



STAFF REPORT

Planning Commission

CASE #Z-953-19

PC Date:	January 9, 2019	Case Planner:	Caitlin Hasenbalg Long
CC Date:	N/A		
Location:	Approximately 600 acres at the northeast corner of E 88th Ave and Tower Rd		
Applicant:	Atwell, LLC	Owner:	Cohen Denver Airport, LLC
Address:	143 Union Blvd Suite 700 Lakewood, CO 80228	Address:	2600 Paseo Verde Pkwy #250 Henderson, NV 89074

Case Summary

Request:	PUD Concept Schematic for Prime Sites		
Project Description:	Prime Sites was annexed into the city in 1989 and zoned PUD based on a preliminary plan. This concept schematic is the first step in the process to fully entitle the subject property for future development.		
Discussion Topics:	<ul style="list-style-type: none">• Comprehensive Plan/Future Land Use Plan• Proposed Land Uses• Roadway Configuration• Tower Landfill		
Key Approval Criteria:	None. A PUD Concept Schematic is neither approved nor denied, it is intended to provide feedback to the applicant. Therefore, no formal action is required from the Planning Commission.		
Staff Recommendation:	N/A		
Current Zone District:	PUD (Planned Unit Development District)		
Comp Plan Designation:	Mixed-Use (Corridor and Commercial), Residential - Medium	Office/Flex,	Commercial,

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"/> PUD Concept Schematic | <input checked="" type="checkbox"/> Future Land Use Map |

Background Information

Site Information

Site Size:	600 +/- acres
Current Conditions:	Undeveloped
Existing Right-of-Way:	Tower Road to the west; East 88th Avenue to the south; E-470 to the east; East 96th Avenue to the north
Neighborhood:	Prime Sites
Existing Buildings:	None
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	Undeveloped	Settler's Crossing (medium-density residential, mixed use, commercial)	PUD
South	Public/Utility	Allied Waste/Republic Services Tower Landfill	PUD
East	Undeveloped	Future Prime Sites (commercial, DIA technology, office flex)	PUD
West	Residential	Second Creek Farms (medium-density residential, mixed use, commercial)	PUD

Case History

The entire Prime Sites property, including the land to the east of E-470, was annexed and zoned to a preliminary PUD in 1989. The conditions of approval require that a final PUD and development plan be approved prior to any development occurring on the site. Based on this old process, full entitlements have not been obtained for this property. Subsequently, in 2004 and 2006, two different PUD concept schematics were submitted; both were withdrawn.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-102-89	10/2/1989	Annexation into Commerce City	Approval
Z-516-89	11/20/1989	Annexation zoning to preliminary PUD	Approval with Conditions
Z-810-04	2004	PUD Concept Schematic	Withdrawn
Z-810-04-06	9/26/2007	PUD Concept Schematic	Withdrawn

Applicant's Request

The applicant has submitted this PUD Concept Schematic for Prime Sites to gain feedback and comments on the general layout and land uses prior to submitting a full PUD Zone Document. The proposed land uses are generally consistent with the City's Future Land Use Map, with the central portion designated for medium-density residential, which is planned to range from 4 to 8 dwelling units per acre. The areas along Tower Road and East 96th Avenue are designated for Mixed-Use, Commercial, and Community Commercial Centers, while the area to the south, adjacent to East 88th Avenue, is primarily designated as Office/Flex and Detention/Landscape Buffer to provide a buffer between the Tower Landfill and the residential development. The project is anticipated to be developed in phases, with the central residential area as the first area to be platted and developed. The adjacent commercial and office/flex areas will be developed once a substantial residential base is present to support those uses. The location of the property with its proximity to Denver International Airport (DIA) E-470, and the Rocky Mountain Arsenal National Wildlife Refuge make this an exciting and desirable development proposal.

Development Review Team Analysis

The following describes the purpose of the PUD Concept Schematic and contains the Development Review Team's analysis of the current proposal.

