



STAFF REPORT

Planning Commission

CASE #Z-777-02-03-19-19

PC Date:	August 6, 2019	Case Planner:	Brad Callender
CC Date:	September 16, 2019		
Location:	South of E 103 rd Place (Private), east of Altura Street, and west of Chambers Road in the Aspen Hills development		
Applicant:	Southwestern Property Corp.	Owner:	Aspen Hills Apartments, LLC
Address:	5613 DTC Pkwy., Suite 810 Greenwood Village, CO 80111	Address:	7979 E Tufts Ave., Suite 1125 Denver, CO 80237

Case Summary

Request:	Amendment to the Aspen Hills PUD Zone Document
Project Description:	The applicant proposes to amend the Aspen Hills PUD Zone Document in order to allow multi-family development in the commercial portion of the Aspen Hills PUD.
Issues/Concerns:	<ul style="list-style-type: none">• Land Development Code (LDC) approval criteria for a PUD Zone Document Amendment• Consistency with the Comprehensive Plan• Future Land Use compatibility
Key Approval Criteria:	<ul style="list-style-type: none">• Comprehensive Plan• Land Development Code
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development)
Comp Plan Designation:	Commercial

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 | |

Background Information

Site Information

Site Size:	±7.161 Acres (Lot 10 in Aspen Hills)
Current Conditions:	Vacant and undeveloped
Existing Right-of-Way:	Altura Street to the west, East 103 rd Place (private) to the north, and Chambers Road to the east
Neighborhood:	Aspen Hills
Existing Buildings:	None
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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	Commercial	Prestige Preschool Academy, Popeyes, UC Health Emergency Room, Dion's, Perfect Teeth, & North Range Eye Care	PUD & C-2
South	Utility	Public Service Company of Colorado (electric transmission lines)	PUD
East	Undeveloped	Undeveloped commercial lot in Aspen Hills	PUD
West	Residential	Aspen Hills multi-family development	PUD

Case History

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

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-099-88	11/7/88	Annexed ±195 acres located south of E 104 th Avenue, west of Chambers Road, and east of Blackhawk Street from ADCO into Commerce City, including the subject property at Altura Street and Chambers Road	Approved
Z-503-89	2/20/89	Rezoned ±79 acres from ADCO A-3 zoning to PUD, including the subject property at Altura Street and Chambers Road	Approved with Conditions
Z-777-02	1/27/03	PUD Zone Document for Aspen Hills	Approved
S-533-08	8/5/08	Subdivision Plat for Aspen Hills (subdivided one lot for First Bank)	Approved
S-614-14	2/16/16	Subdivision Plat for Aspen Hills (subdivided 10 lots for future development)	Approved
Z-777-02-03-19	4/2/19	PUD Concept Schematic for Aspen Hills for multi-family development in the commercial portion of the PUD	Approved

Applicant's Request

The applicant is requesting a PUD Zone Document Amendment for the Aspen Hills PUD. The amendment to the Aspen Hills PUD Zone Document primarily involves Lot 10 in the commercial portion of Aspen Hills. Lot 10 is an existing ±7.161 acre tract in Aspen Hills and is one of the remaining undeveloped lots in the commercial portion of Aspen Hills. Lot 10 is generally located south of East 103rd Place (private), east of Altura Street, and west of Chambers Road. The applicant is requesting to change the allowed land uses on Lot 10 to include multi-family development. The applicant proposes to develop the site with approximately 180 multi-family dwelling units.

The applicant's narrative states the request is being made to allow multi-family development based upon changing economic conditions. The applicant's narrative further states the site has not been able to attract an interested commercial user and the strong need for high-density housing within a community commercial center has become increasingly relevant within the neighborhood.

