



STAFF REPORT

Planning Commission

CASE #LUP-55-19

PC Date:	August 6, 2019	Case Planner:	Brad Callender
CC Date:	September 16, 2019		
Location:	South of E 104 th Avenue, east of Potomac Street, and west of Blackhawk Street		
Applicant:	Southwestern Property Corp.	Owner:	Southwestern Property Corp.
Address:	5613 DTC Pkwy., Suite 810 Greenwood Village, CO 80111	Address:	5613 DTC Pkwy., Suite 810 Greenwood Village, CO 80111

Case Summary

Request:	Amend the Future Land Use Plan from Office/Flex to Mixed Use
Project Description:	The applicant proposes to amend the Future Land Use Plan by changing the current designation of Office/Flex to Mixed-Use on a ±16.7 acre tract generally located on the south side of E 104 th Avenue, the east side of Potomac Street, and the west side of Blackhawk Street.
Issues/Concerns:	<ul style="list-style-type: none">• Compatibility with future development of the area
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with Land Development Code approval criteria
Staff Recommendation:	Approval
Current Zone District:	PUD (Planned Unit Development)
Comp. Plan Designation – Current:	Office/Flex
Comp. Plan Designation – Proposed:	Mixed-Use

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

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| <input checked="" type="checkbox"/> Applicant's FLUP Amendment Questionnaire | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> Conceptual Plan | |

Background Information

Site Information

Site Size:	±16.7 Acres
Current Conditions:	Vacant and undeveloped
Existing Right-of-Way:	East 104 th Avenue to the north, Blackhawk Street to the east, and Potomac Street to the west
Neighborhood:	Commons at 104th
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	Residential & Commercial	North Range Village, 104 th Avenue Professional & Medical Center, and residences on agricultural tracts	PUD & AG
South	Utility	Public Service Company of Colorado (electric transmission lines) and unincorporated ADCO residences on agricultural tracts	PUD & ADCO
East	Undeveloped & Multi-Family	Undeveloped multi-family lot in Aspen Hills and the North Range Commons multi-family development	PUD
West	Undeveloped	DIBC 96 th & Potomac LLC & Fulenwider	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>
Z-860-07	2008	PUD Concept Schematic	Approved
AN-222-08	2008	Annexed ±16.7 acres from ADCO into Commerce City	Approved
Z-860-07-08	2008	Rezoned ±16.7 acres from unincorporated ADCO to Commerce City PUD	Approved

Applicant's Request

The applicant is requesting a Future Land Use Plan Amendment for the Commons at 104th PUD. The Commons at 104th PUD is an undeveloped tract comprising ±16.7 acres generally located south of E 104th Avenue, west of Blackhawk Street, and east of Potomac Street. The current Future Land Use Plan (FLUP) designation for the subject property is Office/Flex. The applicant is requesting to amend the Future Land Use Plan designation for the subject property from Office/Flex to Mixed Use.

The applicant's narrative states the Future Land Use Plan Amendment is requested to allow for greater flexibility and to create a cohesive mixed-use corridor along E 104th Avenue. The Future Land Use Plan identifies a major portion of E 104th Avenue from Revere Street to Potomac Street as an opportunity for mixed-use development. The proposed amendment would extend the mixed-use designation into the subject property, fitting with the designation of adjoining properties. The applicant's narrative further states the site lacks needed access to attract and support office/flex uses desired by the City. The nearest major roadway connection is at I-76 three miles from the subject property. As a result of strained access to major highways, the site has not seen any office development in the past nine years. A mixed-use designation is requested to allow residential development to support commercial uses along the E 104th Avenue corridor.

Development Review Team Analysis

The following describes the proposed Future Land Use Plan Amendment along with the Development Review Team's analysis.

Site Location:

The proposed Future Land Use Plan Amendment involves only one property, located on the south side of E 104th Avenue, the west side of Blackhawk Street, and the east side of Potomac Street. The subject property is ±16.7 acres, currently zoned PUD. The subject property is undeveloped, as illustrated in the aerial photo below.



