



STAFF REPORT

Planning Commission

CASE #Z-860-07-08-18-22			
PC Date:	September 6, 2022	Case Planner:	Dalton Guerra
CC Date:	October 17, 2022		
Location:	Commons at 104 th , located at the southeast corner of Potomac Street and E. 104 th Avenue		
Applicant:	Southwestern Property Corp	Owner:	Same as applicant
Address:	7979 E Tufts Ave Ste 1125 Denver, CO 80111	Address:	

Case Summary	
Request:	PUD Zone Document Amendment to update, modernize, and allow multi-family residential uses
Project Description:	Southwestern Property Corp is requesting approval of an amendment to the Commons at 104 th Zone Document to allow additional land uses, with associated bulk standards for the property located at the southeast corner of Potomac Street & E. 104th Avenue, zoned PUD (Planned Unit Development District).
Issues/Concerns:	<ul style="list-style-type: none"> Changing non-residential to residential
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:	Mixed-Use (Corridor/Commercial)

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

- Vicinity Map
- Applicant's Narrative
- Proposed PUD Zone Document

Background Information

Site Information

Site Size:	16.57 acres
Current Conditions:	Vacant
Existing Right-of-Way:	E. 104 th Ave to the north & Potomac St to the west
Neighborhood:	Commons at 104 th
Existing Buildings:	N/A
Buildings to Remain?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" 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	North Range Village	PUD, AG
East	Vacant	Foxtan Village	PUD
South	Utility Easement	Foxtan Village	PUD
West	Residential	Reunion	PUD

Case History

- The original PUD Zone Document was approved by City Council in 2008. Uses allowed by the original PUD Zone Document included visitor lodging and senior housing but not multi-family residential specifically.
- A Land Use Plan Amendment was approved by City Council in 2019 to change the future land use designation from Office/Flex to Mixed-Use (Corridor/Commercial).

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-860-07-08	11/03/2008	PUD Zone Document for Commons at 104 th	Approved
LUP-55-19	09/16/2019	Future Land Use Plan Amendment	Approved

Applicant's Request

Southwest Property Corp requests approval of an amended PUD Zone Document to allow additional land uses including multi-family residential. The applicant narrative states *"Our vision is to develop a community providing office/commercial/retail pads sites along 104th Ave. A high-quality multi-family residential community will anchor the development to the south of the commercial/office pad sites."*

The current Commons at 104th Zone Document allows commercial and office uses but does not allow multi-family uses. The applicant would like to provide multi-family product to the south of the commercial parcels along E 104th Ave. The applicant is also proposing a few additional commercial uses to be permitted by right such as breweries and clothing retail stores. These commercial parcels along E 104th Ave will include general retail/services, restaurants, and office uses. The multi-family residential use will provide 228 units with a clubhouse/amenity area, playground, and dog park. The future land use plan designation of Mixed-Use (Corridor/Commercial) allows for residential uses in conjunction with retail, office, and commercial uses. The applicant plans to develop both the multi-family residential and commercial sites at the same time. Additionally, the applicant is applying for a Northern Infrastructure General Improvement District inclusion.

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 (Commons at 104th) is for the 16.57 acre property generally bound by E. 104th Ave to the north and Potomac St to the west. The property is currently vacant and the current zoning has been in place since 2008. The originally approved PUD Zone Document allows for office and commercial uses but does not allow for multi-family residential uses. This amendment is being processed to allow for multi-family residential uses in addition to the commercial/office uses. There are two planning areas on this property that will allow for different land uses. Planning Area A will be designated for commercial use in the northern portion of the lot adjacent to E 104th Ave. Planning Area B will be designated for Multi-Family Residential use on the southern portion of the lot and will have connections to Potomac St, Blackhawk St, as well as the commercial uses to the north. The applicant intends to construct both the multi-family residential product and select commercial sites at the same time.