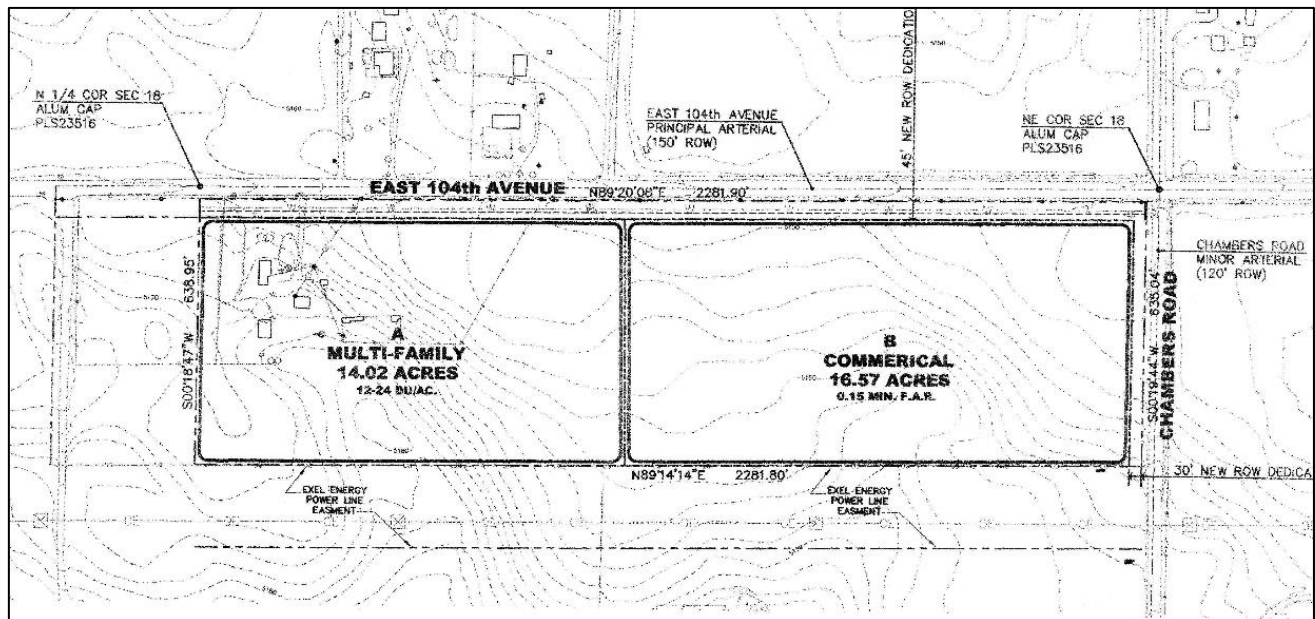
Development Review Team Analysis

The following describes the proposed PUD Zone Document Amendment along with the Development Review Team's analysis.

Aspen Hills PUD Background:

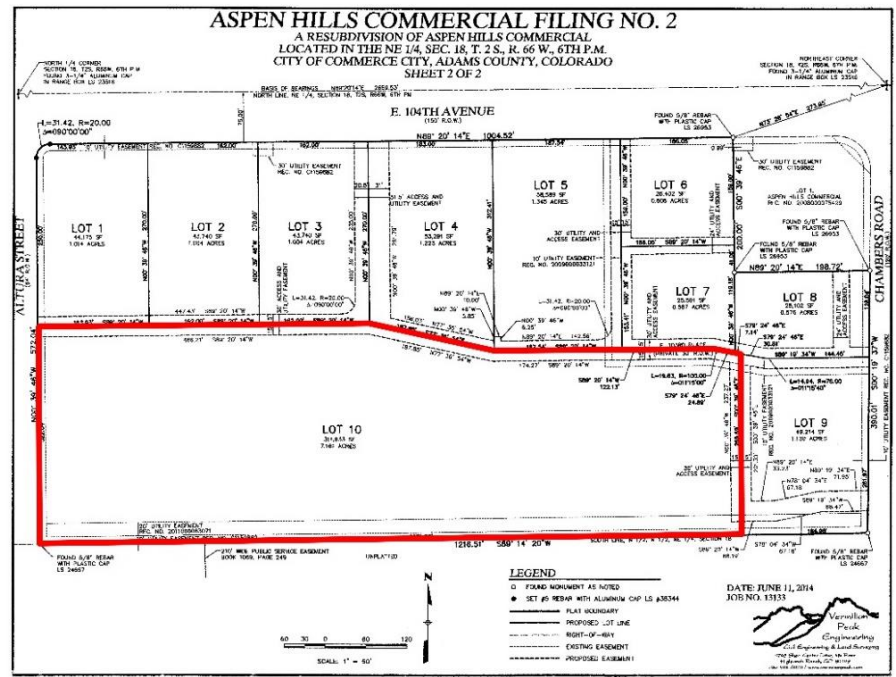
PUD Zone Document:

Aspen Hills was rezoned to PUD back in 1989. In 2003, the current PUD Zone Document for Aspen Hills was approved. The current PUD Zone Document is comprised of two planning areas. Planning Area A is a ±14.02 acre portion of the PUD located on the south side of E 104th Avenue and west of Altura Street. Planning Area A is designated for multi-family uses. Planning Area A has been entirely developed for multi-family, with the last phase of units currently under construction. Planning Area B is a ±16.57 acre area located south of E 104th Avenue, west of Chambers Road, and east of Altura Street. Planning Area B is designated for commercial uses only. The current PUD Zone Document states the allowed commercial uses in Planning Area B include supermarkets, retail, convenience retail, eating and drinking establishments, entertainment, lodging, health clubs, offices, childcare, parks, community centers, civic buildings, liquor stores, gas stations, banks and financial institutions, and transit connections. Of the 11 total lots located in Planning Area B, 6 lots have been developed, 2 lots are currently approved for new development, and 3 lots remain undeveloped (including the subject property).



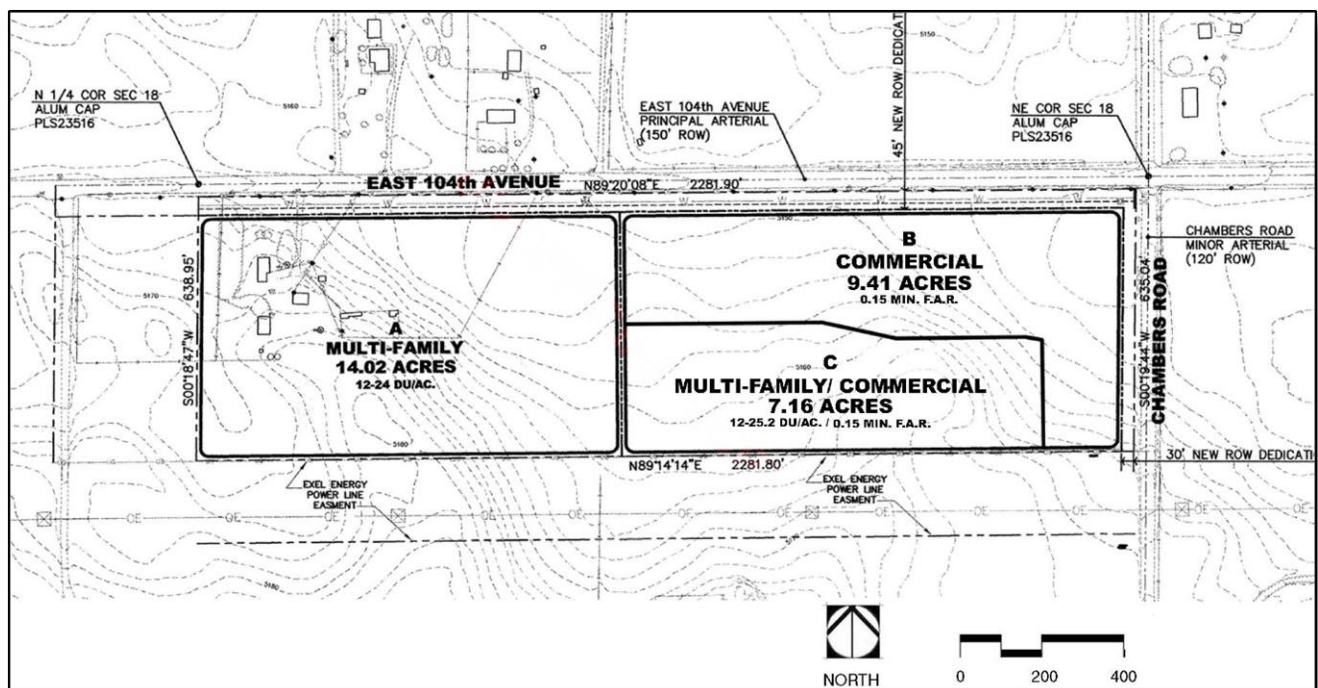
Subdivision Plat (Commercial Portion Only):

