



# STAFF REPORT

## Planning Commission

---

### CASE # Z-700-01-16

<b>PC Date:</b>	February 2, 2016	<b>Case Planner:</b>	Robin Kerns
<b>CC Date:</b>	March 7, 2016		
<b>Location:</b>	The requested Zone Change is located within the Villages @ Buffalo Run East PUD, at the southwest corner of 120th Avenue and High Plains Parkway. The site is currently undeveloped.		
<b>Applicant:</b>	120th & Buckley Assoc., LTD 905 W. 124th Avenue Westminster, CO 80234	<b>Owner:</b>	Same as applicant

### Case Summary

<b>Request:</b>	▪ Amend the Villages at Buffalo Run East PUD Zoning Document
<b>Project Description:</b>	▪ The applicant proposes to decrease a 17.8 acre Commercial area to 10.3 acres, to change the zoning of a 12.1 acre Multi-Family area and create a 19.6 acre Single Family Detached/Attached area.
<b>Issues/Concerns:</b>	▪ Land Development Code (LDC) approval for a zone change. ▪ Future Land Use compatibility
<b>Key Approval Criteria:</b>	▪ Compliance with the LDC
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	Planned Unit Development (PUD)
<b>Comp Plan Designation - Current:</b>	Residential-High & Commercial
<b>Comp Plan Designation - Proposed:</b>	Residential-Medium & Commercial

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

- ☒ Amended PUD Zoning
- ☒ Vicinity Map

- ☒ Application Narrative

## Background Information

### Site Information

<b>Site Size:</b>	29.9 acres +/-
<b>Current Conditions:</b>	The site is currently undeveloped.
<b>Existing Roads:</b>	E. 120 <sup>th</sup> Avenue to the north of the property
<b>Existing Buildings:</b>	None
<b>Buildings to Remain?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Neighborhood:</b>	Villages at Buffalo Run East

### Surrounding Properties

Existing Land Use		Occupant	Zoning
<b>North</b>	Residential	Single Family Residential	ADCO
<b>South</b>	Golf Course	Buffalo Run Golf Course	PUBLIC
<b>East</b>	Undeveloped	Buckley Crossing PUD	PUD
<b>West</b>	Residential	The Villages at Buffalo Run East, Filing 3	PUD

### Case History

The following table provides the relevant case history for the subject property:

Case	Date	Request	Action
AN-80-87	7/6/1987	Annexation from ADCO to Commerce City	<b>Approved</b>
Z-458-87	7/6/1987	Rezoned from ADCO PUD to Commerce City PUD	<b>Approved</b>
Z-700-01	6/4/2001	Rezoned from PUD to Commerce City PUD.	<b>Approved</b>

#### AN-80-87:

On July 6, 1987, the City Council approved the annexation from ADCO to Commerce City.

#### Z-458-87:

On July 6, 1987, the City Council approved the rezoning from ADCO PUD to Commerce City PUD. This PUD allowed for Single Family development.

#### Z-700-01:

On June 4, 2001, the City Council approved the rezoning from the previously approved PUD to a new PUD which covered the subject area.

## Applicant's Request

As the applicant for this request, 120th & Buckley Associates LTD has submitted this application in order to amend the Villages at Buffalo Run East PUD. The specific request is to decrease a 17.8 acre C-2 Commercial area to 10.3 acres of C-2 Commercial designation, remove a 12.1 acre MF-2 Multi-Family area and create a 19.6 acre SFD-A-3 Single Family Detached or Attached area. This property is generally located south of E. 120th Ave., west of future High Plains Parkway/Buckley Road alignment, and north of the golf course. The subject property is part of the Villages at Buffalo Run East development.

The general purpose of the proposed PUD Zoning Document Amendment is to decrease the amount of land designated for commercial development while increasing the amount of single-family residential development. The applicant states that when the Future Land Use Plan was created, the already entitled land uses in the Villages at Buffalo Run East PUD Zone Document (approved in 2001) were used as the default. In the last 15 years market conditions have changed and the proposed revision more closely aligns with the current market. This application will bring the PUD Zoning Document in-line with the Future Land Use Plan Amendment proposed in case LUP-54-16.

