



STAFF REPORT

Planning Commission

CASE #Z-941-17-19-21			
PC Date:	June 1, 2021	Case Planner:	Jenny Axmacher
CC Date:	July 19, 2021		
Location:	Bound by E. 64 th Avenue to the north, E. 62 nd Avenue to the south, Holly Street to the east, and Highways 2 & 85 to the west.		
Applicant:	Commerce City Urban Renewal Authority 7887 E. 60 th Avenue Commerce City, CO 80022	Owner:	Commerce City Urban Renewal Authority 7887 E. 60 th Avenue Commerce City, CO 80022

Case Summary	
Request:	The applicant is requesting an amendment to the existing Mile High Greyhound Park PUD zone document, to update the commercial and institutional uses on the western portion of the site (Parcels A and B).
Project Description:	The purpose of the amendment is to update the uses in the commercial and institutional parcels A and B to provide the flexibility to maximize the use of the land and provide the best design and layout possible.
Issues/Concerns:	<ul style="list-style-type: none"> Compliance with the Comprehensive Plan
Key Approval Criteria:	<ul style="list-style-type: none"> Compliance with the Comprehensive Plan Compliance with the PUD approval criteria
Staff Recommendation:	Approval
Current Zone District:	(PUD) Planned Unit Development
Requested Zoning:	Planned Unit Development (PUD)
Comp Plan Designation:	Mixed-Use Regional Commercial Center

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

- | | |
|---|--|
| <input checked="" type="checkbox"/> PUD Zone Document | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Land Use Schematic - Conceptual | |

Background Information

Site Information

Site Size:	68 acres +/-
Current Conditions:	The site is currently under construction. There are several approved residential development projects for apartments, single family homes and duplexes with additional residential development under review. The infrastructure for the entire site is almost complete. There is also the existing Boys and Girls Club in the southeast corner of the site. The western portion of the site reserved for non-residential uses remains vacant.
Existing Right-of-Way:	E. 64 th Avenue to the north, E. 62 nd Avenue to the south, Holly Street to the east, and Highways 2 & 85 to the west. Elm Street, Glencoe Street, Siegal Court, E. 62 nd Place and E. 63 rd Place
Existing Roads:	E. 64 th Avenue to the north, E. 62 nd Avenue to the south, Holly Street to the east, and Highways 2 & 85 to the west.
Existing Buildings:	
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Site in Floodplain:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Neighborhood:	Central

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Commercial and Residential	Gas station, Church, and Single-Family Homes	C-2 & R-2
South	Commercial and Residential	Multi-tenant retail and Single-Family Homes	C-2 & R-1
East	Commercial and Residential	Commercial Uses, Mobile Home Park, and Single Family Homes	C-3, MHP, & R-3
West	Right-of-Way	State Highway 2 and State Highway 85	N/A

Case History

For more than 60 years, the former Mile High Greyhound Park was a vibrant entertainment destination, drawing thousands of people from across Colorado. An economic engine for the city, the park employed hundreds of residents and sales tax revenues were reinvested in community projects. When greyhound racing ended in 2008, visitors and activity in the historic heart of Commerce City slowed.

In 2011, the Commerce City Urban Renewal Authority (CCURA) purchased the former Mile High Greyhound Park site (MHGP). There are a variety cases that were approved for the subject properties. However, when the Commerce City Urban Renewal Authority purchased the site, the rights granted in the previous approvals were relinquished by the Urban Renewal Authority. Therefore, the previous case history is irrelevant as it does not apply.

Demolition of existing structures was completed in 2013 to prepare the property for development. The Suncor Boys & Girls Club opened in 2015 on 2.5 acres of land donated by the CCURA to anchor the southeast corner of the redevelopment.

The property was rezoned to PUD in January of 2017 by the original developer REGen, LLC in case Z-941-17. In 2018, the City Council approved the Urban Renewal Plan for the MHGP. By eliminating blight, revitalizing the MHGP site, and fostering economic development, the Mile High Greyhound Park will provide substantial benefits to the City, citizens, and the surrounding metro area.