The most recent subdivision plat for the commercial portion of Aspen Hills was recorded on February 16, 2016. As shown in the image to the right, the subject property for this request is Lot 10 (outlined in red).



Proposed PUD Zone Document Amendment:

The applicant proposes to change the allowed uses for Lot 10 in the Aspen Hills PUD to allow for multi-family development, with the option of continuing to allow commercial development in Planning Area C. Currently, Lot 10 of the Aspen Hills PUD is designated only for commercial uses as part of Planning Area B described above. The applicant proposes the multi-family component will contain approximately 180 multi-family dwelling units. Access to the site will be via existing street connections as identified in the PUD Concept Schematic below. The image below shows the new Planning Area C, created for Lot 10 from Planning Area B.



Land Use Table:

Land uses allowed within the PUD includes only one change. Planning Area C has been added to the design standards of the PUD to allow multi-family development and commercial uses in Planning Area C.

Bulk Standards:

The bulk standards provided in this PUD amendment request are basically the same as the existing PUD Zone Document. There is one primary change from the existing PUD Zone Document to the proposed PUD amendment. The applicant includes one additional column establishing standards for commercial and multi-family development in Planning Area C. The image to the right illustrates the bulk standards provided for development of Planning Area C with commercial and multi-family development.

Under column C, the total number of dwelling units identified to be developed in Planning Area C is 180 dwelling units. The bulk standards do not address minimum unit size. The minimum dwelling unit size will default to the requirements of the LDC, as well as other features such as maximum building height. The density described in column C reflects multi-family dwellings that are typically 3-story buildings, similar to existing multi-family development in the vicinity of the subject property. Parking for the multi-family units is identified as 2 parking spaces per dwelling unit.

Market Analysis:

During the review the PUD Concept Schematic for this proposed PUD Zone Document Amendment, the DRT requested the applicant to provide a market research analysis to address the claims by the applicant that the property was no longer a viable commercial property. The applicant provided two market analyses in response to the DRT's request. The first analysis performed by Newmark Knight Frank concluded the highest and best use for the property would be multi-family residential use based on adequate demand for multi-family in the regional context. The second analysis performed by Apartment Appraisers Consultants concluded there is demand for approximately 300 apartment units in the area around the subject property.

DEVELOPMENT STANDARDS

PARCEL	A	B	C
LAND USE	MULTI-FAMILY	COMMERCIAL	MULTI-FAMILY / COMMERCIAL
LAND USE AREA	13.15 AC.	9.41 AC.	7.16 AC.
ROW AREA	1.47 AC.	2.17 AC.	N/A
TOTAL	14.62 AC.	11.58 AC.	7.16 AC.
DENSITY	12 MIN - 24 MAX DU/ AC	0.15 MIN. F.A.R.	12 MIN - 25.2 MAX DU/AC 0.15 MIN. F.A.R.
MAX. UNITS	236	N/A	180
LOT SIZE MIN.	N/A	20,000 SF	N/A
LOT FRONTAGE (1)	N/A	125'	N/A

PRIMARY USE

MAX. HEIGHT (5)	50'	50'	50'
FRONT SETBACK (3)	MIN. 10' (7)	MAX. 15' (11) (12)	MULTI-FAMILY USE: MIN. 10' COMMERCIAL USE: MAX. 15' (11) (12)
REAR SETBACK (3)	MIN. 20' (9)	N/A	MULTI-FAMILY USE: MIN. 10' COMMERCIAL USE: N/A
SIDE SETBACK	MIN. 20' (9)	N/A	MULTI-FAMILY USE: MIN. 10' COMMERCIAL USE: N/A
MIN. BLDG. SEPARATION	10'	10'	10'
SIDE SETBACK ON STREET	MIN. 20' (3)	MAX. 15' (11) (12)	MULTI-FAMILY USE: MIN. 10' COMMERCIAL USE: MAX. 15' (11) (12)