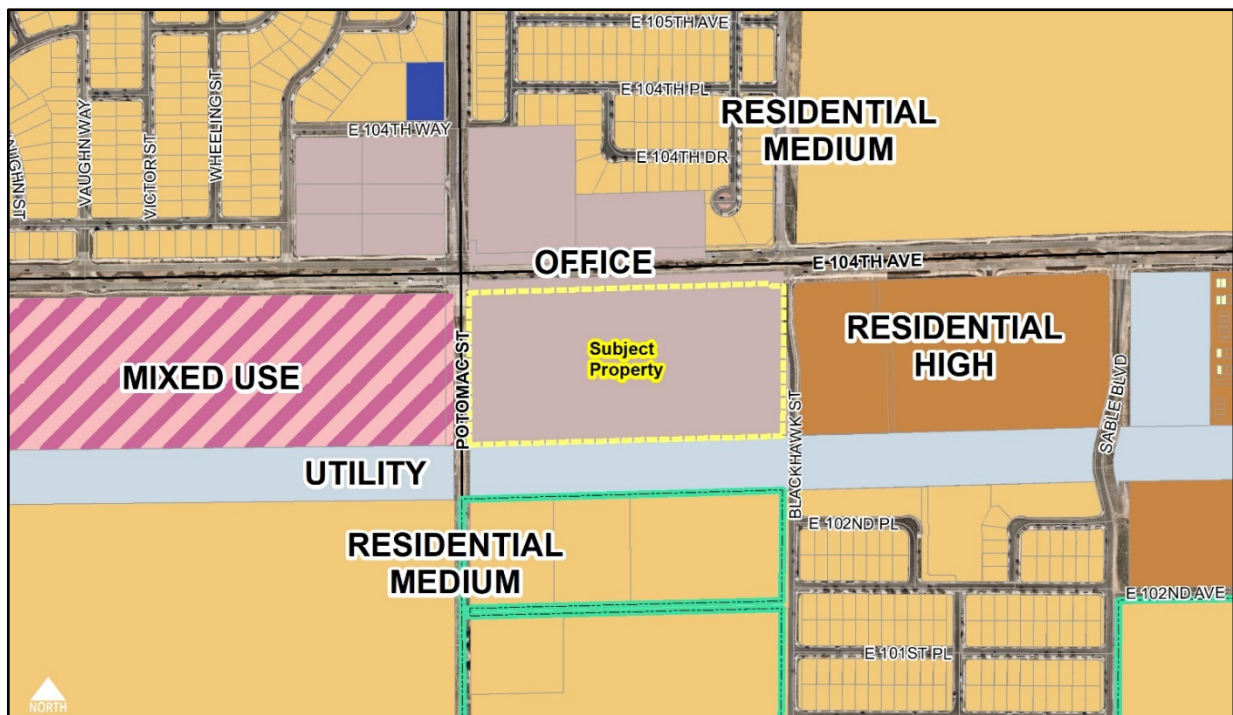
Existing Future Land Use Plan Analysis:

As shown on the image on the following page, the current FLUP designates the subject property for future Office/Flex uses. In an effort to provide context for what this designation means, the following is a brief summary of the Office/Flex designation.

Office/Flex Designation:

