was approved by City Council in 2019.
- The Nexus North at DIA PUD Zone Document Amendment No. 1 was approved by City Council in 2020. This amendment modified the development standards for the entire PUD but did not change the allowed land uses.
- The Nexus North at DIA PUD Zone Document Amendment No. 2 was approved by City Council in 2021. This amendment modified the planning area acreages and boundaries.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-945-17-19	04/01/2019	PUD Zone Document for Nexus North at DIA	Approved
Z-945-17-19-20	12/03/2019	Nexus North at DIA Amendment No. 1	Approved
Z-945-17-19-20-21	05/03/2021	Nexus North at DIA Amendment No. 2	Approved

Applicant's Request

Becknell Services LLC requests approval of an amended PUD Zone Document to permit the following land uses in Planning Area 3: *Produce Storage and Warehousing, Retail Sales in Conjunction with Warehouse Establishment, Warehousing and Storage - General*. Additionally, the maximum front yard setback for Planning Area 3 will be changed from 100 feet to 0 feet. The applicant narrative states *"The subject parcel is in PA-3, which permits more intense uses such as food, machinery, metal, textile and wood manufacturing uses, as well as wholesale establishments. The additional uses proposed all fall within typical light industrial uses, and are allowed in a traditional I-1 district."*

The current Nexus North at DIA PUD Zone Document allows for a number of commercial and light industrial land uses (i.e. Office/Flex) as well as a few heavier intensity industrial uses (i.e. manufacturing) in Planning Area 3. However, it does not allow for Warehousing and Distribution uses in Planning Area 3. This land use is permitted by right in all planning areas of the Nexus North at DIA PUD with the exception of Planning Area 3. The applicant would like to develop a warehouse/distribution shell building similar to the existing buildings in the Nexus North PUD. The proposed shell building will be about 162,206 s.f., which is typical of warehouse buildings in this PUD.

Development Review Team Analysis

Scope of Review:

The request for consideration at this hearing is an amended PUD Zone Document. The Land Development Code (LDC) sets out the specific criteria for review of a PUD Zone Document. An amendment to a PUD Zone Document is to be reviewed by the Development Review Team (DRT) and provide Planning Commission a report. Planning Commission will make a recommendation to City Council, which will hold a public hearing for a final decision in accordance with the City's Land Development Code (LDC). As it relates to PUD Zone Documents, the LDC sets out the specific criteria upon which such an application can be approved or denied. Therefore, the analysis and evaluation must be limited to those criteria; no outside considerations may be the basis of a decision of approval or denial.

Public Hearing Background:

In accordance with Section 21-3251(2) of the Land Development Code (LDC), Planned Unit Developments are reviewed by the Development Review Team (DRT) and the Director of Community Development. Then the Planning Commission holds a public hearing and provides a recommendation to the City Council. City Council holds a public hearing and makes a final decision to approve, approve with conditions, or deny the application based on the approval criteria from Section 21-3251(3).

Site Overview:

The requested amendment to the PUD Zone Document (Nexus North at DIA PUD) is for the 21.5 acre property (Planning Area 3) generally bound by E. 88th Ave to the north, Buckley Rd to the west, and Quintero St to the south. Planning Area 3 is the last vacant site in the northwest corner of Nexus North. The property is currently vacant with an old barn structure on the site and the current zoning has been in place since 2021. The most recently approved PUD Zone Document Amendment allows for a number of industrial uses of varying intensity but does not allow for Warehouse and Distribution uses. The original intent of not allowing Warehouse and Distribution uses was to mitigate potential adverse impacts on the Buffalo Highlands residential subdivision to the north. After further evaluation by staff, it has been determined that the concerns regarding the subdivision to the north can be mitigated through strategic site design. The truck docks will be oriented to the south where the one and only access point to this property is provided off of Quintero St. There will be no vehicular/truck access allowed off of E 88th Ave with the exception of emergency access. Further, the residential properties in the Buffalo Highlands subdivision are about 1,000 feet from the property line of Planning Area 3 and even further from the proposed building.

This amendment is being processed to allow for three land uses to be permitted by right in Planning Area 3: *Produce Storage and Warehousing, Retail Sales in Conjunction with Warehouse Establishment, Warehousing and Storage - General*. These three uses are already allowed by right in Planning Areas 1 and 2 as well as a number of heavy intensity uses like Manufacturing and Truck/Transportation Services. As the PUD is currently written, Planning Area 3 could have a heavy industrial use such as Manufacturing or Truck/Transportation Services by right. These uses would be much more intense than the Warehouse and Distribution uses that the applicant is proposing for this site. Allowing for Warehouse/Distribution in Planning Area 3 by right would not increase the intensity of potential land uses that are already permitted per the most recent PUD Amendment.