Overview of PUD Concept Schematic

A PUD Concept Schematic is a generalized land use plan for an area proposed to be included in a future PUD Zone Document. It is the first step in the PUD process and allows for early, informal evaluation of the proposed development before substantial expenses have been incurred. The PUD Concept Schematic gives City staff and the applicant an opportunity to determine the proposed development's conformance with the Comprehensive Plan and the requirements of the Land Development Code, and the feedback provided assists the applicant in the preparation of a PUD Zone Document, which formally establishes the zoning, allowed uses, bulk standards, and design guidelines for the development. Planning Commission will have an opportunity to review the future PUD Zone Document and make a recommendation to City Council.

Comprehensive Plan / Future Land Use Plan

The Prime Sites property falls within the E-470 Influence Planning Area. As described in the 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 an 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."

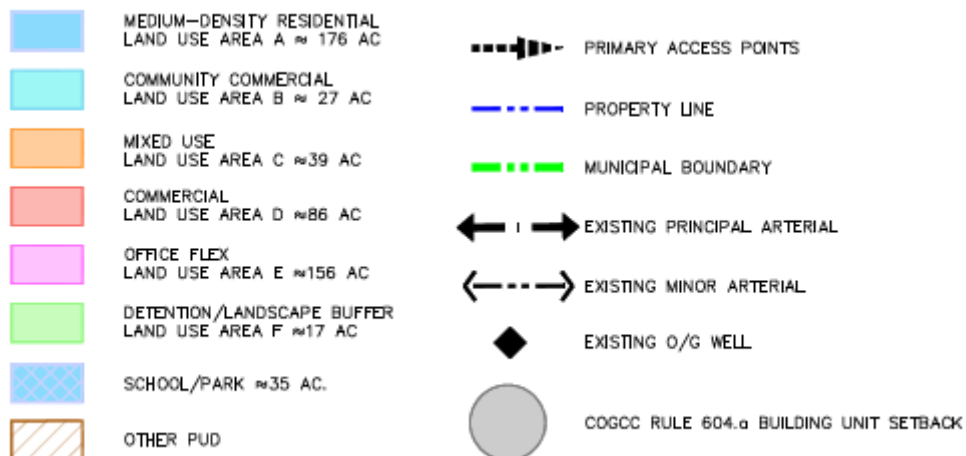
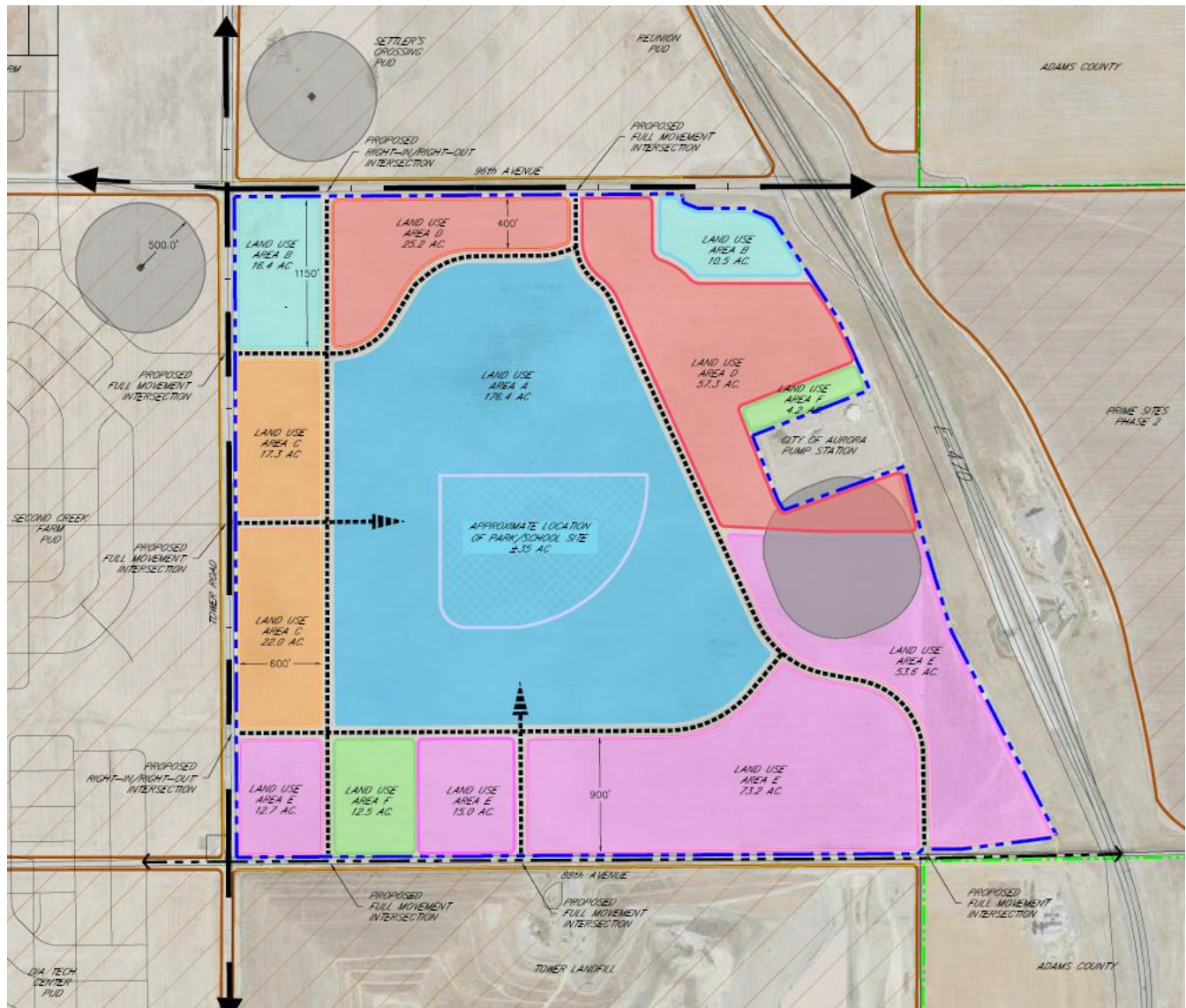
Some of the key policy guidance for future development in the E-470 Influence Planning Area include planning for a cohesive mix of uses to maintain the city's jobs-to-housing balance while allowing some flexibility to meet changing market demands; ensuring that land use patterns are compatible with present and future airport operations, including noise, safety, and access; reserving appropriate land in strategic locations for economic development and jobs; planning a connected system of arterial and collector roads, including bicycle/pedestrian/transit opportunities to meet future demand; planning for future public facilities, such as schools and parks, to serve new growth; promoting high-quality design for all structures, including residential and employment; and buffering the Tower Road landfill from residential development.

