



# STAFF REPORT

## ***\*\*Revised\*\****

## Planning Commission

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<b>PC Date:</b>	<b>May 1, 2018</b>	<b>Case Planner:</b>	<b>Robin Kerns</b>
<b>CC Date:</b>	<b>N/A</b>		
<b>Location:</b>	Unincorporated Adams County (NEC of E. 104th Ave. & E-470)		
<b>Applicant:</b>	Cowley Companies 1242 E. Jackson St. Phoenix, AZ 85034	<b>Owner: Address:</b>	Same as applicant

Case Summary	
<b>Request:</b>	Planning Commission review of case Z-946-18, a PUD Concept Schematic for future residential & commercial development.
<b>Project Description:</b>	The applicant wishes to comprehensively develop a residential & commercial land area that is within the City of Commerce City future growth boundary.
<b>Discussion Topics:</b>	<ul style="list-style-type: none"><li>• Comprehensive Plan</li><li>• Project Overview</li><li>• Site Constraints</li><li>• PUD Zoning Concept Schematic<ul style="list-style-type: none"><li>○ Commercial, Mixed Use, &amp; Residential Development</li><li>○ Parks &amp; Open Space</li><li>○ Existing Oil &amp; Gas Operations</li><li>○ Civic Uses &amp; Institutions</li><li>○ Connectivity</li><li>○ Infrastructure</li><li>○ Phasing</li></ul></li></ul>
<b>Key Approval Criteria:</b>	A PUD Concept Schematic is neither approved nor denied. Therefore, no formal action is required from the Planning Commission.
<b>Staff Recommendation:</b>	N/A
<b>Current Zone District:</b>	ADCO - Unincorporated Adams County
<b>Comp Plan Designation:</b>	Commercial, Mixed Use, Mixed Use E-470, Residential Medium

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

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|---|--|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input checked="" type="checkbox"/> PUD Concept Schematic         |  |

## Background Information

### Site Information

<b>Site Size:</b>	200 +/- acres
<b>Current Conditions:</b>	Vacant w/ Oil & Gas Operations
<b>Existing Right-of-Way:</b>	E. 104th Ave., Himalaya Rd. & E. 108 <sup>th</sup> Ave.
<b>Existing Roads:</b>	E. 104th Ave. & Himalaya Rd. (unimproved dirt), E. 108 <sup>th</sup> Ave. (improved dirt road)
<b>Existing Buildings:</b>	Oil & Gas operations
<b>Site in Floodplain</b>	No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Residential	Private Residences	ADCO
<b>South</b>	N/A	Vacant	ADCO
<b>East</b>	N/A	Vacant	ADCO
<b>West</b>	ROW	E-470	N/A

### Case History

The relevant case history for the property is provided below.

Case	Date	Request	Action
Z-917-14	3/16/2017	Review of a PUD Concept Schematic for future entitlement of the subject property.	Withdrawn

#### Z-917-14:

- In October of 2014, the applicant requested the review of a PUD Concept Schematic for the future entitlement of 1,352+/- acres generally located north of E. 96th Avenue, south of E. 112th Avenue, west of the future Picadilly alignment, and along the Himalaya Road alignment (3rd Creek). On March 16, 2017, the application was withdrawn.

## Development Review Team (DRT) Analysis

The following describes the proposed PUD Concept Schematic along with the Development Review Team's analysis. Staff will solicit feedback and comments from Planning Commission with regards to the PUD Concept Schematic.

#### **PUD Concept Schematics - Overview**

A PUD Concept Schematic is a generalized land use/site plan for an area proposed to be included within a future PUD Zone Document. It is the first step in the PUD process and it allows early, informal evaluation of a proposal before substantial expenses have been incurred. The PUD Concept Schematic provides City staff and the applicant an opportunity to determine the development's conformance with the Comprehensive Plan and the requirements of the Land Development Code (LDC), and assists the applicant in the preparation of a PUD Zone Document. Furthermore, a PUD Zone Document is used to comprehensively plan for and develop land uses such as residential, mixed use and commercial. Planning Commission will have an opportunity to review the future PUD Zone Document and make comments and recommendations to City Council.

