



# STAFF REPORT

## Planning Commission

### CASE #Z-896-11-12-16-17

<b>PC Date:</b>	October 3, 2017	<b>Case Planner:</b>	Jenny Axmacher
<b>CC Date:</b>	November 6, 2017		
<b>Location:</b>	Generally located north of E. 81 <sup>st</sup> Avenue , west of Tower Road, and directly east of the Rocky Mountain Arsenal National Wildlife Refuge (PIN: 172300000105)		
<b>Applicant:</b>	DIA Tech Center, LLC	<b>Owner:</b>	Same as Applicant
<b>Address:</b>	5753 Shasta Circle, Littleton, CO 80123	<b>Address:</b>	

### Case Summary

<b>Request:</b>	DIA Tech Center, LLC is requesting the approval of annexation zoning to Commerce City's DIA Tech Center Planned Unit Development (PUD) zoning designation.
<b>Project Description:</b>	The subject property is being annexed via case #AN-246-17. DIA Tech Center, LLC is requesting that the property be zoned with Commerce City's DIA Tech Center Planned Unit Development (PUD) for the future development of DIA Technology/Industrial land uses. The intent is to amend the existing DIA Tech Center PUD to include this additional parcel of land. The additional parcel of land is approximately 28 acres in size and is proposed to be incorporated into Planning Areas (PA) 10 and 11 within the PUD. DIA Technology land uses and development standards will apply.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Future Land Uses</li><li>• Compliance with the requirements for zoning annexed land</li><li>• Tower Road Access</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li><li>• Compliance with the requirements for zoning annexed land</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	Adams County Agricultural (A-3)
<b>Comp Plan Designation:</b>	DIA Technology

### 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"/> Proposed Amended PUD          |  |

## Background Information

### Site Information

<b>Site Size:</b>	28 acres.
<b>Current Conditions:</b>	The property is currently undeveloped.
<b>Existing Right-of-Way:</b>	ROW is platted for E. 81 <sup>st</sup> Avenue and future north-south streets (Road B and Road C). Additional ROW will be dedicated upon platting. Roads B and C will correspond to the Denver Street Grid upon platting.
<b>Neighborhood:</b>	DIA Tech Center
<b>Existing Buildings:</b>	There are no current buildings in planning areas PA-10 and PA-11. Elsewhere on the site is a 7-Eleven, a McLane Distribution Center and an AVR Van Rental facility.
<b>Buildings to Remain?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Undeveloped	Vacant Land	ADCO
<b>South</b>	Employment	DIATC Planning Areas PA-1 and PA-2 with AVR Van Rental Facility & McLane	PUD
<b>East</b>	Employment	DIATC Planning Areas PA-3 and PA-4	PUD
<b>West</b>	Federal Land	Rocky Mountain Arsenal National Wildlife Refuge	ADCO

### Case History

*There is no case history for the subject property, however in 2011, the DIATC development was annexed and zoned PUD through cases AN-226-11 and Z-896-11. Additional approvals were put in place in 2012 for vesting of zoning for DIATC through case Z-896-11-12. The PUD was amended in 2016 to add additional property to the development.*

*AN-246-17:*

*The subject property of this case has been requested to be annexed from Adams County and will be acted on by City Council at a future date.*

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-896-11	12/11	Annexation Zoning for DIATC to PUD	<b>Approval with Conditions</b>
Z-896-11-12	2/12	Vested Zoning for DIATC	<b>Approval</b>
Z-896-11-12-16	6/16	PUD Amended to include additional property	<b>Approval</b>

## Applicant's Request

According to the DIA Tech Center, LLC, this application is to annex and include an additional 28 acres into the DIA Tech Center PUD Zone Document for future employment development. The DIA Tech Center PUD is master planned as a commercial mixed use project that will serve as a regional and community employment center. The strategic location of the DIA Tech Center property to DIA, Pena Boulevard, and Tower Road provides a unique opportunity to create an employment center that can accommodate a variety of airport related land uses included retail, hospitality, light industrial, "just-in-time manufacturing", office, transportation/parking facilities, distribution, and corporate campus.