Design

The applicant has not yet identified any specific design theme for Prime Sites. However, they do intend to submit design guidelines as part of the PUD Zone Document phase of the entitlement process. Staff will work with the applicant at that time to create a unique identity for the Prime Sites development.

Prime Sites PUD Concept Schematic

Prime Sites in its entirety consists of approximately 1,100 acres extending from East 88th Avenue to East 96th Avenue and from Tower Road to Picadilly Road, and is bisected by E-470. The proposed PUD Concept Schematic is only for the portion of the site to the west of E-470; the eastern portion of the site will be entitled separately at a future date as Phase 2. The PUD Concept Schematic is shown below:



Land Uses

Prime Sites in its entirety consists of approximately 1,100 acres extending from East 88th Avenue to East 96th Avenue and from Tower Road to Picadilly Road, and is bisected by E-470. The proposed PUD Concept Schematic is only for the portion of the site to the west of E-470; the eastern portion of the site will be entitled separately at a future date. The submitted plan depicts a similar land use layout to the Future Land Use Plan, with land use areas as follows:

- Mixed-Use along Tower Road, approx. 600 feet in depth, 39 acres
 - Potential uses include restaurants, shops, financial services, day care, places of worship, senior housing, hotels, other general commercial/retail uses, multi-family or other high density residential as part of vertical mixed-use building with ground-floor commercial
 - Excludes auto-oriented uses such as drive-thrus, repair shops, and gas stations
- Commercial along East 96th Avenue and E-470, min. 400 feet in depth, 86 acres
 - Potential uses include restaurants, shops, financial services, medical/dental/veterinary offices, day care, theater, senior housing, auto-oriented uses, hotels, other general commercial
 - May include some public uses and limited high-density residential
- Community Commercial at E 96th Ave/Tower Road and E 96th Ave/E-470, approx. 27 acres total
 - Potential uses include retail, restaurant, office, general commercial anchored by mid-to-big box such as grocery, includes plaza or other outdoor space
- Office/Flex along East 88th Avenue and E-470, approx. 156 acres
 - May include offices, flex space, light industrial and high-tech uses, with commercial to support including retail, restaurants, and hotel
- Medium-Density Residential interior to the site, approx. 176 acres
 - 4 to 8 dwelling units per acre, may include single-family detached, single-family attached/duplexes/paired homes, patio homes, townhomes
- Middle School/Community Park site, 35 acres
- Drainage/Landscape Buffer near southwest corner and northeast corner, approx. 17 acres

The identified potential land uses for each land use area are in line with what the Comp Plan envisions for the comparable future land use designations.

Airport Compatibility

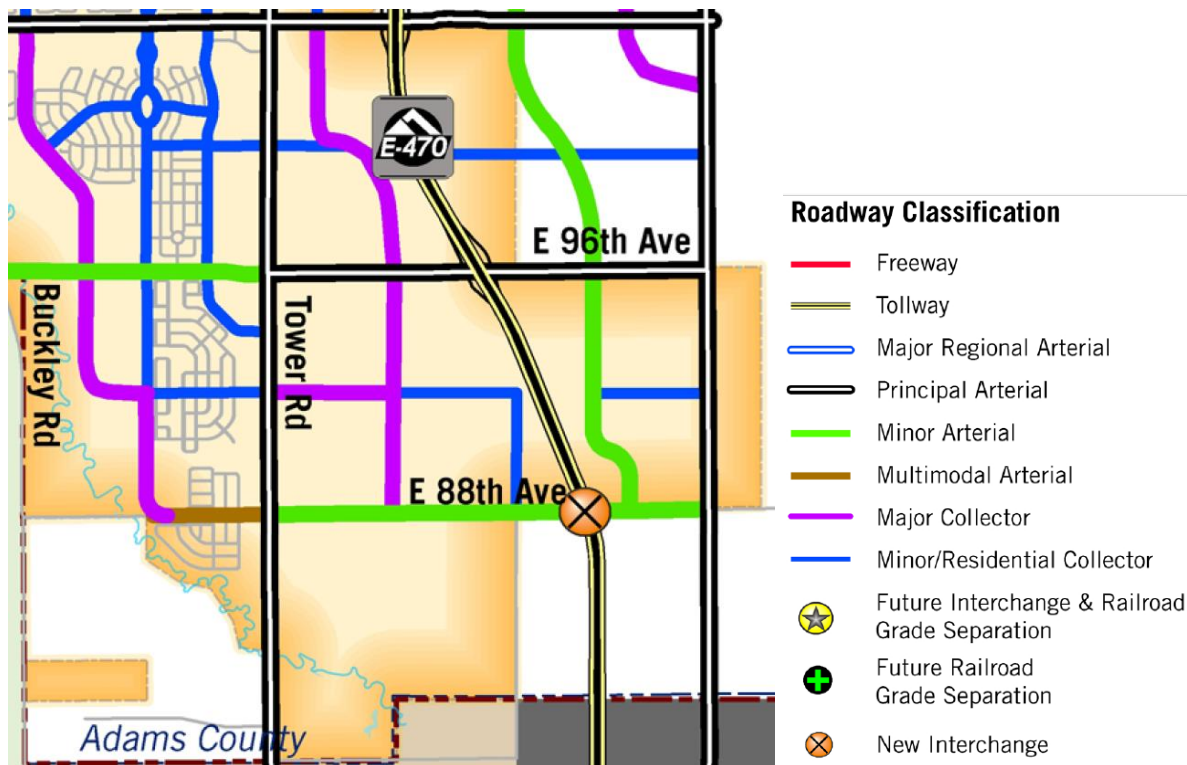
The 60 LDN (day-night equivalent noise level) noise contour is shown on the Future Land Use Plan for the full build-out of all planned runways at DIA, based on the modeling available at the time the Comp Plan was adopted. Residential development is restricted within this noise contour due to potential health impacts of regular exposure to noise at this decibel. Prime Sites lies outside of this noise contour, and therefore is not impacted by the restriction on residential development inside the contour.