## **Comprehensive Plan - E-470 Influence Planning Area**

In accordance with the City of Commerce City Comprehensive Plan, the E-470 Influence Planning Area is located mostly east of Tower Road and west of Picadilly Road following the E-470 corridor. It generally consists of vast undeveloped lands, although a few properties have entitlements for mixed-use development. This is the area of potential long-term growth for Commerce City (up to 30+ years), due to its proximity to E-470, Denver International Airport, and vast vacant lands.

E-470 Influence Area policy direction:

- ✓ Cohesive Mix of Uses: Plan for a cohesive mix of uses to maintain the city's jobs-to-housing balance and provide a more balanced total community. The mix should be a compatible extension of existing residential areas in the Northern Range and provide civic uses, master planned development, and round-the-clock activity;
- ✓ Phased Development/Infrastructure/Utilities: Phase development as utilities and services can be provided;
- ✓ Land Use Patterns/Airport Compatibility: Ensure that all land use patterns are compatible with present and future airport operations, including noise, safety, and access. Require that residential properties have extra protections in place to mitigate noise from the airport;
- ✓ Economic Development: Reserve appropriate land in strategic locations for economic development and jobs;
- ✓ Transition of Employment Uses: Transition land uses in the area, with technology and employment uses near the DIA boundary, and residential uses away from E-470, the airport boundary, and noise contours;
- ✓ Flexibility/Mix of Uses: Allow some flexibility for future development to meet market demands, while still accomplishing the goals of this Plan;
- ✓ Connected Roads: Plan a connected system of arterial and collector roads (including bicycle and pedestrian facilities and opportunities for future transit), and reserve future right-of-way.
- ✓ Facilities: Plan for future public facilities, such as schools and parks, to serve new growth;
- ✓ Open Space/Conservation: Conserve land along creeks/floodplains and utility corridors for open space, as part of a connected system;
- ✓ E-470 Views: Provide landscaping along E-470 to maintain views of the mountains and plains, and retain some of the area in its natural state with opening and closing of the view shed to provide interest.
- ✓ Quality: Promote high-quality design for all structures, including residential and employment; and
- ✓ Landfill Buffering: Provide buffering of Tower Road landfill from residential development.

## **Comprehensive Plan – Future Land Use Plan Designations**

The Future Land Use Plan (FLUP) depicts the subject property as designated for Commercial, Mixed Use, Mixed Use E-470, and Residential uses (see Figure 1.1). These classifications include the following development details:

- Commercial: The Comp. Plan dictates a 1.0 FAR, allows for High Density Residential (8 to 40 du/ac) with Mixed Use development. The incorporation of Residential - High in these areas shall only be allowed as part of Vertical Mixed Use Development.
- Mixed Use: The Comp. Plan dictates a minimum of 2.0 FAR with horizontal or vertical mixed-use, and allows for a mix of residential, retail, commercial, office & other services.
- Mixed Use E-470: The Comp. Plan dictates a mix of commercial and office uses with medium & high density residential types. A minimum of 4 du/ac and a maximum of 40 du/ac. The incorporation of Residential - High & - Medium in these planning areas shall be allowed as part of either Horizontal or Vertical Mixed Use Development. These planning areas can develop up to a maximum amount of 75% as residential. Generally, this type of mixed use development is accessed directly from collectors and convenient to transit access.
- Residential – Medium: The Comp. Plan dictates a minimum of 4 du/ac and up to 8 du/ac.