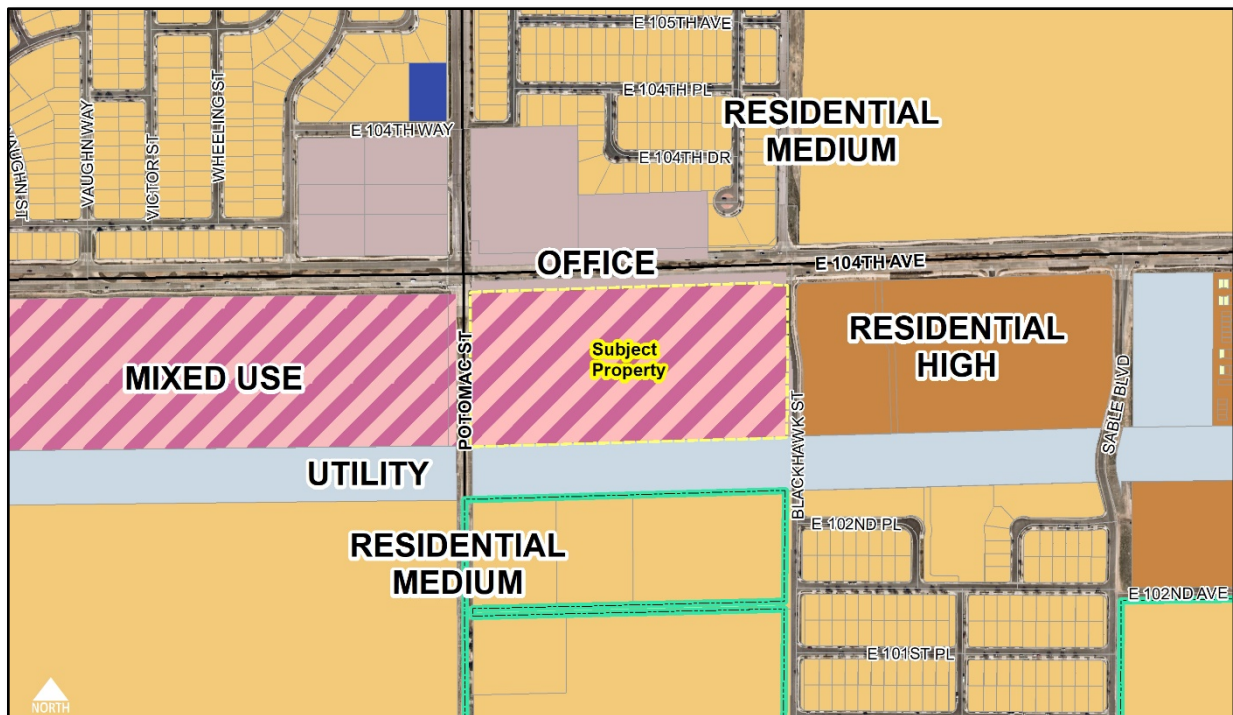
This designation is intended to primarily allow for a mix of flex, high-tech space, and production uses. Generally, it is accessed off collector streets near highways; it should be convenient to transit access when feasible. Ideally, this use will be designed in a campus-like, integrated style where local transportation (streets and sidewalks), landscaping, and signage are coordinated in a master plan. Suggested primary uses are offices and flex space. Suggested secondary uses include cooperative headquarters, open space and other public uses and facilities, including educational campus uses. Additional suggested secondary uses are retail to support the office uses, including restaurants, hotels, and conference facilities. Recommended densities are up to 1.0 FAR (floor area ratio). Related zoning districts for the Office/Flex designation are I-1, I-2, C-3 and PUD.

This designation for the subject property was adopted on the current FLUP in 2009. At that time, the Commons at 104th was entitled with non-residential uses weighted towards office/flex development.