In July of 2019, the CCURA entered into a master development agreement with Greyhound Park, LLC to redevelop the site. Greyhound Park LLC intends to develop modern, mixed income housing, with a diverse range of product types on the MHGP. Construction is underway now on a 223 unit affordable multifamily development and construction will start soon on thirty single family homes and twenty duplexes (40 units total). Design Standards for the property were also approved in 2019 as part of Z-941-16-19.

In 2020, the property was platted to facilitate the development in S-754-20 and the CCURA retained the property known as Parcels A and B, called Tracts A and B in the plat, while the remainder of the site was purchased by Greyhound Park LLC. The regional detention pond on the eastern edge of the property was dedicated to the City.

Applicant's Request

The CCURA has submitted the PUD Amendment request to update the uses in the commercial and institutional Parcels A and B to provide the flexibility to maximize the use of the land and provide the best design and layout possible. No other changes are proposed the PUD or associated design standards.

The CCURA recently conducted a scenario planning exercise with HOK, a global design, architecture, engineering and planning firm, to evaluate the possible layout of Parcels A and B on the MHGP property. It was determined that additional flexibility on locating uses on either Parcel A or Parcel B was desirable in order to achieve the best design outcome possible. For example, a hotel use might prefer to locate next to the proposed anchor institutional use, however a hotel is not an allowed use on the institutional Parcel A and the institutional anchor is not an allowed use Parcel B. This amendment creates the fluidity to allow for these land uses to locate in the most logical areas of these parcels to build strong use synergies.

Development Review Team (DRT) Analysis

Comprehensive Plan Analysis:

The Development Review Team (DRT) began the review of this application by evaluating the request against the City's Comprehensive Plan. That analysis is as follows:

Comprehensive Plan

In the table below, there are specific goals identified in the adopted Comprehensive Plan related to the request, but the Comprehensive Plan also calls for the redevelopment of the subject property. The DRT recommendation for this request is supported by the following Comprehensive Plan language and goals:

- Chapter 4 (Land Use and Growth), Section C states: *"Redevelop Wembley (former greyhound racing site) to a mixed-use project, well integrated with adjacent commercial and residential, potentially including senior housing."*
- Chapter 8 (Redevelopment and Reinvestment), Policy RR2.4 states: *"Establish Wembley as a future redevelopment site. Future development should include a mix of commercial and residential uses that are well integrated and that mesh with the areas surrounding the site. A sub-area plan may be necessary to explore feasibility of future activities (e.g. senior housing, commercial uses), as well as partners and funding strategies for the area."*

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	<u>Future Land Use Plan (FLUP) as a Guide:</u> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
Analysis:	The FLUP identifies the subject property for a mixed-use Regional Commercial Center. The proposed zoning is to create this exact type of development.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1d	<u>Coordinated Rezoning:</u> Coordinate rezoning of multiple parcels together in key locations to implement the coordinated pattern on the FLUP.
Analysis:	The proposed PUD Zone Document will help the properties redevelop in alignment with the FLUP.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3a	<u>FLUP to Guide Decisions:</u> Use the FLUP to guide land use decisions.
Analysis:	The proposed PUD allows for a variety of non-residential uses, which is consistent with the FLUP.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2b	<u>Reserve Land For Commercial Uses:</u> Ensure adequate land for commercial uses through the FLUP; preserve the opportunity for future retail development by designating locations.
Analysis:	The subject property is identified by the FLUP to be a mix of uses. The proposed PUD Zone Document identifies an area specifically for commercial development, while allowing non-residential development in all but one area of the property.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Redevelopment & Reinvestment	RR 2a	<u>Urban Renewal Area (URA) Tools:</u> Expand application of Urban Renewal Areas (URAs) to achieve redevelopment goals, including existing URAs and potential new URAs. Explore creative funding applications for redevelopment, such as Tax Increment Financing, expanding on funding tools permitted through URAs.
Analysis	The subject property will be included in an Urban Renewal Area (URA) and tools like Tax Increment Financing will be used to fund the necessary infrastructure improvements for the project.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Safety & Wellness	SW 2a	<u>Pedestrian Improvements:</u> Pursue strategies to create a visually-appealing and safe pedestrian experience. Prioritize pedestrian improvements in areas that will have the greatest benefit.
Analysis	As part of the redevelopment of the property pedestrian improvements will be made to the exterior of the site to provide a visually-appealing and safe pedestrian experience.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Safety & Wellness	SW 4d	<u>Community Gardens:</u> Explore feasibility, cost, and benefits of allowing community gardens in some public and private parks along with incentives to encourage them in private developments.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Analysis		The PUD Zone Document allows for community gardens in all areas of the development, except for the area that reserved for commercial uses. This will incentivize community gardens and help give healthy food options to residents and employees located on the site.