Figure 1.1



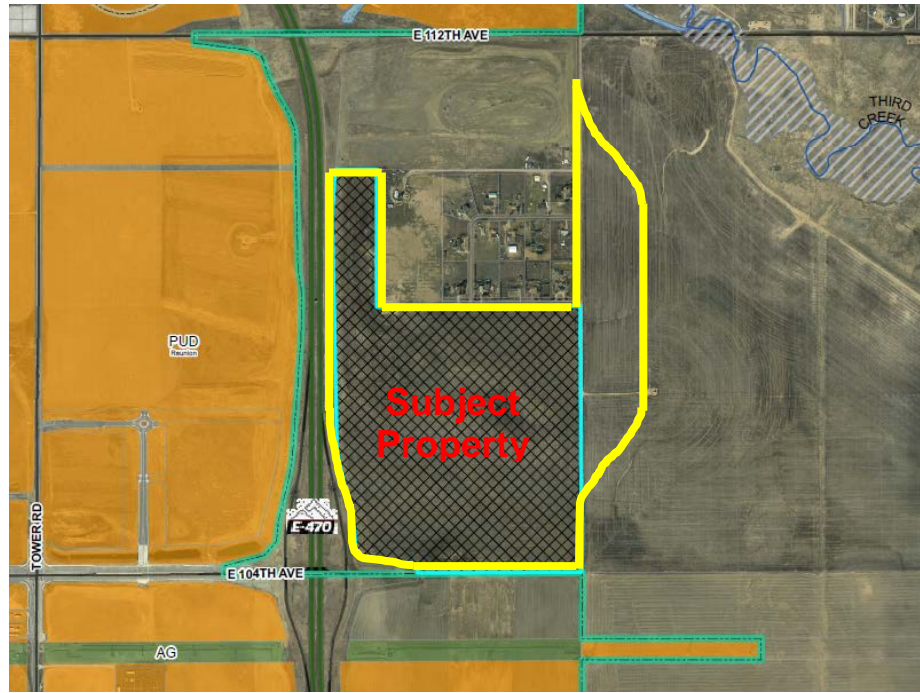
### **Project Overview**

The planned community of Third Creek West is an approximately 200.5 acre mixed-use development envisioned to bring a valuable mix of residential and commercial uses to northeastern Commerce City. The project area (see Figure 1.2) is currently zoned A-3 within unincorporated Adams County and is surrounded by agricultural and low density residential land uses. Third Creek West will act as a catalyst for residential and commercial development to the area between E-470 and the western boundary of Denver International Airport (DIA) in Commerce City.

The applicant is proposing that the Third Creek West property PUD Concept Schematic will promote the City's Goals for E-470 Influence Planning Area through a similar, but site-focused strategy that will best promote this property for future commercial and mixed use development, while also maintaining a strong residential foundation. In an effort to maintain a level of consistency with the current Commerce City Comprehensive Plan, the proposed land uses proposed in the Third Creek West PUD Concept Schematic application utilize similar descriptions, proposed densities, and intent.

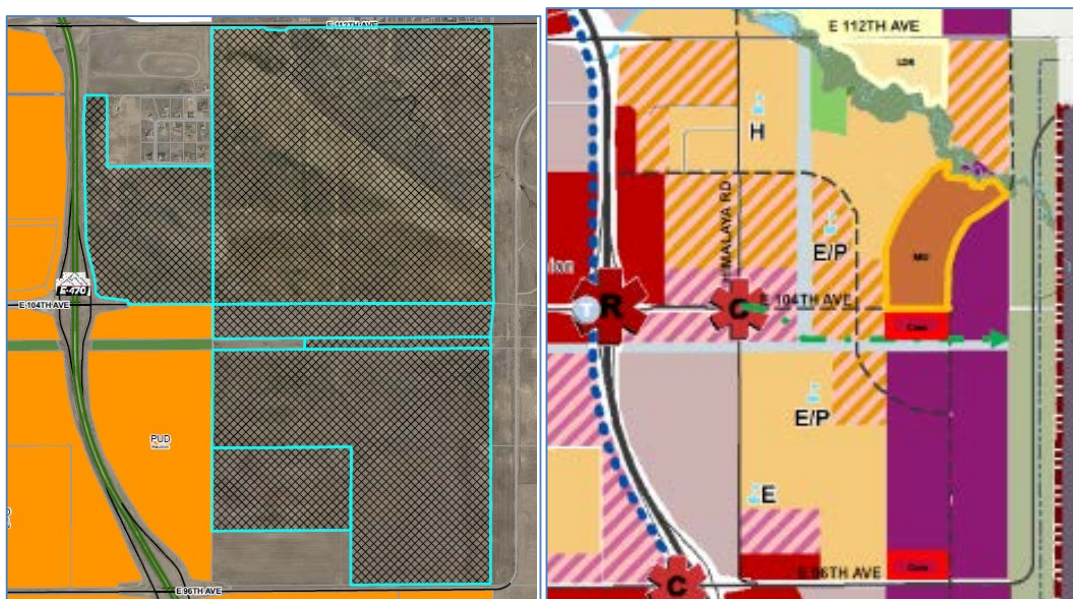
However, due to Site Constraints (see discussion above) these land uses have been shifted from a more intensive commercial / mixed use program primarily fronting E-470 (as shown in Figure 1.1), to better utilize the access and frontage potential of the adjacent arterials streets (E. 104th Avenue and Himalaya Road).