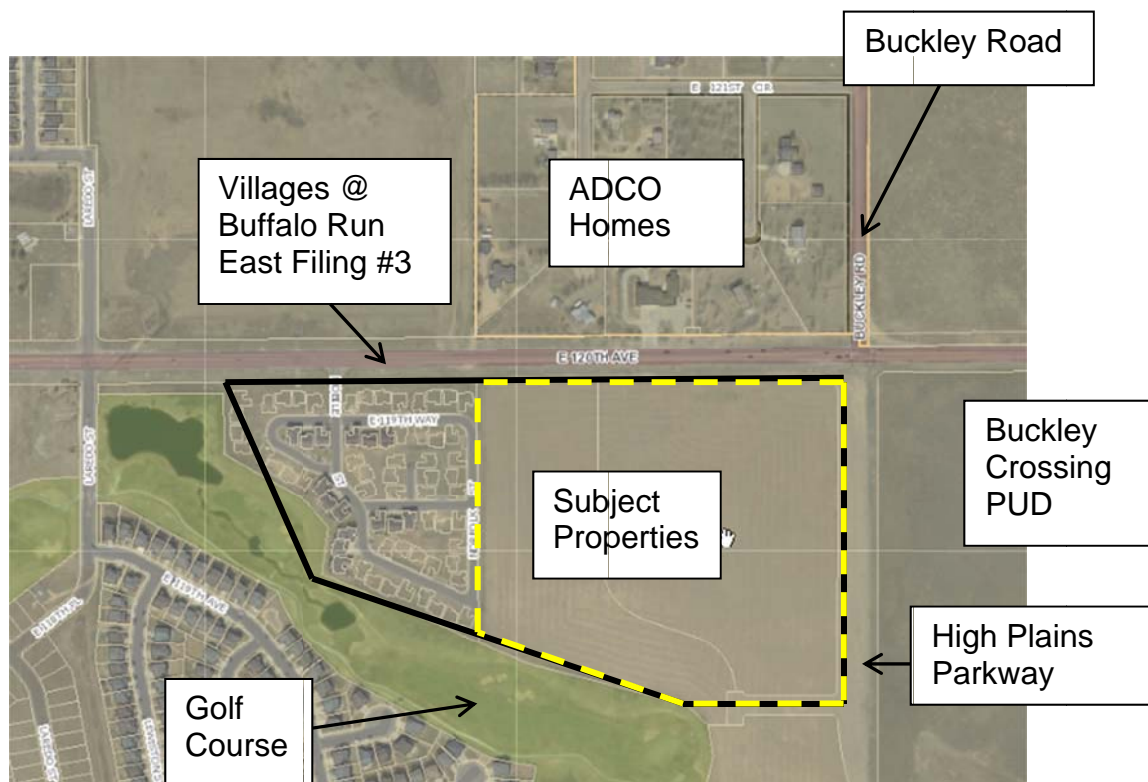
## Development Review Team (DRT) Analysis

### Introduction:

The subject area is part of the Villages at Buffalo Run East development, which is a master planned community that has been developed in phases. Beginning with the golf course in 1990, the city and the applicant have worked collaboratively to develop this area. This collaboration allowed for a comprehensive layout for things like the golf course, road network, pedestrian connectivity, utilities, and drainage. In 2001, the city approved the Villages at Buffalo Run East PUD Zone Document entitling the development for a variety of land uses. At that time the city and the applicant did their best analysis to anticipate future land uses in the subject area of this application. However, over the last 15 years the market conditions have changed, leading to this request to amend the PUD Zoning Document.

### Site Location:

The area for the request to amend the PUD Zoning Document is part of the Villages at Buffalo Run East PUD Zone Document, which is generally located south of E. 120th Ave., north of the golf course, and west of future High Plains Parkway and the Buckley Crossing PUD. The site is currently undeveloped.