The DRT has determined that the proposal is consistent with the Comprehensive Plan language and goals stated above. Specifically, the property is identified for denser urban-type development where land use synergies between institutional and commercial land uses are often important. General characteristics of urban development include things like; smaller lot sizes, buildings close to the street/property lines, community oriented pedestrian space, taller buildings, and a mix of uses both in the surrounding area as well as in the same building. Once it was determined that the proposal is consistent with the Comprehensive Plan, the DRT reviewed the proposal as outlined below.

Project Background and Outreach:

In order to determine the future of the site, the Commerce City Urban Renewal Authority (CCURA) purchased the property in 2011 with the intent to redevelop the site as an economic engine for a new generation as anticipated by the Comprehensive Plan. Initial public outreach for the project occurred in 2011 shortly after the property was purchased CCURA. At that time, 6 public meetings were held in order to get input from the community as to how the site should redevelop.

The community supported vision for the site is reflected in 6 Development Goals:

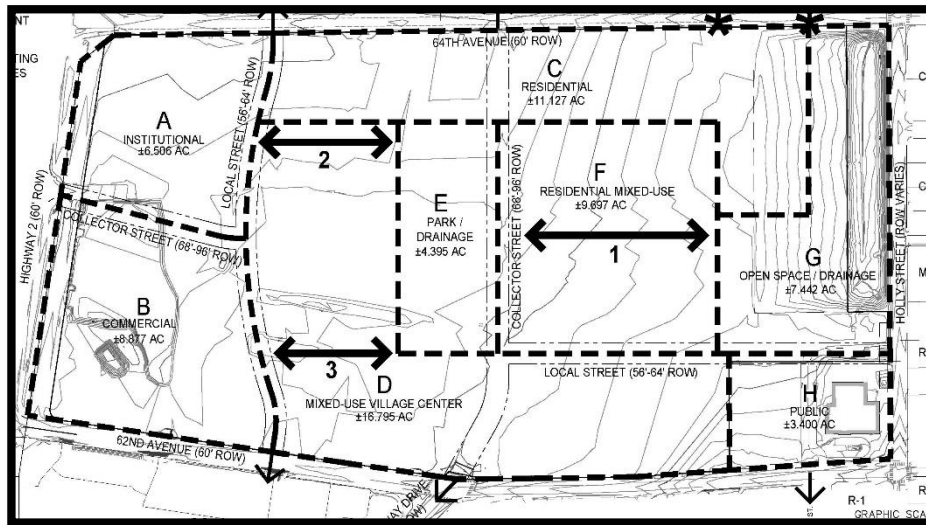
1. Create a flexible master framework plan
2. Create a mixed-use and multi-use neighborhood
3. Provide a variety of retail and commercial development options
4. Create a community destination and sense of place
5. Provide space for the Boys and Girls Club and other service organizations
6. Hold a portion of the property for an institutional anchor while pursuing development on the remainder of the property.