Employment

As noted in the key policy direction for the E-470 Influence Area, opportunities to provide jobs is a key goal along the E-470 corridor. The Comp Plan and the Prime Sites PUD Concept Schematic show an approximately 1,000-foot depth of Office/Flex uses along the north side of East 88th Avenue, across from the Tower Landfill. According to the Comp Plan, the Office/Flex designation is intended to provide a mix of offices, flex space, high-tech space, and production uses, ideally to be designed in a campus-like, integrated style. Secondary uses may include corporate headquarters, open space, public facilities, hotels/conference facilities, and limited retail/restaurants to support the office uses.

Road Network

Around the perimeter of Prime Sites, the Transportation Master Plan identifies Tower Road and East 96th Avenue as principal arterials, while East 88th Avenue is a minor arterial. The city's recent improvements to Tower Road represent its full build-out, with full-movement signalized intersections at East 92nd and 94th Avenues to align with existing platted land to the west in Second Creek Farm; the developer of Prime Sites will be contributing the improvements to East 96th Avenue and East 88th Avenue to accommodate the build-out of the proposed development. Internally, East 92nd Avenue and Dunkirk Street will be dedicated as major collectors, and Himalaya Road will come off alignment to connect with Dunkirk Street at East 96th Avenue, as is proposed in Settler's Crossing. This allows Dunkirk Street to not align with the Tower Landfill access to the south in an effort to minimize conflicts. A future interchange has been identified at E-470 and East 88th Avenue to complement the existing one at East 96th Avenue; however, neither the developer nor the E-470 Authority have indicated interest in pursuing this interchange at this time.



Infrastructure

The site has gently rolling topography that slopes towards Gramma Gulch in the southwest corner, near East 88th Avenue and Tower Road. The city has constructed storm drainage improvements in the area during the Tower Road project as part of the T88 Diversion project, which redirects some of the anticipated flows from the north to the southwest. The developer will provide internal storm drainage improvements in accordance with the T88 plans, and will also be reimbursing the city for their share of the portion already constructed downstream. The existing pond located at the northwest corner of the site, near East 96th Avenue and Tower Road, is intended to be temporary and can be relocated to a more suitable location within Prime Sites. On the PUD Concept Schematic, a large detention area is shown towards the southwest corner, where the majority of the site will naturally drain, with a smaller detention area near the northeast corner. A full drainage report will be reviewed by the Public Works Department as part of the PUD Zone Document phase of the entitlement process.

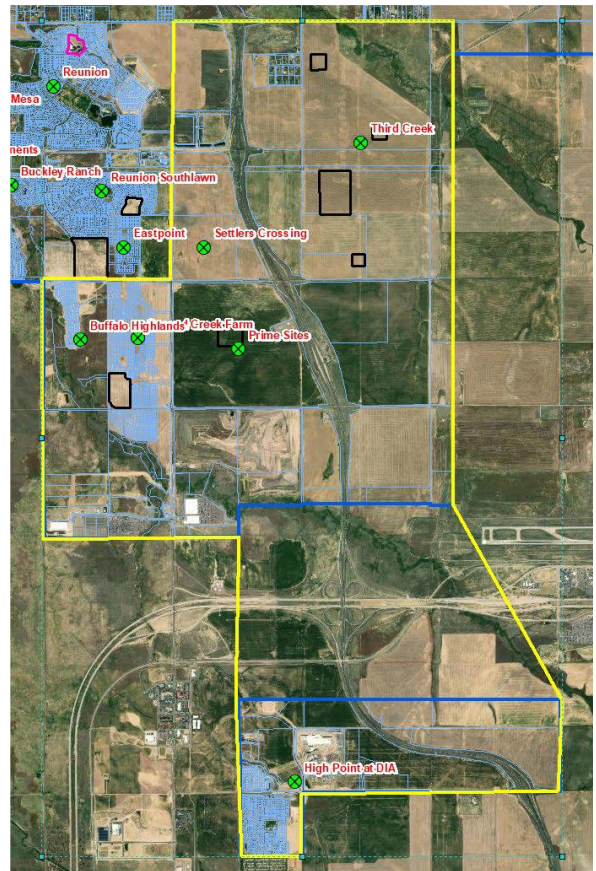
According to South Adams County Water and Sanitation District, water service is available within Tower Road along the entire western boundary of Prime Sites. Sanitary sewer service is also available to the northwest corner, at East 96th Avenue and Tower Road. The developer will be responsible for extending necessary utilities into the site, and is working with SACWSD to acquire additional ERUs as may be needed to serve the future development.