PUD Zone Document:

An amendment was needed for this PUD to allow multi-family residential uses. As a result the planning areas, project intent, design standards, bulk standards, and land use table will be modified to reflect the allowance of multi-family residential. The PUD Zone Document Amendment contains 7 sheets which can be summarized as follows:

- Sheet 1: Legal Description, Vicinity Map, Signature Blocks
- Sheet 2: Existing Conditions
- Sheet 3: Planning Areas
- Sheet 4: Project Intent, General Notes, Design Standards
- Sheet 5: Bulk Standards, Land Use Schedule
- Sheet 6: Plant Schedule
- Sheet 7: Landscape Standards

Image A: Proposed PUD Planning Areas

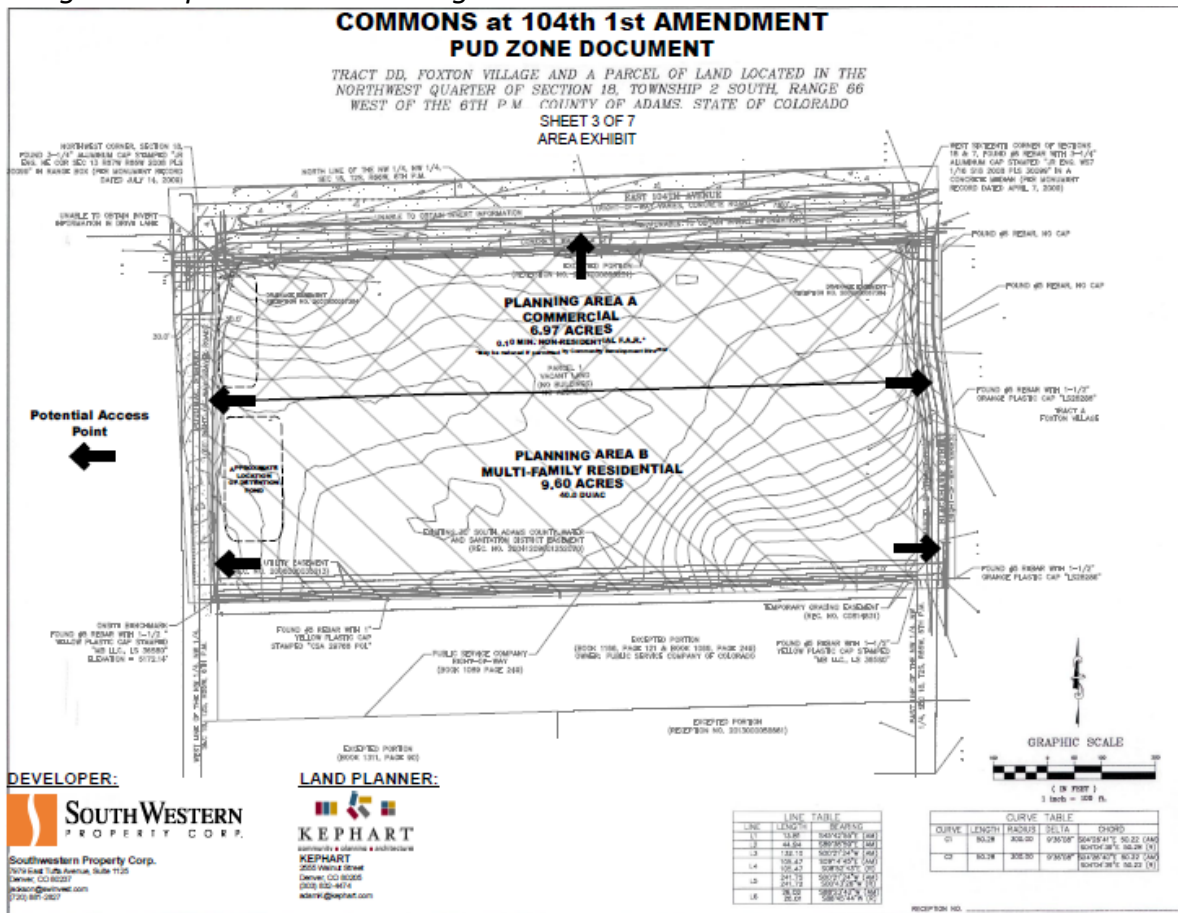
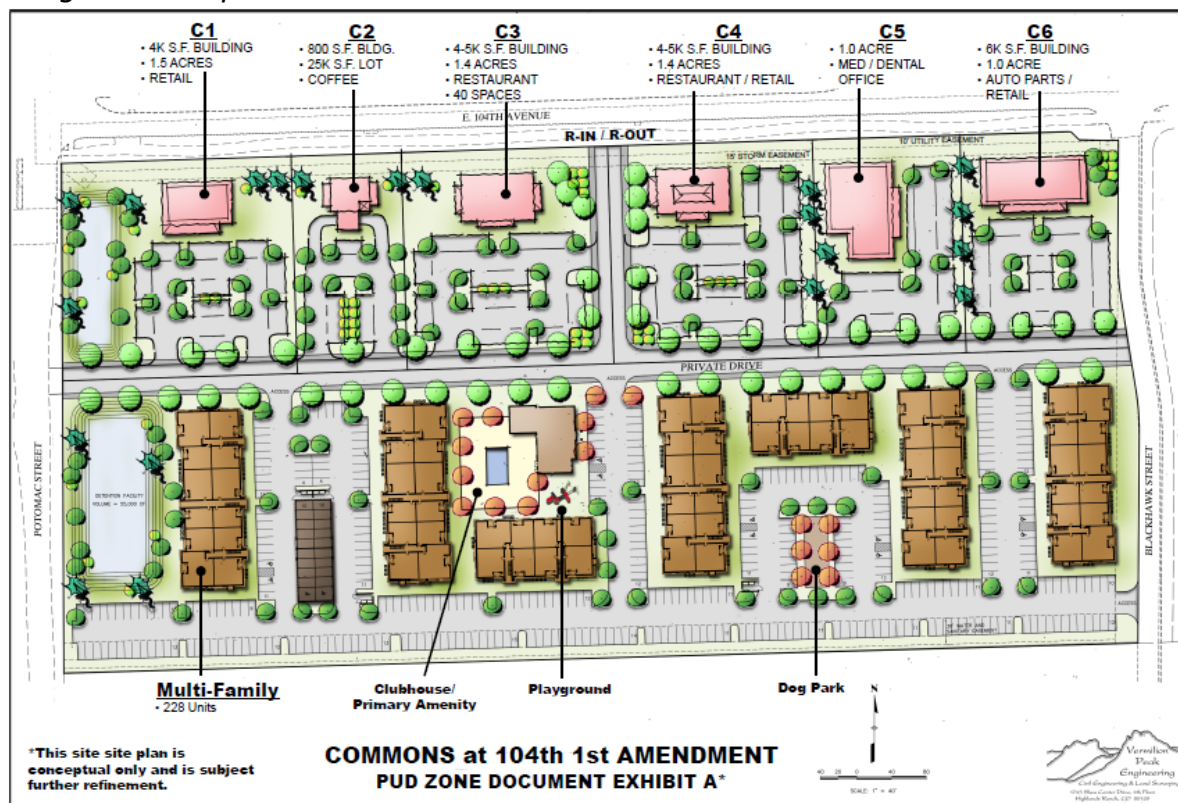


