



Commerce City

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Council Communication File Number: Z-941-17-19-21

Agenda Date: 7/19/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Zoning Ordinances

AN ORDINANCE APPROVING THE MILE HIGH GREYHOUND PARK PUD ZONE DOCUMENT - AMENDMENT 1 AMENDING THE COMMERCIAL AND INSTITUTIONAL USES ON PARCELS A AND B LOCATED ON THE PROPERTY BOUND BY E. 64TH AVE. TO THE NORTH, E. 62ND AVE. TO THE SOUTH, ELM ST. TO THE EAST, AND HIGHWAYS 2 & 85 TO THE WEST, IN COMMERCE CITY, COLORADO.

Summary and Background Information:

The Mile High Greyhound Park PUD was approved in 2017, containing a variety of land use types including commercial, mixed use commercial, public/institutional, and residential uses including single-family detached, single-family attached, townhomes, and multi-family. 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.

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.

Additional record materials may be found in the Planning file for Case #Z-941-17-19-21.

Please see attached Planning Commission minutes and staff report for detailed background and discussion.

Notice Information: Public notice was properly given, including by publication on May 25 and June 29, 2021 in the Sentinel-Express, a legal newspaper of general circulation in the City of Commerce City, mailing on May 22, 2021, through the United States Postal Service in the manner required by the Land Development Code, and posting placards on the property on May 21 and July 9, 2021 in the manner and duration required by the Land Development Code.

Applicable Decision Criteria: Council will consider the application following a public hearing in a quasi-judicial proceeding. Per LDC 21-3251(3), Council may only approve the PUD Amendment application if all of the following criteria are found to be satisfied:

- a. The proposed PUD Zone Document Amendment is consistent with the policies and goals of the comprehensive plan and all applicable City adopted plans;
- b. The PUD zone document is consistent with any previously reviewed PUD concept schematic, if any;
- c. The PUD addresses a unique situation, confers a substantial benefit and also incorporates creative site design such that it achieves the purposes of section 21-4370 of the LDC and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards;
- d. The PUD Zone Document will continue to comply with all applicable city standards not otherwise modified or waived by the city;
- e. The Property has been integrated and connected with adjacent development;
- f. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties and on the general community;
- g. Sufficient public safety, transportation, and utility facilities and services are available to serve the Property, while maintaining sufficient levels of service to existing development; and
- h. The proposed changes to the PUD Zone Document could not be achieved through other techniques.

Staff Responsible (Department Head): Jason Rogers, Deputy City Manager

Staff Member Presenting: Steve Timms, Planning Manager

Financial Impact: N/A

Funding Source: N/A

Development Review Team Recommendation: The case was discussed at a Development Review Team meeting and a recommendation of approval was forwarded along to the Planning Commission.

Planning Commission Team Recommendation: On June 1, 2021, the Planning Commission held a public hearing, took testimony, and voted (5 - 0) to forward the rezoning to PUD request to City Council with a recommendation for approval, subject to

the findings of fact.

Suggested Motion:

- To accept the Planning Commission's recommendation and findings (does not approve application): I move to accept the Planning Commission's findings and recommendations. [Requires simple majority.]

- To approve (first reading): I move to introduce and approve Ordinance Z-941-17-19-21 on first reading by Council as seated. [Requires simple majority, but a majority of the members of council in office to override the Planning Commission (i.e., 5 no votes).]

- To finally approve (second reading): I move to approve Ordinance Z-941-17-19-21 on second and final reading by Council as seated. [Requires a majority of the members of council in office to pass an ordinance on final reading or to override the Planning Commission (i.e., 5 no votes).]