Through the course of 2012 and concluding in 2013, the CCURA received a grant from the U.S. Department of Commerce Economic Development Administration (EDA) to conduct a Feasibility Study for the property. While the Feasibility Study makes a variety of recommendations, as it relates to zoning, the Study states; *“Whatever the ultimate development program for the Area, it should address the broad goal of introducing uses that are contextually compatible. Whereas it is unlikely that a single land use will ultimately occupy the site, a Planned Unit Development District (PUD) zoning designation might offer a higher level of flexibility for the end-user and potentially encourage more diversity, allowing for appropriate land uses and products to be co-located within the property and adjacent to existing uses. Ultimately, design guidelines or standards will be needed to protect the program vision and ensure a sustained level of quality development.”* Also occurring in 2012 and 2013, the racing related structures were removed in order to prepare the property for redevelopment, a Current Conditions Survey was performed on the property, and the site was removed from the City Center Urban Renewal Area. During 2014 and 2015 the city was able to elicit proposals from Master Developers and ultimately negotiate a Master Developer Agreement with REGen, LLC, which was finalized in 2016. Also during this time period, the city supported the efforts of the Boys and Girls in the shared desire to locate their new facility on the subject property. As the first new development on the site, the Suncor Boys and Girls Club opened in 2015 on 2.5 acres of land that was donated by the CCURA. Once the Master Developer Agreement was finalized, REGen, LLC engaged their project team to begin work on the entitlement documents, drainage report, and traffic study. As part of the creation of these documents, the city and REGen, LLC held another neighborhood meeting in the fall of 2016 to incorporate public input into the zoning document that is before Planning Commission and City Council.

PUD Review:

The proposed PUD is broken into 8 areas (parcels) and each area is uniquely planned to integrate the site with its surroundings while creating a mixed-use development.

Figure 1.1
Parcel Map



- Parcel A (the northwest area) is intended to allow for educational and institutional uses. These types of uses are a direct result of the public outreach that was done with the surrounding area and their expressed desire to have an educational or institutional presence on the site. The northwest area was designated as the educational/institutional area because it is adjacent to Highway 2 and Highway 85, which gives it the necessary visibility and access while limiting the opportunities for traffic impacts within the site and to adjacent residential uses.
 - The allowed land uses for this parcel are being expanded in this amendment to include additional commercial uses such as a hotel, stand alone retail development, and a conference or events center. No changes are being proposed for the bulk standards for this parcel.
- Parcel B (the southwest area) is intended to allow for traditional commercial uses. These types of uses could include uses such as mid to large box retailers, hotels, restaurants, and similar. Comparable to Area A, the southwest area was designated as the commercial area because it is adjacent to Highway 2 and Highway 85, which gives it the necessary visibility and access while limiting the opportunities for traffic impacts within the site and to adjacent residential uses.
 - The allowed land uses for this parcel are being expanded in this amendment to include institutional uses such as vocational training centers and complimentary uses such as a convention center. No changes are being proposed for the bulk standards for this parcel.
- Parcel C (the north-center area) is intended to allow for single-family residential uses. The types of single-family uses allowed in this area are both single-family detached residential and single-family attached residential. This area was designated for single-family uses as a direct result of the public outreach that was done with the surrounding area and their desire to see a similar type of intensity of use as exists on the north side of E. 64th Avenue. This area will provide the desired transition from single-family residential uses to multi-family residential and commercial uses interior to the site.
 - No changes are being proposed for this parcel with this amendment.
- Parcel D (the south-center area) is intended to provide the most flexibility for uses on the property and allow for the most residential density. This area will likely be the mixed-use heart of the development with multi-family residential uses above ground floor non-residential uses. This area has direct access to future collector streets, which will limit the opportunities for traffic impacts to the existing residential uses.
 - No changes are being proposed for this parcel with this amendment.

- Parcel E (the central park/drainage) is intended to serve 2 functions. The first function is to provide drainage for the development of the subject property. However, the second primary function will be to serve as a community park and area of activity. While the site will serve as a necessary drainage facility, it will have amenities that future residents, visitors, and the existing residents in the area will be able to enjoy.
 - No changes are being proposed for this parcel with this amendment.
- Parcel F (the central mixed-use area) is intended to provide flexibility for uses, but at lesser residential densities than Area D. This area is intended to be residential in focus and only allows non-residential uses when it is on the ground floor with multi-family residential above.
 - No changes are being proposed for this parcel with this amendment.
- Parcel G (the northeast area) is intended to be similar to Area E. This area also serves the purposes of drainage and an open space amenity. Unlike Area E, this pond exists today and serves as a regional drainage facility (very little of the subject property's drainage is accommodated by this facility). The existing pond will be enlarged as part of the redevelopment of the site to serve roughly 400 acres of drainage capacity in a 100 year storm event from the south and east of the subject property. As part of the improvements to the existing facility, the south end of this area will be improved with amenities for future residents, visitor, and existing residents in the area will be able to enjoy.
 - No changes are being proposed for this parcel with this amendment.
- Parcel H (the southeast area) is currently developed with the Suncor Boys & Girls Club. The PUD Zone Document makes no changes in the allowed uses or uses that are necessary for the Boys & Girls Club to operate.
 - No changes are being proposed for this parcel with this amendment.