Figure 1.2



The subject property is part of the larger land holdings, owned by the applicant, which constitute a total of approximately 1,352 acres generally located north of E. 96th Avenue, south of E. 112th Avenue, west of the future Picadilly alignment, and along the Himalaya Road alignment (see figure 1.3 – Left Side). This area as a whole was associated with the previous zoning case Z-917-14, which evaluated a proposed land use plan with the city's FLUP (see Figure 1.3 – Right Side)

Figure 1.3



## **Site Constraints**

Prior to beginning the review of the request, the DRT felt it was important to provide context for the subject planning area, which the applicant has named Third Creek West. The Third Creek West planning area has a variety of constraints and unique challenges that are present and impact development planning. These issues are outlined as follows:

### DIA Noise Contours:

The project area is not within the mapped DIA Noise Contours, which is restrictive of residential development.

### Topography:

The project area slopes gently down from the south-west to the north-east towards the existing Third Creek drainage. The western edge of the property is significantly higher than the E-470 roadway. DRT believes that this is a significant planning issue when evaluating the appropriate location of Commercial development, as those users typically depend on high visibility for advertising and ease of customer connection from rights-of-way. Thus, the topography adjacent to E-470 is not conducive for high quality commercial.

### Easements:

The project site has some existing easements and uses that have implications for development.

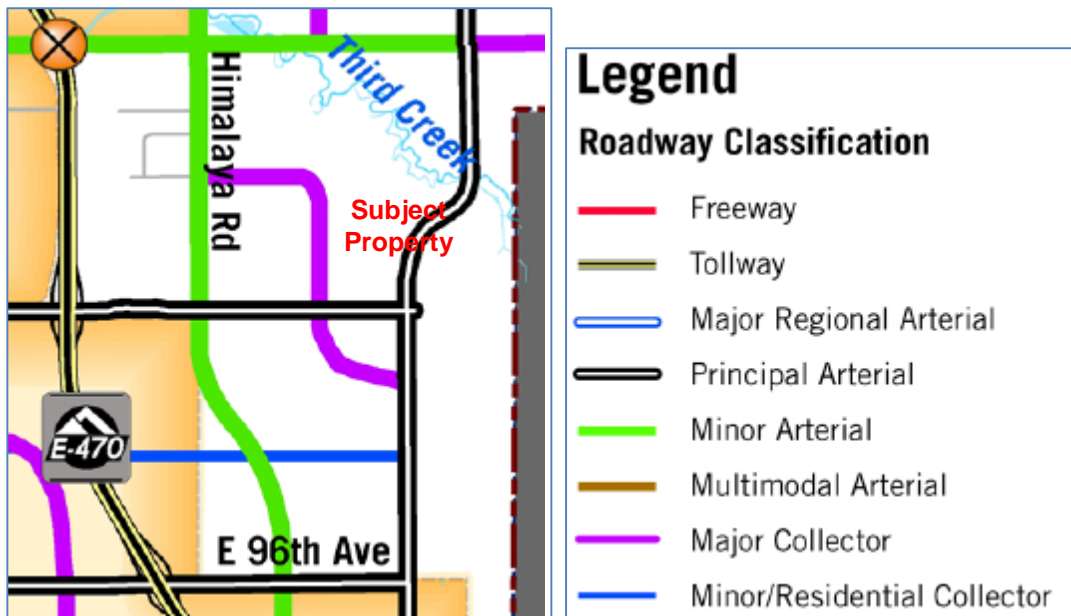
- 1) Oil & Gas – The mineral rights are not severed, and therefore the applicant has the ability to work with oil & gas operators in relocating existing wells and planning future drilling locations, which provides site planning greater flexibility. The DRT would like to work with the applicant to coordinate appropriate locations on the site, and notes that there is an existing 25' Oil & Gas Easement along existing E. 108<sup>th</sup> Avenue.
- 2) E-470 Multi-Use Easement - This easement fronting along the E-470 Right-of-Way (ROW) does not allow for development, but can allow for parking lots, trails, and roads.
- 3) 75' Transmission Line & Access Easement – This easement adjacent to the E-470 ROW does not allow for development, but can allow for parking lots, trails, and roads.