**Scope of review:**

The request being considered at this hearing is for a PUD Zoning Document Amendment. The LDC sets out the specific criteria upon which PUD Zoning Document Amendments can be approved or denied. Therefore, the analysis and evaluation is limited to those criteria. Staff notes that this PUD Zoning Document Amendment is preceded by application LUP-54-16, Future Land Use Plan Amendment. Furthermore, no application has been submitted for any proposed homes on this site, but the application proposes the future development of single family detached/attached homes. There is no information known about house size, architectural detail, or price point.

<b>Comprehensive Plan</b>
---------------------------

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

Section	Goal	Description
Land Use and Growth Strategies	LU 1	Maintain a Balanced Mix of Land Uses.
<b>Analysis:</b>	The Future Land Use Plan (FLUP) was created in order to ensure an appropriate mix of uses throughout the city. The amended FLUP associated with application LUP-54-16, identifies this particular area for 'Residential – Medium' and 'Commercial' uses, which is compatible with the proposed PUD Zoning Document Amendment.	

Section	Goal	Description
Land Use and Growth Strategies	LU 2	Phase Growth in an Orderly and Compact Manner
<b>Analysis:</b>	The proposed PUD Zoning Document Amendment is located in the Villages at Buffalo Run East PUD, which has seen ongoing construction for over a decade. This PUD is adequately served by the necessary utilities.	

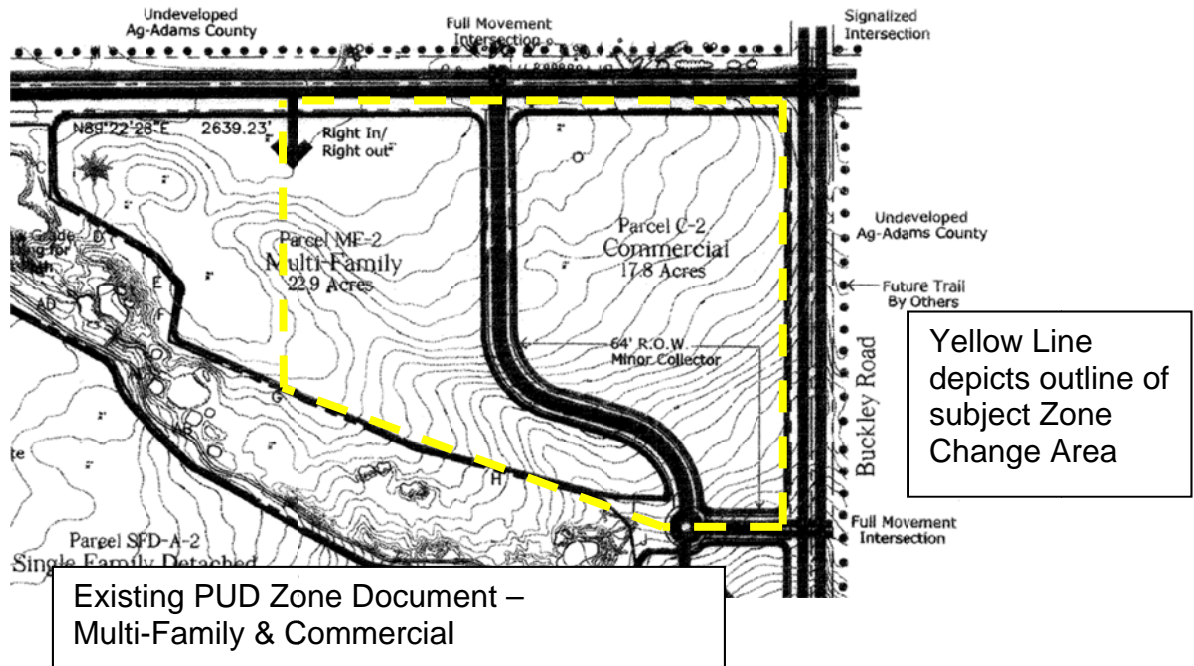
Section	Goal	Description
Fiscal Stability	FS 2	Retain/Increase Employment Base
<b>Analysis:</b>	The proposed PUD Zoning Document Amendment will create additional lots for single-family residential development, and continue to provide commercial land for retail opportunities. This mix of residential and commercial will provide opportunities for both employees and employers in the area.	