ACCESSORY USE (8)

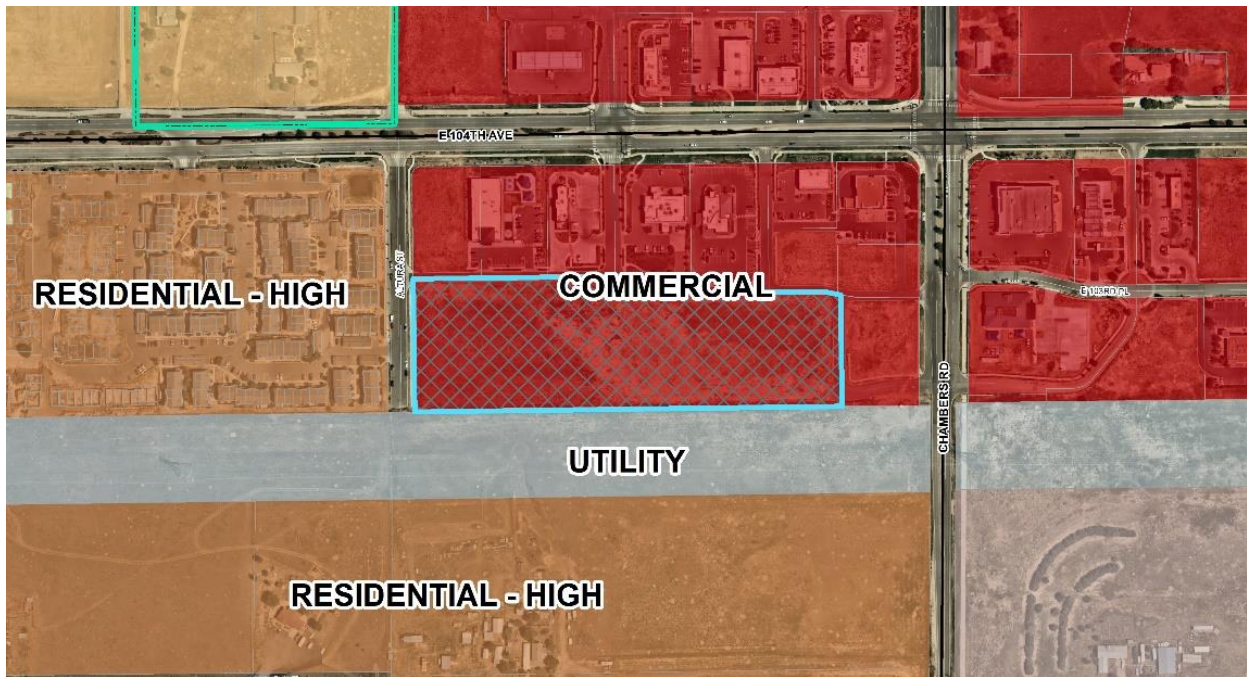
MAX. HEIGHT (5)	15'	N/A	MULTI-FAMILY USE: 15' COMMERCIAL USE: N/A
MIN. FRONT SETBACK (3)	20'	N/A	MULTI-FAMILY USE: 20' COMMERCIAL USE: N/A
MIN. REAR SETBACK (3)	5' (10)	N/A	MULTI-FAMILY USE: 5' (10) COMMERCIAL USE: N/A
MIN. SIDE SETBACK (3)	5' (10)	N/A	MULTI-FAMILY USE: 5' (10) COMMERCIAL USE: N/A
MIN. SIDE SETBACK ON STREET	10'	N/A	MULTI-FAMILY USE: 10' COMMERCIAL USE: N/A
MIN. OFF STREET PARKING (2)	2/DU	1/300 S.F.	MULTI-FAMILY USE: 2/DU COMMERCIAL USE: 1/300 S.F.