### Roadway Network:

The DRT strongly believes in establishing a roadway network that works with the cities' comprehensive transportation framework to address all modes of travel (vehicles, transit, bicycles and pedestrians), way-finding, and safety. Once this network is determined, it can help with the location and distribution of land uses. General feedback on the potential roadway network is as follows:

- 1) E. 108<sup>th</sup> Avenue: This ROW fronts several existing large lot residential properties with individual driveways which would negatively impact developing this ROW as a major collector. The DRT notes that to the east of Himalaya Road, E. 108<sup>th</sup> Avenue is designated as future Major Collector.
- 2) E. 104<sup>th</sup> Ave. & Himalaya Road: The spacing of proposed collectors from the intersection of these two arterials will be dictated by; existing constraints associated with E470 ramps & transmission lines, applicable city engineering standards and a supporting traffic study.
- 3) A ROW will need to be incorporated that can connect areas south of E. 108<sup>th</sup> Avenue, and west of Himalaya Road up north towards E. 112<sup>th</sup> Avenue.
- 4) Himalaya Road: Given that this ROW is planned (see City Transportation Plan, Figure 1.4) to make numerous alignment shifts as it moves south from E. 112<sup>th</sup> Avenue to E. 88<sup>th</sup> Avenue, the DRT would consider an alignment change along the subject property if needed to provide needed site planning flexibility.

Figure 1.4



#### PUD Zoning Concept Schematic **\*\*Revised\*\***

The applicant provided a Proposed Land Use Table (Figure 1.5), and a proposed PUD Zoning Concept Schematic (Figure 1.6) for the subject property. The proposed schematic shifts the boundary lines of the FLUP Use Areas to achieve a more practical development pattern than perhaps the city was able to predict when contemplating this area without fully analyzing the constraints.

Figure 1.5

#### PROPOSED PERMITTED LAND USE

Use	Commercial (Planning Area C)	Residential (Planning Area A)	Mixed Use E-470 (Planning Areas B)
Commercial	P	x	P
Retail	P	x	P
Office	P	x	P
Civic	P	P	P
Parks/ Open Space	P	P	P
Residential - High (8+ du/ac)	P <sup>(1)</sup>	P <sup>(3)</sup>	P <sup>(2,3,4)</sup>
Residential - Medium (4.0 - 8.0 du/ac)	x	P	P <sup>(2,3,4)</sup>