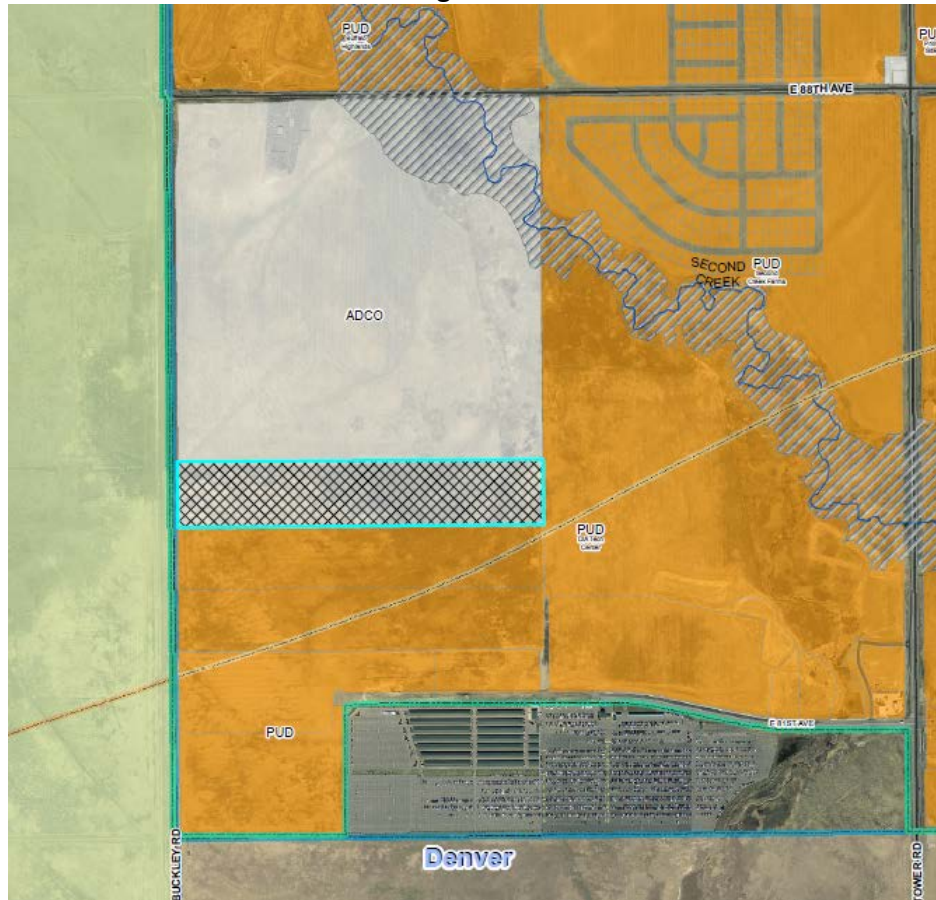
The applicant is currently working with a number of prospects for actual development of these additional planning areas.

## Development Review Team Analysis

### Section #1 – Request:

DIA Tech Center, LLC requests that the City Council of Commerce City approve the annexation zoning of 28 +/- acres of property located north of E. 81st Avenue, west of Tower Road, and directly east of the Rocky Mountain Arsenal National Wildlife Refuge (PIN: 172300000105). See Figure 1.1.