**The DRT's analysis of this request compared to the PUD Zoning:**

The Villages at Buffalo Run East PUD development is a master planned community that has been developed in phases. Beginning with the golf course in 1990, the city and the applicant have worked collaboratively to develop this PUD. This collaboration allowed for a comprehensive layout for things like the golf course, road network, pedestrian connectivity, utilities, and drainage. Currently, the Villages at Buffalo Run East PUD planned the subject area for Multi-Family and Commercial. In order to change the PUD Zoning, case LUP-54-16, Land Use Plan Amendment, must be approved in order for the proposed zone change to be consistent with the city's land use plan.

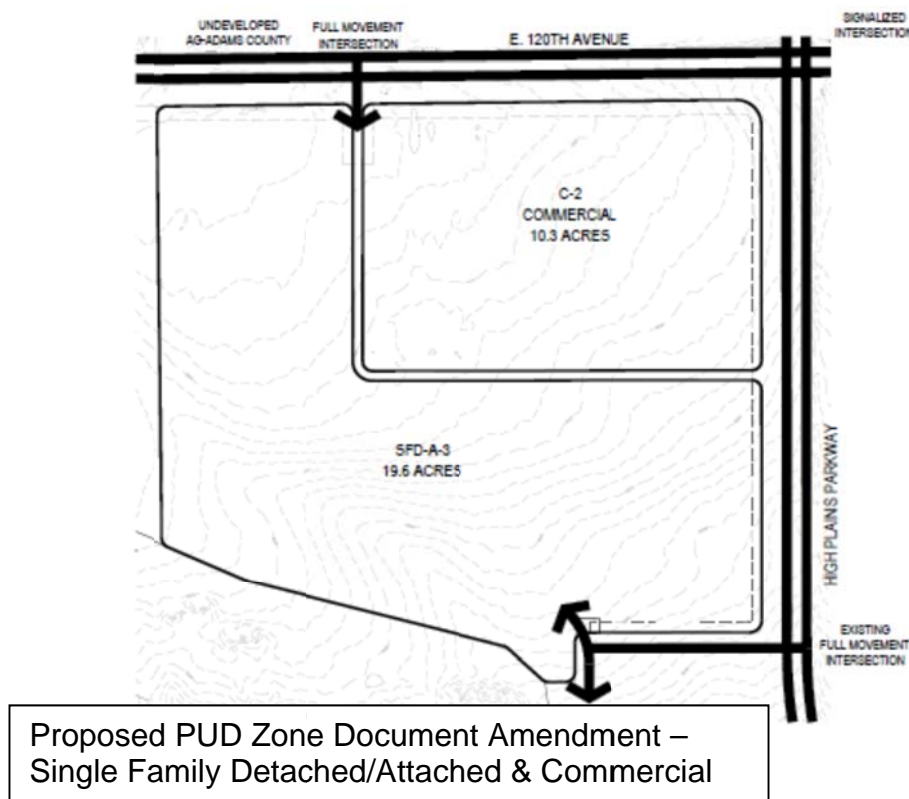
### Existing PUD Zoning Document:

In accordance with the approved Villages at Buffalo Run East PUD, the subject area is currently designated C-2 Commercial and MF-2 Multi-Family uses (see below).



### Proposed PUD Zoning Document Amendment:

The proposed amendment to the PUD zoning document, is depicted below with associated acreages and major access points. This PUD amendment will bring the Villages at Buffalo Run East PUD in conformance with the revised Future Land Use Plan associated with case LUP-54-16.



**Comprehensive Plan Analysis:**

In reviewing the requested final plat, the DRT reviewed the request's compatibility with the city's comprehensive plan. That analysis is provided in the following table.

**The DRT's analysis of potential concerns:**

The DRT review of this application established two points of concern that warranted additional analysis and discussion. These concerns are as follows:

1) Decrease of Commercial Area.