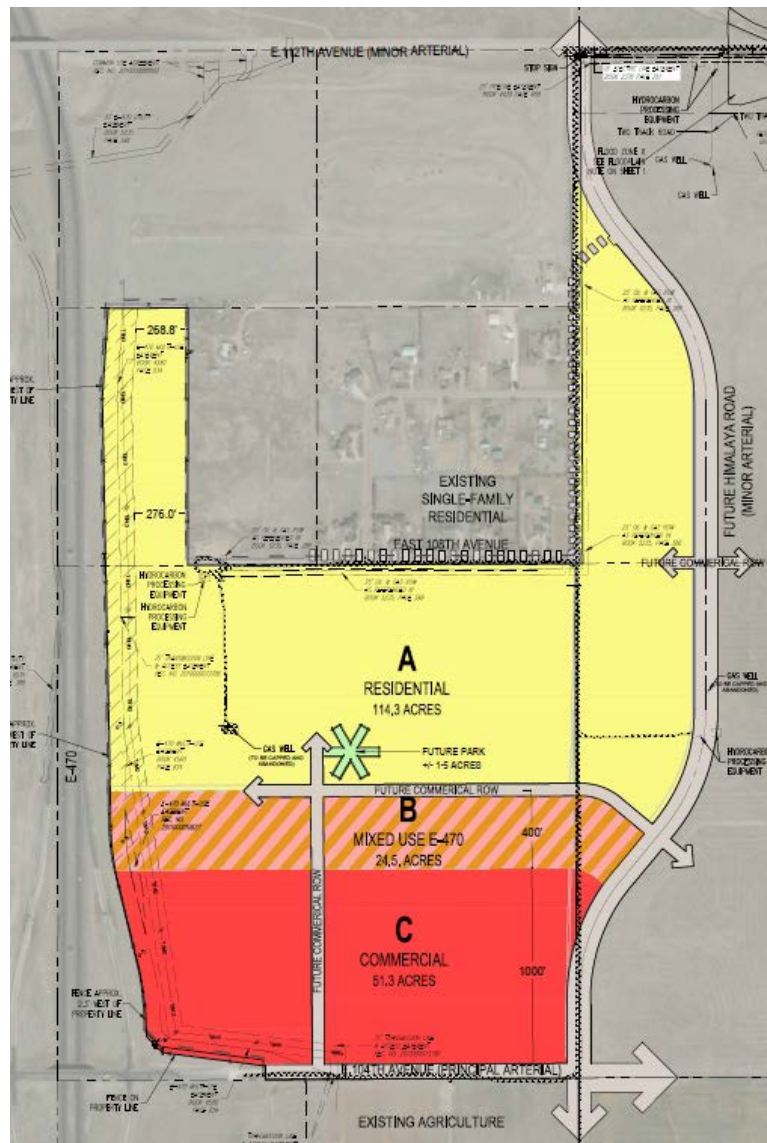
(1) Maximum 50% residential permitted as part of a vertical mixed use development across the Planning Area.

(2) Permitted as part of a horizontal or vertical mixed use development across the Planning Area.

(3) Density is inclusive across the Planning Area and not administered on a parcel-by-parcel basis.

(4) Maximum 75% residential permitted within Planning Area B only.

Figure 1.6



The applicant has made revisions to the Land Use Table (Figure 1.5) & PUD Zoning Concept Schematic (Figure 1.6) to address DRT concerns regarding the future of the commercial area “C”. Specifically, the city must maintain viable commercial land for tax base and services. The revisions support this direction by reducing the amount of residential allowed in the commercial area, and if residential is developed, it can only be as part of a vertical mixed use development which means that it would maintain a commercial component.

#### Commercial, Mixed Use, & Residential Development:

Commercial land will be mostly achieved via the proposed Commercial area “C”, a one thousand foot (1000’) depth commercial area proposed along E. 104th Avenue, between E-470 & Himalaya Road. This commercial area provides high quality access and frontage for future users while also maintaining a similar development character as used on properties located to the west of E-470. The commercial land in general is envisioned as a mix of commercial, retail, office, and higher density residential land uses allowed only as part of vertical mixed use, similar to the intent proposed in the FLUP.

Mixed Use E-470, planning area “B”, is the land use proposed within the Third Creek West PUD Concept Schematic as a transitional land use between the commercial corridor along E. 104<sup>th</sup> and the suburban residential use proposed in the northern portion of the site. The mixed use E-470 area is envisioned as a horizontally mixed use land area that facilitates higher density residential with potential pockets of non-residential uses, potentially including but not limited to commercial, retail, and office.

Residential land uses are proposed in the northern half of the site. This area will provide users for the commercial centers to the south and also provide a transitional land use from the existing low density residential homes to the north still in Adams County.