Figure 1.1

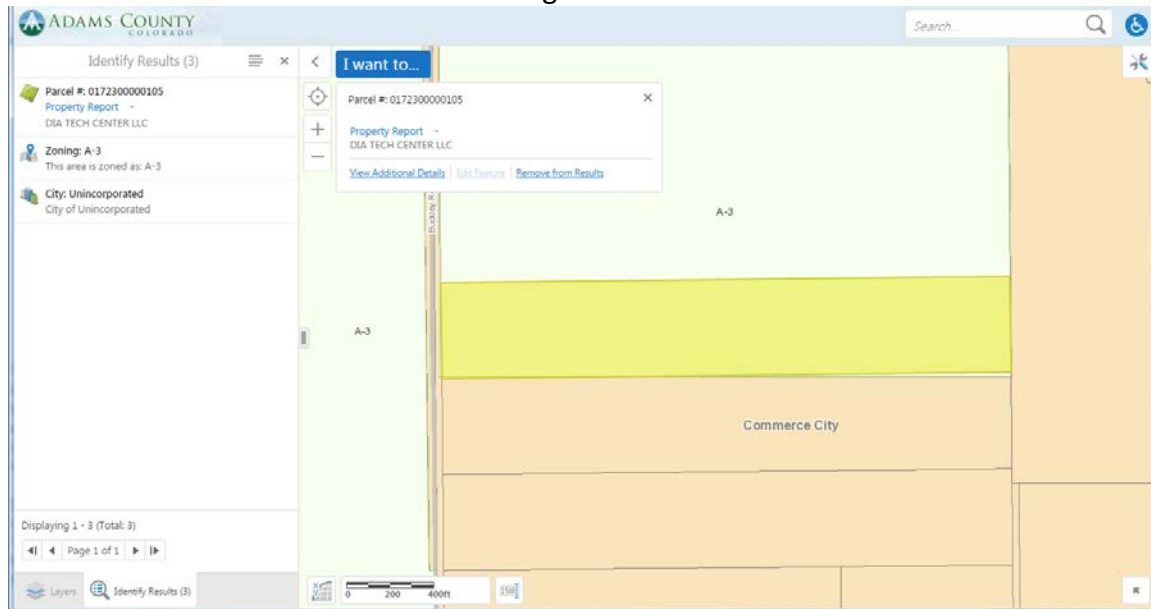


The subject parcel is currently vacant, and has been identified by the City's Comprehensive Plan to include DIA Technology uses. Staff believes that including this parcel into the DIA Tech Center Development, or Nexus at DIA, which is what it is now called, makes logical sense and can help to encourage new development along the southern Tower Road corridor. This request for annexation zoning is being made in conjunction with the annexation proceedings of AN-246-17 and in accordance with state law to zone annexed property within 60 days of annexation.

### Section #2 – Current Adams County Zoning and Requested Commerce City Zoning:

All of the subject property is currently zoned for Agricultural uses in Adams County (see Figure 2.1). The applicant intends to develop the property with DIA Technology and employment uses in the future. The requested designation for the DIA Tech Center PUD is consistent with the future plans for the property, which is bounded on two sides by the DIA Tech Center PUD.

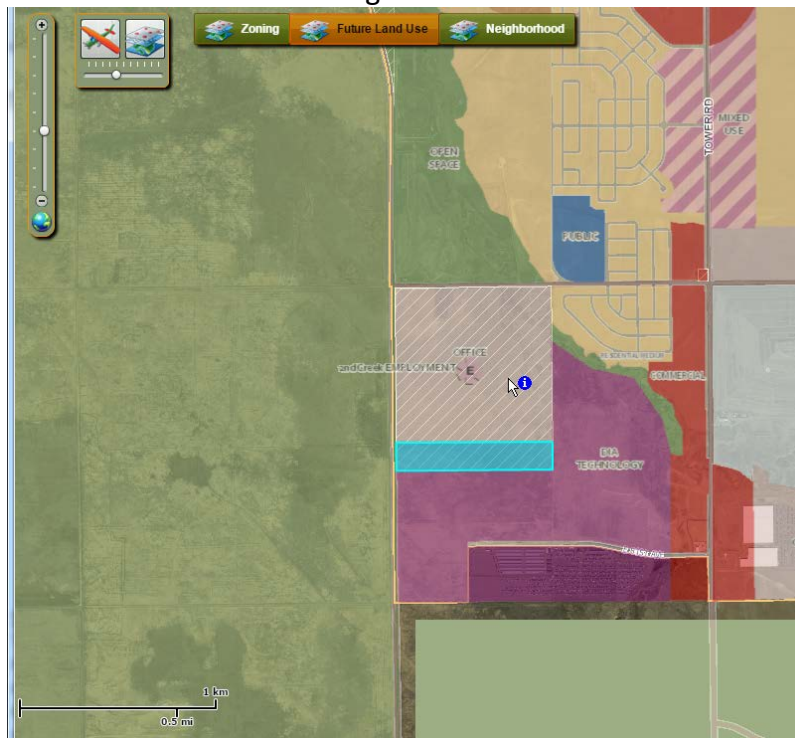
Figure 2.1



### Section #3 – Comprehensive Plan:

The city's Comprehensive Plan identifies the future land use for the subject property as DIA Technology (dark purple below) which allows for a mix of light industrial, industrial distribution, offices, flex space, research and development, and production uses. No residential use is allowed. (see Figure 3.1). The requested DIA Tech Center PUD zone designation does not conflict with the undeveloped nature of the subject properties and the requested DIA Tech Center PUD zone designation is consistent with the future plan for the site as DIA Technology.

Figure 3.1



Section #4 – Compliance with 21-3350 (Zoning of Newly Annexed Land):

When the city zones property that has been recently annexed, there are three ways in which property may be zoned:

1. Most compatible with the city's Comprehensive Plan designation of the property;
2. Most compatible to the county zoning classification existing on the subject property at the time of acceptance by the city of the annexation petition for the subject property; or
3. Most comparable to the present use(s) of the property.

The request for the Commerce City DIA Tech Center PUD zoning designation is most compatible with the Comprehensive Plan designation since it is identified for future DIA Technology development and the DIA Tech Center PUD zoning allows for DIA Technology uses such as light industrial, industrial distribution, offices, flex space, research and development, and production uses.