Additionally, the maximum front yard setback will be reduced from 100 feet to 0 feet. The reduction in the maximum front yard setback will allow for more flexibility when designing the site for a new 162,206 s.f. warehouse. This will help staff work with the developer to provide a site design that mitigates all potential concerns about adverse impacts to the surrounding area.

PUD Zone Document:

An amendment was needed for this PUD to permit additional uses and modify the bulk standards for Planning Area 3. As a result the land use table and bulk standards will be modified to reflect the allowance of three land uses and a reduction in the maximum front yard setback for Planning Area 3. The PUD Zone Document Amendment contains 7 sheets which can be summarized as follows:

- Sheet 1: Legal Description, Vicinity Map, Development Standard Notes
- Sheet 2: Project Intent, Phasing, Unique Features
- Sheet 3: PUD Boundary, Existing Conditions
- Sheet 4: Planning Area Boundaries, PUD Schematic
- Sheet 5: Bulk Standards
- Sheet 6: Land Use Table
- Sheet 7: Cross-Sections

Image A: PUD Planning Areas

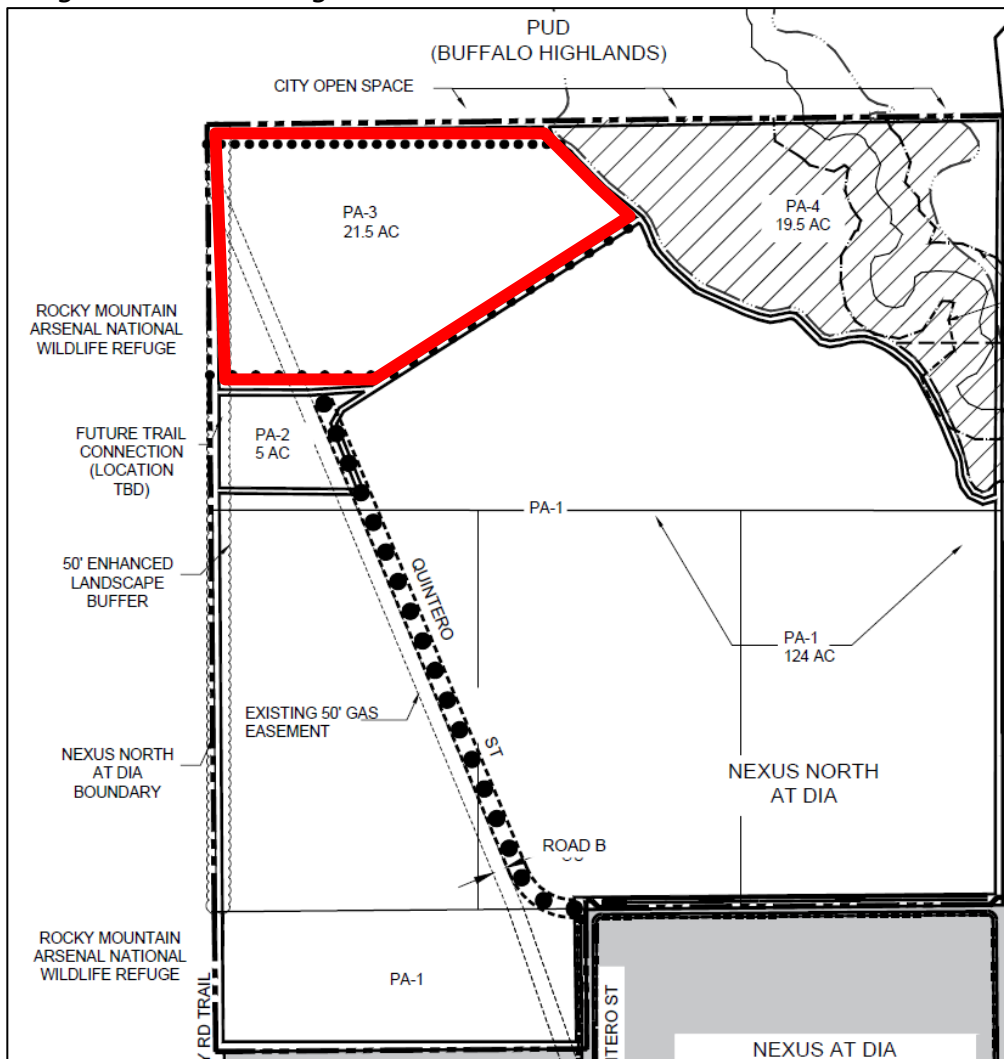
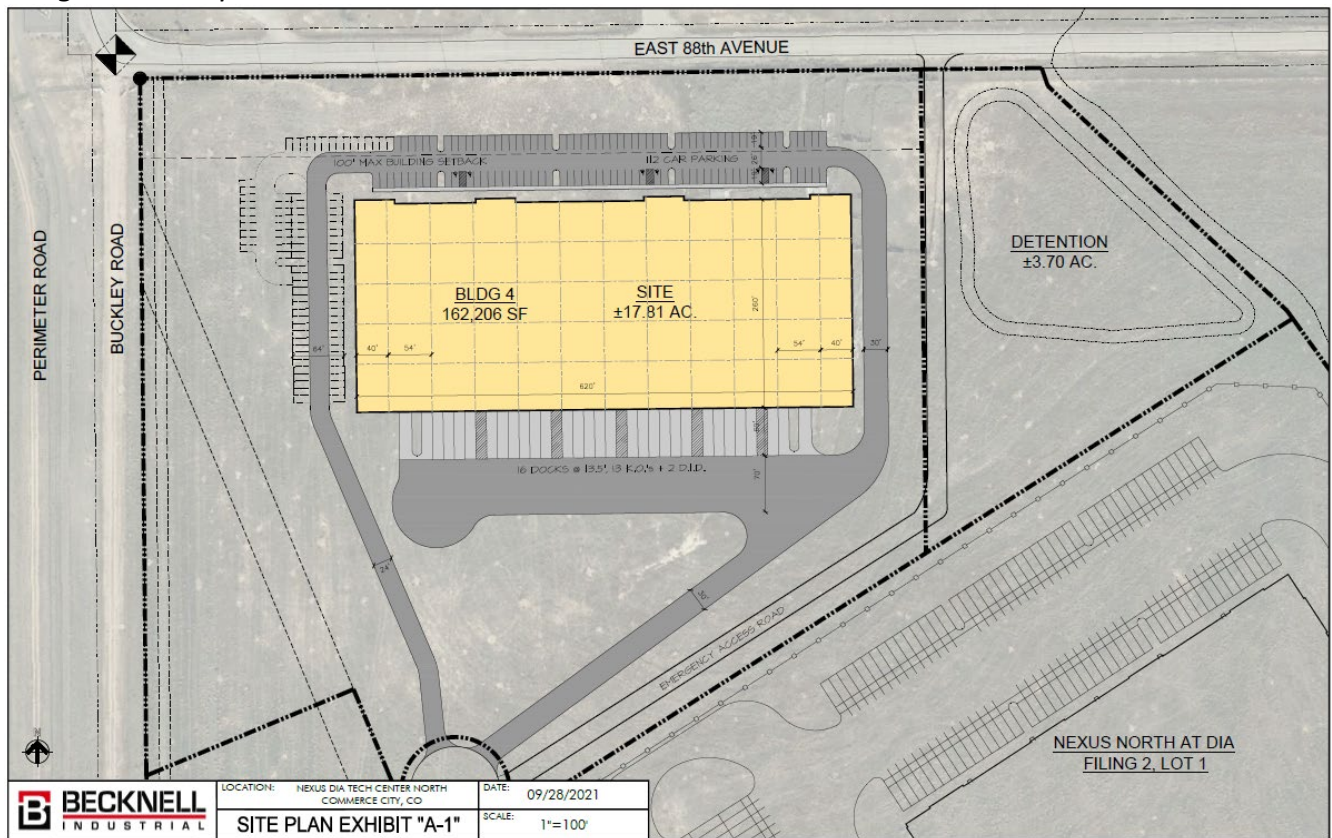


Image B: Concept Plan



Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. Commerce City Parks and Recreation stated that the applicant must provide a trail that connects the development to the Rocky Mountain Arsenal National Wildlife Refuge. This trail will be proposed at the time that the PUD Permit is reviewed and approved. Commerce City Public Works had no comments on the proposed amendment.

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 of a predominant residential area. The proposed amendment to the PUD Zone Document would allow the property to provide commercial uses and a mixture of housing types for this area. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

Comprehensive Plan Analysis

In reviewing the requested amended PUD Zone Document, the DRT reviewed the request's compatibility with the City's Comprehensive Plan. That analysis is provided in the following table.