The city's Future Land Use Plan designates the intersection of E. 120th Avenue and Buckley Road/High Plains Parkway for Commercial uses. Currently, there is a total of approximately 100 acres of commercially designated land at the subject intersection. Staff believes that in order to support the attraction and growth of businesses in Commerce City, and to maximize the generation of sales/use tax revenues and the creation of jobs paying a livable wage, it is important that commercial corridors be preserved for future development opportunities. However, the DRT felt that the subject property currently represents the smallest portion of commercial land at this intersection and will only play a supporting role to larger scale retail developments. Thus, the DRT felt that the proposed 10.3 acres of future commercial development is adequate to provide supporting retail development at this major intersection.

2) Residential-High to Residential-Medium & Provision for Park/Open Space.

Multi-family development, typically associated with the Residential-High land use designation, requires more park/open space due to higher densities. By transitioning the Multi-Family to Single Family Detached/Attached, the requirement for park/open space is decreased. The DRT finds that additional park/open space amenities shall be provided with the residential development. This requirement will be met by the applicant through the PUD Permit Process, required at the time of development.

3) Residential-Medium & Arterial Roadways.

Both E. 120th Avenue and the future High Plains Parkway, which abut the subject area to the north and east respectively, are designated as Principal Arterials. In order to address the potential conflict this application may create by converting Multi-Family to Single Family Detached/Attached, the DRT felt that landscape buffer areas shall be included between all residential development and the adjacent arterials. Due to the buffering along an arterial, a 20 foot landscape buffer is required.

**Project Benefits:**

As part of the analysis for this application, the DRT concluded that the approval of SFD-A-3 Single Family Detached/Attached and C-2 Commercial designations, along with the associated change in acreages, to the Villages at Buffalo Run East PUD could be beneficial for the overall health of the city. The increase in residential land area should help to entice future retailers to the area, which means additional services that the community has expressed a desire to have. SFD-A-3 Single Family Detached/Attached development is also consistent with the adjacent residential development already existing along the golf course. Furthermore, the commercial area will continue to provide enough acreage for meaningful commercial uses.

**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 that the proposed Future Land Use Plan Amendment would not create conflicts with their regulations and no objections have been received.

**The DRT recommendation:**

Based on the requested plat's compliance with the comprehensive plan as outlined above and its compliance with the approval criteria for a final plat listed below, the DRT is recommending that the Planning Commission send this application to the City Council with a favorable recommendation.

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 single family detached/attached and commercial zoning is consistent with the City's Comprehensive Plan designation for residential medium and commercial uses. The proposal brings the PUD into alignment with current and future market conditions.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with the PUD concept schematic	The PUD zone document predated concept the concept schematic requirement.
<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 amended PUD zone document will continue to promote a harmonious grouping of land uses, allow for a greater density option, and create physical connection between other parts of the Villages at Buffalo Run and major arterials.
<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 area of the PUD is an integral part of the High Plains Parkway Arterial and its connection to adjacent development.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts	The amended PUD Zone document is very similar to what is currently approved, and should not create additional impacts beyond those associated with the current approval.
<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 and services 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 changes proposed to amend PUD Zone document could not be achieved by other processes.

## Development Review Team (DRT) Recommendation

Based upon the analysis above, the Development Review Team believes that the application **meets** the approval criteria for a PUD Zone Document amendment for the property, generally known as the Villages at Buffalo Run East PUD, as set forth in Section 21-3251 of 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, generally known as the Villages at Buffalo Run East PUD, contained in case Z-700-01-16 **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:

- 1) A 20 foot landscape buffer is required along all residential development adjacent to an arterial roadway.
- 2) Additional park/open space amenities shall be provided with the residential development.

## **Alternative Motions**

### **To recommend denial:**

I move that the Planning Commission enter a finding that the requested PUD Zone Document amendment for the property, generally known as the Villages at Buffalo Run East PUD, contained in case Z-700-01-16 **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** 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 generally known as the Villages at Buffalo Run East PUD contained in case Z-700-01-16 to a future Planning Commission agenda.