*Parks & Open Space:*

Parks and open space will be provided, as appropriate, for the residents of Third Creek West. Trails and sidewalks will be provided to connect these new neighborhoods with the adjacent mixed use and commercial areas as the area build out over time. Proposed parks will offer neighborhood level amenities for residents within the community and surrounding areas. Future detail regarding park and trail amenities and dedications will be determined with future land use applications.

*Existing Oil & Gas Operations:*

Oil and gas operations currently exist on site and will be addressed as appropriate. These wells will likely be capped and abandoned prior to construction. Buffering and setback requirements from these facilities will be developed during the PUD Zone Document stage.

*Civic Uses & Institutions:*

No civic uses, such as post offices, police stations, fire stations, or schools are proposed for the Third Creek West property at this time. Land dedication for schools is anticipated to be accommodated through cash-in-lieu of land dedication. The FLUP designates the appropriate and expected future locations of school sites.

*Connectivity:*

Third Creek West is adjacent to E-470 (toll road) to the west, E. 104<sup>th</sup> Avenue (major arterial) to the south, future Himalaya Road (minor arterial) to the east, and E. 108<sup>th</sup> Avenue (local) to the north. Service into the site may be facilitated from E. 104<sup>th</sup> Avenue, future Himalaya Road, and E. 108<sup>th</sup> Avenue, with the main access points anticipated from both 104<sup>th</sup> Avenue and future Himalaya Road. Internal vehicular circulation may be supported by a system of collector, local, and/or private alley roads. The location and alignments of these roadways shall be determined at the time of PUD Permit approval. Pedestrian circulation is provided through a network of detached sidewalks located within right-of-way corridors and off-street trails which are designed to provide safe and convenient pedestrian access to major points of interest such as commercial development and parks (details forthcoming in future land use applications).

*Infrastructure:*

Existing development is limited adjacent to the Third Creek West property, therefore the extension of utilities is required for full service of the site. In addition, the property will be required to be annexed into Commerce City and petition to join the service areas/districts in the region, such as South Adams Water and Sanitary District, fire, police, and others.

*Phasing:*

Phasing shall occur in a systematic and logical pattern, largely driven by the extension of available infrastructure and market conditions. Development within the Third Creek West property will likely occur in multiple phases, based on market conditions driving the overall timeline. It is anticipated that development is likely to begin with the residential areas of the project, followed by more intense commercial and higher density residential development, though this may change as the project moves forward to platting and build-out.

## **PUD Process/Next Steps**

1. PUD Concept Schematic
  - a. DRT Team analysis
  - b. Planning Commission review and comment

-Current Application
2. Annexation & PUD Zone Document
  - a. Planning Division works with applicant on Annexation & PUD Zone Document material
  - b. DRT analysis of the Annexation & PUD Zone Document
  - c. Neighborhood Meeting will be required.
  - d. Applicant revises submittal as necessary until the document is ready for Public Hearing
  - e. Annexation & PUD Zone Document is reviewed by Planning Commission at a public hearing and a recommendation is made to City Council
  - f. Annexation & PUD Zone Document is reviewed by City Council at a public hearing and City Council votes to approve, approve with conditions, or deny the Annexation & PUD Zone Document.
3. Subdivision Plat & PUD Development Permit
  - a. Applicants submit Subdivision Plat & PUD Development Permit applications for administrative review and approval

## **Planning Commission Feedback on Proposal**

The PUD Concept Schematic does not necessitate action by the Planning Commission. The concept schematic is presented as an informational item so that the applicant has a clearer understanding of general direction. The Planning Commission is encouraged to comment on the concept schematic and provide vital feedback to the applicant. Of particular importance, the applicant and staff would like feedback on the following specific information:

- A. Proposed configuration of Land Use Designations
  - a. Including residential density adjacent; i) to existing ADCO large lot homes, and ii) to E-470.
- B. Amount of Residential Development in Commercial & E-470 Mixed Use Areas
- C. Roadway Location & Connectivity
  - a. Alteration of Himalaya Road alignment
  - b. A north-south collector and relationship to existing ADCO properties

Other feedback/comments may be provided by Planning Commission to the applicant regarding the PUD Concept submittal.