By zoning the property to a PUD zoning designation it allows for a comprehensive approach to the development that also creates a variety of uses while being sensitive to the site's surroundings as recommended in the Feasibility Study. Without the use of a PUD Zone Document the zoning of the property would be fractured and unable to meet the needs of the developer and the surrounding community.

PUD Process and Layout:

For properties that receive a PUD zoning designation, there are generally 3 stages of development. The first stage is a PUD Concept Schematic. This stage provides an opportunity for applicants to get input for things like land uses, densities, connectivity, etc. prior to making significant investment on final plans. The concept for the subject property was completed in 2013 as part of a study performed by Rickard Cunningham. The second stage of development for properties zoned PUD is the PUD Zone Document. This stage is where entitlements are approved and the base standards for things like land uses, densities, bulk standards, etc. are set for the property. The subject property is at this stage. The third stage for development within a property zoned PUD is the PUD Development Permit stage. The PUD Development Permit is generally an administrative process that approves specific development on specific property that complies with the standards established within the PUD Zone Document.

The current approved PUD has 10 pages.

- Sheet 1 is a cover page containing things like signature blocks, a sheet index, and a property description.
- Sheet 2 provides a Project Narrative that discusses topics such as the intent of the project, existing amenities, and existing challenges. This sheet is intended to provide a broad over view of the site and the intent of the development.
- Sheet 3 is a graphic representation of the property in its existing conditions.
- Sheet 4 is a visual representation of the different Planning Areas with general notes related to the site.
- Sheet 5 contains the bulk standards for the different Planning Areas and the parking requirements for the different uses.
- Sheet 6 provides the allowed uses for the different Planning Areas.
- Sheets 7 -10 provide street and pedestrian connection cross-sections. The contents and layout of this PUD is typical for a property this size and is consistent with other PUDs of a similar nature.

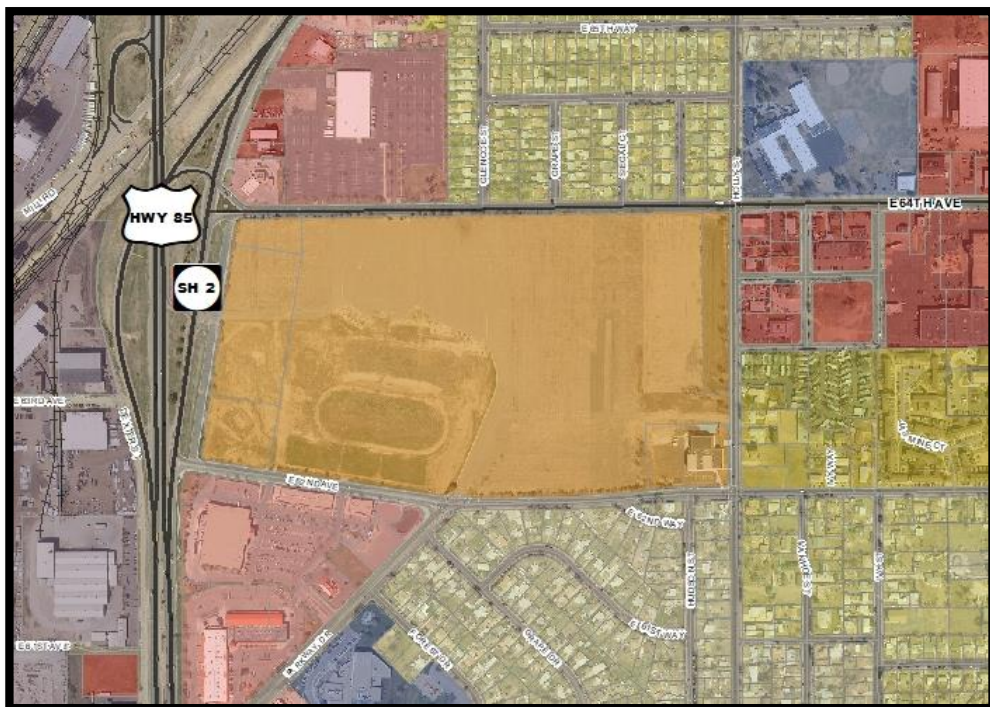
Amendment #1 replaces sheet 1, the cover page with an updated title and signature block. It also replaces sheet 6, with sheet 2 of the amendment which includes an updated land use table. No other sheets from the original PUD Zone Document are being altered and those regulations remain in effect. The bulk standards, parking standards, street cross sections, open space requirements and design standards will remain as originally approved.