**MULTI-FAMILY INCLUDES APARTMENTS AND CONDOMINIUMS.
NUMBERS IN PARENTHESIS REFER TO NOTES.**

Comprehensive Plan:

The subject property is designated Commercial on the Future Land Use Plan. The Commercial land use category is described in the Comprehensive Plan as allowing for retail, commercial, office, and other services and is appropriate in commercial centers, and commercial areas designated along arterial streets or within mixed-use developments.

The Comprehensive Plan further states that developments within the Commercial designation should be accessed from arterial streets and should be convenient to transit routes and stops.



The Comprehensive Plan describes primary land uses appropriate for the Commercial category as retail at different scales to serve neighborhoods or the community. Uses should generally include land uses such as restaurants, shops, financial services, medical, dental, and veterinary offices as well as day care centers, senior housing, gas stations, and hotels.

The Comprehensive Plan also describes secondary land uses appropriate for the Commercial category. Secondary land uses include schools, open space, libraries, and other public uses and facilities, and limited high-density residential. The Comprehensive Plan states high-density residential may be allowed in some but not all, as part of a horizontal or vertical mixed-use project. The DRT concluded that for the reasons described above, the project would be categorized as a horizontal mixed-use development and would not require the need for a Future Land Use Plan Amendment to allow for multi-family development on the site.

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 the proposed PUD Zone Document Amendment would not create conflicts with applicable regulations and no objections were received.

PUD Zone Document – Approval Criteria:

The Development Review Team (DRT) has reviewed the request for a PUD Zone Document Amendment against the Approval Criteria found in the Land Development Code. That analysis is provided below:

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 amendment is consistent with all applicable City adopted plans.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with the PUD concept schematic;	This issue does not apply to this request.
<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 requested PUD zone document amendment will continue to comply with the purpose and intent of the PUD district.
<input checked="" type="checkbox"/>	The PUD complies with all applicable City standards;	The PUD will continue to comply with all applicable City standards.
<input checked="" type="checkbox"/>	The PUD is integrated and connected with adjacent development;	The subject portion of the PUD is an existing lot with existing access to roadways surrounding the site.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts;	This PUD Zone Document Amendment is similar to what is currently approved for the portions of the PUD included with this request and should not result in any additional impacts beyond those associated with the current PUD Zone Document.
<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;	Sufficient public safety, transportation and utility facilities are available to serve the subject property.
<input checked="" type="checkbox"/>	The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications;	The proposed changes to the PUD Zone Document could not be achieved through other processes.

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 as set forth in the Land Development Code and recommends the Planning Commission forward the PUD Zone Document Amendment request to the City Council with a **favorable** recommendation.

Recommended Motion

To recommend approval subject to conditions(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 **south of E. 103rd Place, east of Altura Street, and west of Chambers Road** contained in case **Z-777-02-03-19-19** 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 conditions.

- 1. At least one-week prior to any hearing before the City Council of Commerce City seeking approval of this PUD Zone Document, applicant shall submit to the City a revised page 7 containing sign regulations compliant with Reed v. Town of Gilbert, Arizona, 135 S. Ct. 2218, 576 U.S., 192 L. Ed. 2d 236 (2015) and its progeny*

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that the requested **PUD Zone Document Amendment** for the property located **south of E. 103rd Place, east of Altura Street, and west of Chambers Road** contained in case **Z-777-02-03-19-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **PUD Zone Document Amendment** as submitted.

To recommend denial:

I move that the Planning Commission enter a finding that the requested **PUD Zone Document Amendment** for the property located **south of E. 103rd Place, east of Altura Street, and west of Chambers Road** contained in case **Z-777-02-03-19-19** 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 this request for a **PUD Zone Document Amendment**.

To recommend continuance:

I move that the Planning Commission continue the requested **PUD Zone Document Amendment** for the property located **south of E. 103rd Place, east of Altura Street, and west of Chambers Road** contained in case **Z-777-02-03-19**.