



Case #Z-860-07-08-18-22

Commons at 104th PUD Amendment #1

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Location: ● Southeast Corner of E 104th Ave and Potomac St

Applicant: Southwestern Property Corp

Request: PUD Zone Document Amendment

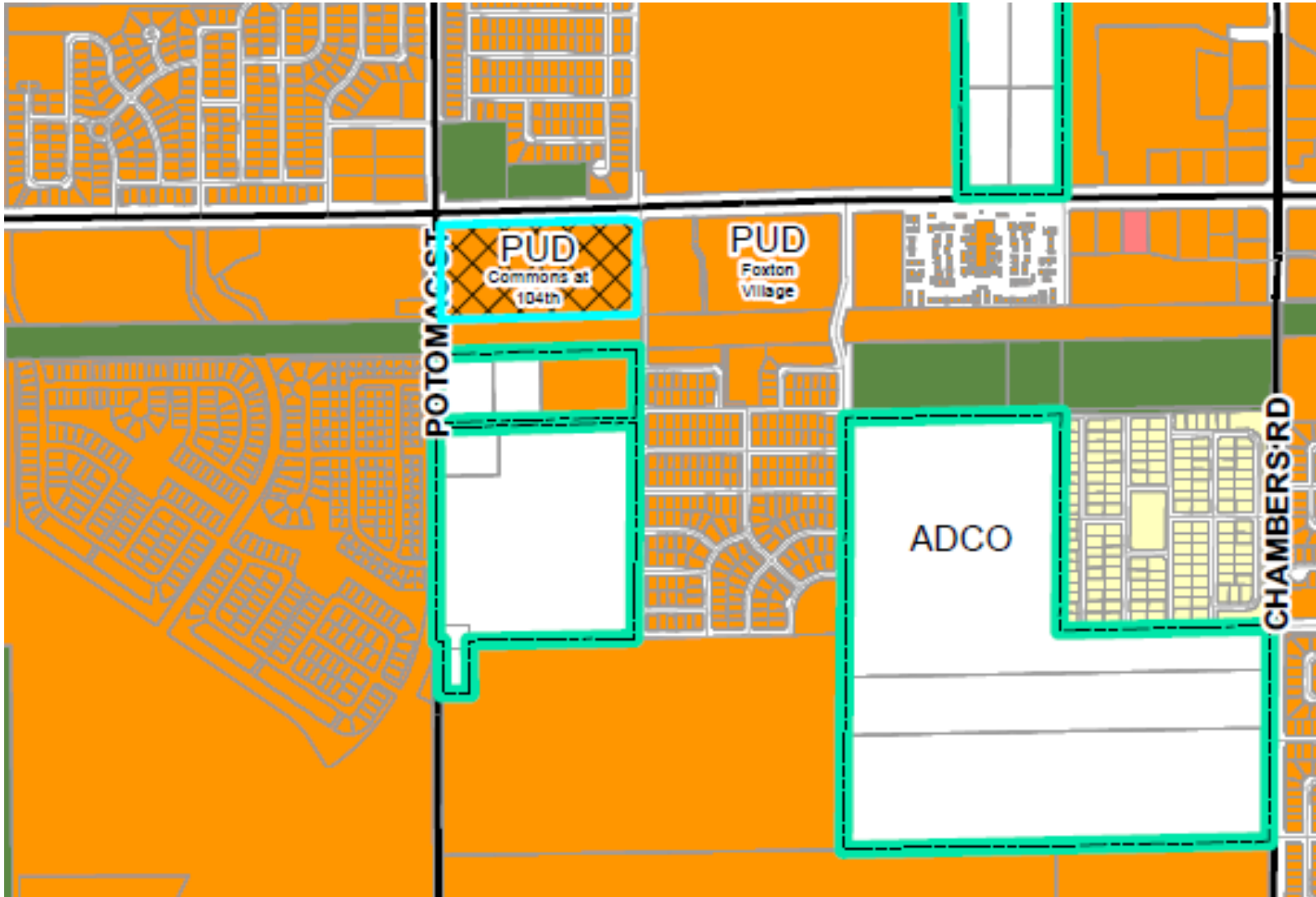
Case Summary

- Location: SEC of E 104th Avenue and Potomac Street
- Request: Approval of an amendment to the Commons at 104th PUD Zone Document to allow multi-family residential land uses
- Current zoning: PUD – (Commons at 104th)
- Future land use plan: Mixed-Use