Compatibility with the Area:

As shown in Figure 1.2, the subject property is surrounded by a variety of zoning designations. On the north, east, and south sides there is a mixture of commercial and residential uses and to the west is State Highway 2 and State Highway 85 with industrial uses beyond.

The PUD and proposed amendment have been designed to be sensitive to the surrounding land uses by having single-family residential uses along the north property line, the continuance of the drainage area and Boys and Girls Club on the east property line, a mixture of commercial uses on the south property line, and commercial/institutional uses along the west property line to take advantage of the visibility from State Highway 2 and State Highway 85. This mix of uses is consistent with the variety of uses in the area. Figure 1.3 shows that the future plan for this area is to have a Regional Commercial Center with a variety of uses on the subject property. The proposed PUD Zone Document Amendment meets the identified future use of the subject property. Based on this information, the proposed PUD Amendment is consistent with both the existing uses in the area and the future plan for the area.

Figure 1.2
Zoning Map with Aerial



**Figure 1.3
Future Land Use Plan**



Outside Agency Review:

Staff discussed this application with several departments in the city as well as outside agencies in a Development Review Team Meeting. All of the responses that were received indicated that the proposed PUD Amendment would not create conflicts with their regulations and no objections have been received.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for a PUD Zone Document outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals that are outlined above, and the proposal is sensitive to adjacent property. 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
☒	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 as a Mixed-Use Regional Commercial Center. The proposed PUD Amendment is designed to provide this type of development.
☒	The PUD zone document is consistent with the PUD concept schematic;	The PUD Amendment is consistent with the concept plan that was done in 2013.
☒	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 Amendment achieves the purposes identified in Section 21-4370. The customized zoning allows for a mixed-use development that is sensitive to adjacent property as identified in the Comprehensive Plan.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<input checked="" type="checkbox"/>	The PUD complies with all applicable city standards;	The proposed PUD Amendment 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.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts;	The PUD Amendment has been created to minimize impacts to adjacent property. The PUD Zoning allows for the site to be redeveloped in a manner that is more sensitive to adjacent development than would otherwise be achievable.
<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 redevelopment of the site will upgrade existing utilities on the site and have no impact to existing services. Additionally, the existing regional storm water detention facility will be upgraded to a 100 year storm event, improving the current safety of the area.
<input type="checkbox"/>	The proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and	NA. There is no phasing plan for this PUD.
<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 Mixed-Use Regional Commercial Center. This could not be achieved through a straight zoning designation.

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 recommendation for **approval**.

Planning Commission's Recommended Motion

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property generally bound by E. 64th Avenue on the north, Holly Street on the east, E. 62nd Avenue on the south, and State Highways 2 and 85 on the west contained in case **Z-941-17-19-21** 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 generally bound by E. 64th Avenue on the north, Holly Street on the east, E. 62nd Avenue on the south, and State Highways 2 and 85 on the west in case **Z-941-17-19-21** 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 generally bound by E. 64th Avenue on the north, Holly Street on the east, E. 62nd Avenue on the south, and State Highways 2 and 85 on the west contained in case **Z-941-17-19-21** 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 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 generally bound by E. 64th Avenue on the north, Holly Street on the east, E. 62nd Avenue on the south, and State Highways 2 and 85 on the west contained in case **Z-941-17-19-21** to a future Planning Commission agenda.