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

Section	Goal	Description
Land Use and Growth Strategies	LU 1.1	Growth and Future Land Use Plan Consistency
Analysis:	Allowing Planning Area 3 to have Warehouse/Distribution uses will keep this property consistent with the Future Land Use Plan designation of Office/Flex and as an Employment Campus/Business Center.	

Section	Goal	Description
Land Use and Growth	LU 4.1	Plan Adequate Land for Employment
Analysis:	This amendment will allow Planning Area 3 to implement a use that provides employment opportunities in an existing industrial area.	

Section	Goal	Description
Economic Development	ED 1.2	Recruitment of Businesses
Analysis:	Allowing Warehouse/Distribution uses in Planning Area 3 allows the developer to recruit a business that has a targeted industry of Logistics and Distribution.	

Section	Goal	Description
Economic Development	ED 3.3	Ensure Availability of Industrial Land and Buildings
Analysis:	An amendment to allow more Warehouse/Distribution uses in Nexus North will ensure that this property in Planning Area 3 will be developed with a new business/industry.	

Section	Goal	Description
Fiscal Stability	FS 2.2	Core Employment Uses
Analysis:	This amendment will strengthen the industrial and employment land base in the Nexus North PUD which is consistent with the Future Land Use Plan.	

Section	Goal	Description
Transportation	T 5.1	Implement Trails Plans
Analysis:	Development of this site will provide a trail connection to the Rocky Mountain Arsenal National Wildlife Refuge	

LDC PUD Zone Document Approval Criteria Analysis

The DRT recommendation for this case is based on the following LDC criteria, from Sec. 21-3251(3):

Approval Criteria. A PUD zone document may be approved only 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;

Analysis: The future land use plan designation for this property is Office/Flex. Office/Flex allows for a mix of flex, high-tech space, and production uses. The proposed use of warehouse/distribution is consistent with the office/flex designation and the planning areas within the Nexus North PUD.
Staff finds this application meets this criterion.

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

Analysis: The Nexus North PUD concept schematic called for this area to be designated for I-1, Light-intensity Industrial. Warehouse/Distribution is considered a light-intensity industrial use.

Staff finds this application meets this criterion.

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;

Analysis: The proposed amendment to allow warehouse/distribution in Planning Area 3 will provide an opportunity for this property to be developed with a use that is consistent with the rest of the PUD. Architectural/design standards will be compatible with the existing buildings in the area. Enhanced landscaping will be provided throughout the site.

Staff finds this application meets this criterion.

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

Analysis: The proposed amendment meets all applicable city standards and is consistent with the Future Land Use Plan

Staff finds this application meets this criterion.

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

Analysis: The main access point for this property is to the south off of Quintero Rd. There is emergency access provided to the north off of E 8th Ave but no commercial truck traffic is permitted. Future trails to the Wildlife Arsenal will be provided.

*Staff finds this application **meets this criterion.***

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

Analysis: The subject property is surrounded by existing adjacent warehouse/distribution uses. The Buffalo Highlands subdivision is over 1,000 ft to the northeast. The site will be designed in a way that mitigates impacts to the subdivision to the northeast.

*Staff finds this application **meets this criterion.***

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;

Analysis: This property has been included into the E-470 Commercial Area General Improvement District which provides financial consideration for the installation and maintenance of utilities/services.

*Staff finds this application **meets this criterion.***

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

Analysis: There is no phasing plan being proposed for this project.

*Staff finds this criterion is **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.

Analysis: The only way to allow a warehouse/distribution use on this property is to amend the Nexus North PUD Zone Document to allow such those uses by right in Planning Area 3.

*Staff finds this application **meets this criterion.***

Development Review Team Recommendation

The DRT discussed this case, Nexus North at DIA PUD Zone Document Amendment, Z-945-17-19-20-21-22, in a meeting on October 20th, 2022. All comments made were addressed and so the DRT made an official recommendation of approval for this particular case before Planning Commission.

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 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 at **the southeast corner of Buckley Rd and E. 88th Avenue** contained in case **Z-945-17-19-20-21-22** 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 with conditions:

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property located at **the southeast corner of Buckley Rd and E. 88th Avenue** contained in case **Z-945-17-19-20-21-22** 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 conditions

To recommend denial:

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property located at **the southeast corner of Buckley Rd and E. 88th Avenue** contained in case **Z-945-17-19-20-21-22** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that based upon this finding that 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 at **the southeast corner of Buckley Rd and E. 88th Avenue** contained in case **Z-945-17-19-20-21-22** to a future Planning Commission agenda.