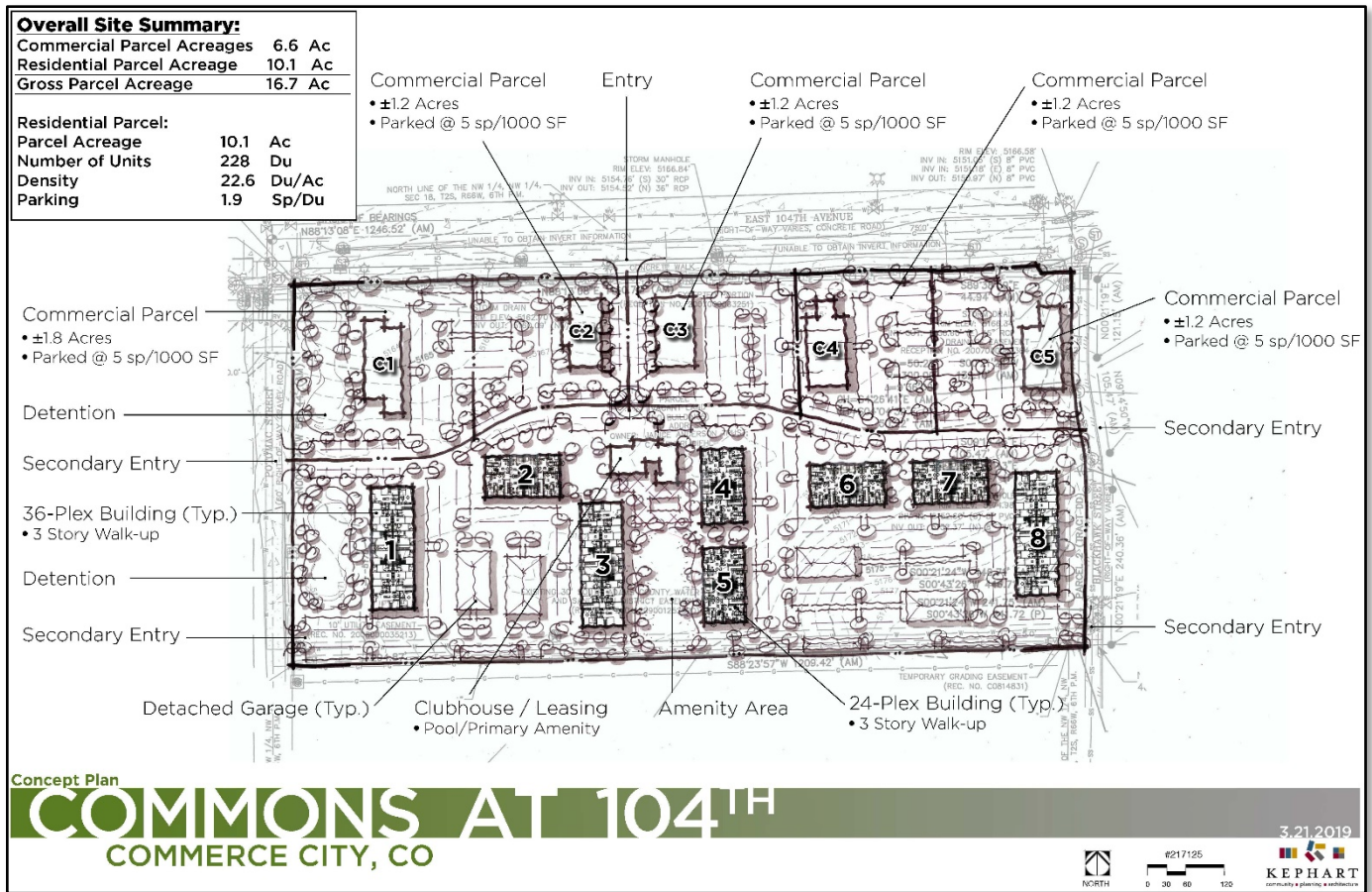
Proposed Future Land Use Plan Analysis:

The applicant proposes to amend the FLUP by changing the Office/Flex designation on the subject property to Mixed Use. According to the applicant, amending the FLUP to Mixed Use allows for greater variety of potential land uses. Commercial uses are allowed within the Office/Flex designation and will also be permitted within the Mixed Use designation. The applicant further states that a Mixed Use designation is preferred to allow residential development to support City and the property owner's desire for commercial uses along the E 104th Avenue corridor. As shown in the image below, the change from Office/Flex to Mixed Use will be consistent with designations on adjoining properties west of the site along E 104th Avenue.



Concept Plan:

The applicant submitted a concept plan with this FLUP amendment request. The concept plan illustrates both commercial and multi-family development on the subject property. The total area of the site is ± 16.7 acres. The concept plan below shows the site broken down into two separate development areas.