Section #5- Summary of Entitlements:

This area of DIA Tech Center is identified to be included into planning areas PA-10 and PA-11. These planning areas within the DIA Tech Center PUD allow for "DIA Technology" land uses, a variety of light industrial and employment uses. It does not allow any residential uses. The increased size of the planning areas would accommodate a wide variety of new uses and is consistent with similar entitlements in the area.

This additional area would also be included within the development's Design Standards to ensure appropriate architectural compatibility with surrounding areas. The existing areas of the DIA Tech Center would remain unchanged.

Section #6 – Application Summary:

The applicant is requesting the approval of annexation zoning from Adams County A-3 to Commerce City DIA Tech Center PUD for a parcel located north of E. 81st Avenue, west of Tower Road, and directly east of the Rocky Mountain Arsenal National Wildlife Refuge (PIN: 172300000105). The requested zoning for the property is consistent with the approval criteria for zoning newly annexed land (21-3350) and will make increase the future development options of Nexus at DIA.

Criteria Met?	Sec. 21-3350. Zoning of Newly Annexed Land	Rationale
<input checked="" type="checkbox"/>	The zoning is most compatible with the city's comprehensive plan designation for the property;	The request for the Commerce City DIA Tech Center PUD zoning designation is the most compatible with the Comprehensive Plan designation for DIA Technology land uses.
<input type="checkbox"/>	The zoning is most comparable to the county zoning classification on the subject property at the time of acceptance of the annexation petition; or	Not applicable.

Criteria Met?	Sec. 21-3350. Zoning of Newly Annexed Land	Rationale
<input type="checkbox"/>	The zoning is the most comparable to the present use(s) on the subject property.	Not applicable.

### Comprehensive Plan

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

Section	Goal	Description
Land Use	LU 1a	<b>Future Land Use Plan (FLUP) as a Guide:</b> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<b>Analysis:</b>	The requested zoning designation is consistent with the FLUP for residential and open space uses.	
Section	Goal	Description
Plan Adequate Land for Employment	LU-4.1	Phase Growth in an Orderly and Compact Manner
<b>Analysis:</b>	The DIATC project proposes commercial and DIA Tech land uses which will provide primary employment for the City. The proposed DIATC land use plan is consistent with the Future Land Use Plan.	
Section	Goal	Description
DIA Economic Development Uses	LU-6.1	New development near DIA should be based on complimentary uses, including non-residential development near DIA, with a mix of employment uses that are positive for the City, nearby neighborhoods, and the airport. Development should be planned for a mix of non-residential uses within the DIA 60 LDN noise contours and within three-quarters of a mile of any existing or planned runway where ground rumble may occur. Additional lands in the area should be designated for future jobs and employment.
<b>Analysis:</b>	The DIATC project does not propose any residential land uses as compatible within the 60 LDC noise contour. The commercial and DIA Tech land uses proposed will provide jobs and primary employment opportunities that are complimentary to the nearby airport.	

Once it was determined that the proposal is consistent with the Comprehensive Plan goals stated above, the DRT reviewed the proposal as outlined below.

### Compatibility with the Area:

The subject property in this application totals roughly 28 acres. There is no development on the property and the applicant intends to develop the property in the future as part of planning areas PA-10 and PA-11 of their Nexus at DIA development. This type of development is very consistent with the surrounding area, the City's future plans, and the zoning that exists within the area.

### 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 Annexation Zoning would not create conflicts with their regulations.

### Summary:

In summary, the DRT has determined that the request meets the approval criteria for Annexation Zoning outlined in the LDC as provided below and the proposal meets the Comprehensive Plan goals that are outlined above. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for an Annexation Zoning set forth in the Land Development Code and recommends that the Planning Commission forward the Annexation Zoning request to the City Council with a recommendation for **approval**.

### **\*Recommended Motion\***

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the subject property contained in case **Z-896-11-12-16-17** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council **approve** the Annexation Zoning.

### **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 Annexation Zoning for the subject property contained in case Z-896-11-12-16-17 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Annexation Zoning subject to the following conditions:

*Insert Condition(s)*

#### *To recommend denial:*

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the subject property contained in case Z-896-11-12-16-17 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 Annexation Zoning.

#### *To recommend continuance:*

I move that the Planning Commission **continue** the requested Annexation Zoning for the subject property contained in case **Z-896-11-12-16-17** to a future Planning Commission agenda.