Image B: Concept Plan



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 pay a park in-lieu fee for this project. South Adams County Water Sanitation District, Xcel Energy, and United Power made comments related to providing/protecting easements on the property. Commerce City Public Works provided comments regarding access points to the property specifically from E 104th Ave. The applicant has addressed all of the comments that were received by the referral agencies.

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 3.2	Traditional Mix of Uses in Neighborhoods
Analysis:		This property will provide a mix of housing types and commercial retail services for this neighborhood. The commercial uses will be located along E 104 th Avenue with the residential units connected internally to the south.

Section	Goal	Description
Fiscal Stability	FS 2.1	Future Housing/Jobs Balance and Revenue-Producing Uses
Analysis:		This amendment will allow multi-family housing and new commercial/retail uses to provide jobs. This property will allow a balance of residential and commercial uses that provide housing and revenue for the City.

Section	Goal	Description
Transportation	T 3.2	Land Uses Supportive of Bicycling and Walking
Analysis:		The connection of the multi-family residential use to the commercial uses along E 104 th Ave make it convenient for residents to walk or bike between home and work or commercial services.

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: 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.

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.

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.

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.

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.***

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.***

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.***

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.***

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.***

Development Review Team Recommendation

The DRT discussed this case, Commons at 104th Z-860-07-08-18-22, in a meeting on July 7th, 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 Potomac Street and E. 104th Avenue** contained in case **Z-860-07-08-18-22** 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 Potomac Street and E. 104th Avenue** contained in case **Z-860-07-08-18-22** 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 Potomac Street and E. 104th Avenue** contained in case **Z-860-07-08-18-22** 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 Potomac Street and E. 104th Avenue** contained in case **Z-860-07-08-18-22** to a future Planning Commission agenda.