Case Background

- The Commons at 104th PUD Zone Document was originally approved by City Council in 2008
 - Multi-family residential land uses were not permitted in the original PUD
- A Land Use Plan Amendment was approved by City Council in 2019
 - Designation of the property changed from Office/Flex to Mixed-Use

Vicinity Map



Location



Site Photos



Facing south from E. 104th Ave

Site Photos



Facing west from Blackhawk St

Site Photos



Facing east from Potomac St

Applicant's Request

- Southwestern Property Corp is requesting approval of an amendment to the Commons at 104th Zone Document to allow additional land uses including multi-family residential.
- Bulk standards for residential land uses will be included in this amendment as well.
- The frontage along E. 104th Avenue will remain non-residential.

PUD Sheet 1

- Cover Sheet
- No changes proposed



PUD Sheet 2

- Existing Conditions
- No changes proposed



PUD Sheet 3

- Planning Areas
- Planning Area A is designated for Commercial in the 6.97 acres along E 104th Ave.
- Planning Area B is designated for Multi-family Residential in the 9.6 acres south of Planning Area A



PUD Sheet 4

- Project Intent & Design Standards
- Project Intent language revised to reflect multi-family residential uses being allowed within the PUD
- Design standards updated to address new multi-family residential uses

PUD Sheet 5

- Land Use Schedule
- Residential bulk standards added
- Convenience Store with 5 pump maximum, Brewery, baerbershops, tattoo parlor, clothing store, car wash, service station, hotel/motel, added as uses permitted by right in Planning Area A
- Multi-Family Residential uses added as a use by right in Planning Area B