A ± 6.6 -acre section located along E 104th Avenue on the northern portion of the site will be designated for commercial development. A ± 10.1 acre section on the southern portion of the site will be designated for multi-family development. The concept plan states there will be 228 multi-family dwelling units developed for the residential section, with a residential density of 22.6 dwelling units per acre. The concept plan also states that parking will be 1.9 parking spaces per dwelling unit. The concept plan provides a clear illustration of the subject property's ability to be developed as a Mixed Use development.

DRT Pro & Con Analysis:

The DRT review of this Future Land Use Plan Amendment request identifies benefits as well as potential disadvantages in allowing the site to be changed from Office/Flex to Mixed Use. Possible advantages include the following:

- Compliance with the intent of Comprehensive Plan Goal HN 2, increasing housing types to meet current and future needs
- Compliance with the intent of Comprehensive Plan Goal LU 5, establish mixed-use centers as a primary location for jobs, retail, civic activity, and high density housing

Disadvantages of reducing developable non-residential land with multi-family residential development include the following:

- Loss of viable, entitled non-residential land

- Difficulty in maintaining compliance with Comprehensive Plan Goal ED 3, recruit new employment and commercial development; Changing the allowed uses on the site to allow multi-family would slightly diminish the amount of available non-residential land in the Northern Range

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 Land Use Plan Amendment would not create conflicts with applicable regulations and no objections were received.

Next Steps:

If the FLUP amendment request is approved, the next steps would be the submittal and consideration of a revised PUD Zone Document. After amending the PUD Zone Document, the next steps would be submittal of PUD Permit and an application for GID inclusion.

Comprehensive Plan Amendments – Approval Criteria:

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

Criteria Met?	Sec. 21-2110(1). Amendments	Rationale
<input checked="" type="checkbox"/>	The amendment is consistent with the overall intent of the comprehensive plan;	The proposed amendment includes both commercial and residential components. A key aspect of the comprehensive plan is to promote a balanced mix of land uses to maintain the City's quality of life, economic prosperity, and fiscal stability. The proposed amendment is consistent with the overall intent of the comprehensive plan.
<input checked="" type="checkbox"/>	The amendment is consistent with the purposes set forth in section 21-2100;	The proposed amendment complies with the purposes set forth in section 21-2100 and will continue to ensure coordinated, adjusted, and harmonious development within the City.
<input checked="" type="checkbox"/>	The amendment is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions;	The proposed amendment will allow the land use designations to align more with current market conditions for housing and commercial.
<input checked="" type="checkbox"/>	The amendment will not have a negative effect on the immediate area;	The proposed amendment will result in similar land use allocations like other developments along the 104 th Avenue corridor.
<input checked="" type="checkbox"/>	The amendment will not have a negative effect on the future development of the area;	The proposed amendment will not have a negative effect on the future development of the area because there is available, undeveloped commercial land in the area around the site.
<input checked="" type="checkbox"/>	The amendment will promote the public health, safety, and general welfare of the people of the city.	The DRT believes this amendment will not adversely affect the public, health, safety, and general welfare of the people of the City.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Future Land Use Plan Amendment as set forth in the Land Development Code and recommends the Planning Commission forward the Future Land Use Plan 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 **Future Land Use Plan Amendment** for the property located **south of E. 104th Avenue, west of Blackhawk Street, and east of Potomac Street** contained in case **LUP-55-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **Future Land Use Plan Amendment** as submitted.

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 **Future Land Use Plan Amendment** for the property located **south of E. 104th Avenue, west of Blackhawk Street, and east of Potomac Street** contained in case **LUP-55-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **Future Land Use Plan Amendment**, subject to conditions.

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested **Future Land Use Plan Amendment** for the property located **south of E. 104th Avenue, west of Blackhawk Street, and east of Potomac Street** contained in case **LUP-55-19** 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 **Future Land Use Plan Amendment**.

To recommend continuance:

I move that the Planning Commission continue the requested **Future Land Use Plan Amendment** for the property located **south of E. 104th Avenue, west of Blackhawk Street, and east of Potomac Street** contained in case **LUP-55-19**.