PUD Sheet 6

- Plant Schedule
- No changes proposed

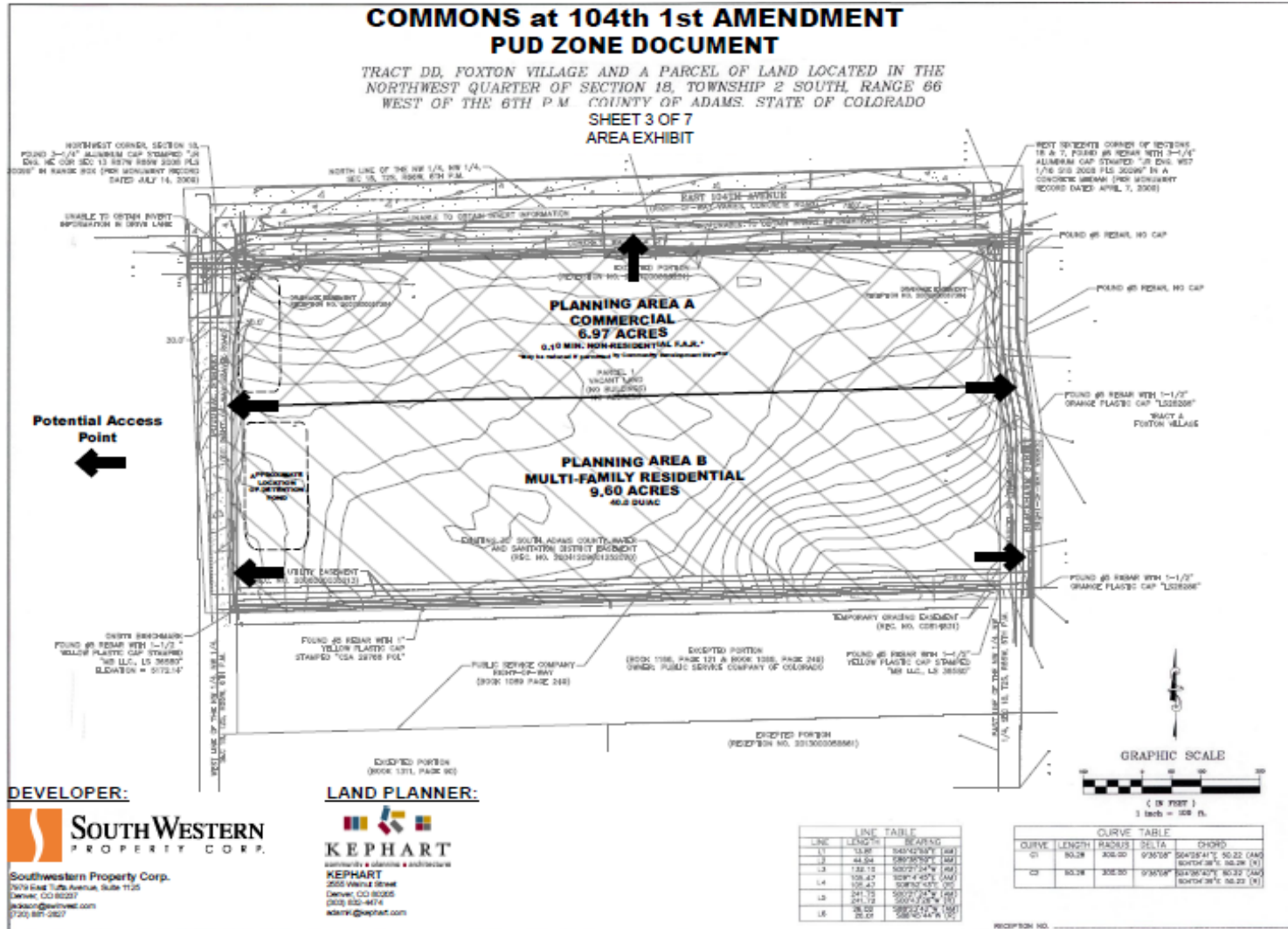


PUD Sheet 7

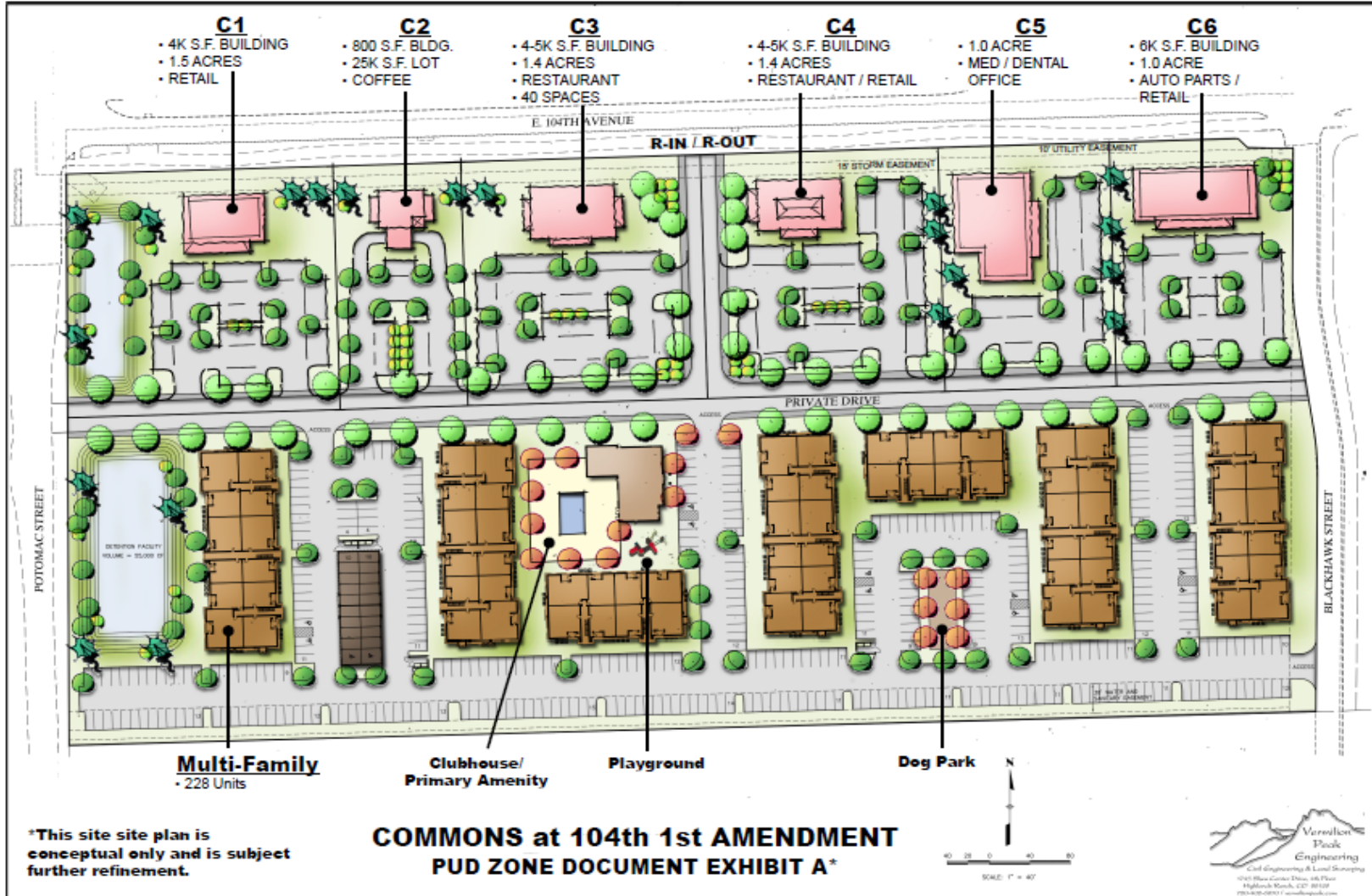
- Landscape Standards
- No changes proposed



Proposed PUD



Concept Plan



PC Analysis

- Project Benefits:
 - The amendment would allow multi-family residential land use on the southern portion of this property
 - This creates a property that can provide housing, work, and commercial services to residents in the area
 - Allowing multi-family residential keeps this property in line with the Future Land Use Amendment that was approved previously



PUD Zone Document Approval Criteria

LDC Sec. 21-3251(3):

- (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:** A future land use plan amendment was processed and approved to change the designation of this property from Office/Flex to Mixed Use (Commercial Corridor). The PUD Amendment to allow Multi-Family residential within Planning Area A is consistent with the current Future Land Use Plan designation of Mixed-Use.
- *Staff finds this application **meets this criterion.***

PUD Zone Document Approval Criteria

- (b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;
- **Analysis:** The general layout and access points are consistent with the concept schematic reviewed in 2018. The concept schematic did not call out residential as a permitted use but the FLUP amendment and proposed PUD amendment are addressing this.
- *Staff finds this application **meets this criterion.***

PUD Zone Document Approval 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 residential land uses in addition to the commercial land uses provides an opportunity for this property to provide residential and commercial services in one area. There will be enhanced architecture/design throughout the property and 15% of the site will be designated for open space as stated in the PUD Zone Document.
- *Staff finds this application **meets this criterion.***

PUD Zone Document Approval 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 aligns this property with the Future Land Use Plan.
- *Staff finds this application **meets this criterion.***

PUD Zone Document Approval Criteria

- (e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
- **Analysis:** The proposed development will provide internal connections between a multi-family residential use and commercial uses. Additionally, there are vehicle access points to Potomac St, Blackhawk St, and 104th Ave., as well as pedestrian access to the streets and the development to the west. The commercial uses along 104th will be accessible by the residents in the area as well as vehicle traffic along 104th Ave.
- *Staff finds this application **meets this criterion.***



PUD Zone Document Approval 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 currently vacant with a large power line easement directly to the south and a vacant property to the east. The proposed development would introduce new commercial uses and new housing types to an area that is vacant.
- *Staff finds this application **meets this criterion.***

PUD Zone Document Approval 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 is being included into the Northern Infrastructure General Improvement District which will provide financial consideration for the installation and maintenance of utilities/services. Xcel Energy, United Power, South Adams County Water Sanitation, and Commerce City Public Works have reviewed and provided comments that were addressed by the applicant.
- *Staff finds this application **meets this criterion.***

PUD Zone Document Approval 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:** The applicant intends to develop both the multi-family residential and commercial sites at the same time as part of phase 1.
- *Staff finds this application **meets this criterion.***

PUD Zone Document Approval 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 residential land uses on this property is to amend the Commons at 104th PUD Zone Document.
- *Staff finds this application **meets this criterion.***

Referral Agency Comments

- Commerce City Parks – Park in lieu fee must be paid at the time of building permit submittal
- SACWSD, Xcel Energy, United Power – applicant must provide utility easements and no structures may be proposed on such easements
- Commerce City Public Works – Subdivision Plat and Development Agreement are required

Public Comments

- As of October 7, 2022 staff received one phone call from the public asking if there is a restaurant being proposed as part of the commercial development.



PC Recommendation

- On September 6, 2022 the Planning Commission voted 5-0 to forward the PUD Amendment to City Council with a recommendation of approval



Staff is available to answer any questions.

The applicant is also present to speak on behalf of this request and to answer any questions that the City Council may have.