Before Prime Sites develops, the property will also be included into both the E-470 Commercial Area General Improvement District (ECAGID) and the E-470 Residential Area General Improvement District (ERAGID). This inclusion process will take place concurrently with the PUD Zone Document phase of the entitlements. At this time it is unknown if the owner intends to create a metro district to help pay for internal infrastructure.

Public Facilities

In the Comp Plan, a 35-acre middle-school and community park site is identified to be located somewhere within this area of the Prime Sites project. The middle school would draw students from a large area ranging from East 112th Avenue to the north, Rocky Mountain Arsenal National Wildlife Refuge to the west, the DIA boundary to the east, and approximately East 60th Avenue to the south in Aurora. A potential school boundary is shown to the right, and may vary depending on actual development of these areas and future district needs.

Of the 35 acres, 25 acres would be intended for the future middle school site, and the remaining 10 acres would be dedicated to the city for a future community park, similar to Fronterra Park or Turnberry Park, with some shared facilities between the park and the school (such as parking). Designing school/park sites like this requires a smaller overall land dedication than separate school and park sites due to the shared facilities. Brighton School District 27J has provided location guidelines which desire for the school to be generally centrally located within the residential neighborhood to provide easy access to the surrounding residents.



Tower Landfill

Adjacent to Prime Sites, to the south of East 88th Avenue, lies the Tower Landfill, which is an active non-hazardous solid and liquid waste disposal site operated by Allied Waste and serving much of the Denver Metro Area. The landfill has 25-35 more years of active operation, and by the nature of its operation, generates noise and dust and produces certain gases and odors. As noted in the Comp Plan, policy direction for the E-470 Influence Area includes providing buffering from Tower Landfill to residential development to help mitigate these potential impacts. Other relevant policies in the Comp Plan include PF 1.11 (Public Facilities and Infrastructure), which promotes the provision of adequate buffers for the Tower Landfill to prevent the encroachment of incompatible land uses; and EC 8.4 (Environmental Conservation and Stewardship), which seeks to avoid developing residential uses near existing or

former landfill sites to protect residents from methane gas and other negative landfill externalities. Non-residential developments also should include measures to protect workers from methane gas.

During the review process for the PUD Concept Schematic, Allied Waste provided comments regarding the buffer from Tower Landfill. One of the key comments regarding the proposed land use layout included the request for a 500-foot depth passive buffer (landscape berm with vegetation and no hardscape) along the southern boundary of Prime Sites, and then the 1,000-foot depth Office/Flex land use area to the north of the passive buffer, for a total of 1,500-feet between the landfill and any residential development. Non-residential development within the Office/Flex land use area is requested to be located to the north of that area, with the southern portion reserved for parking and storage types of purposes for an additional buffer for workers. The intent of this 1,500-foot buffer is to alleviate any concerns relating to potential gas and groundwater migration issues and operating concerns related, but not limited to, noise, truck traffic, litter, and dust.

Tri-County Health Department (TCHD) also provided comments pertaining to best practices for development near active landfills. One recommended best management practice is identifying buffer areas for land directly adjacent to the landfill which will experience greater impacts, such as noise, odors, and dust. Identifying these areas within a certain distance of the Tower Landfill could allow the applicant to specify appropriate land uses, transportation corridors, and landscape and topography treatments that will mitigate such impacts. For examples, more compatible uses such as industrial and commercial uses would be allowed in this area with residential and public uses prohibited in order to ensure greater land use compatibility. Another common best practice is the use of berms to reduce noise and dust impacts, which the applicant could make a requirement for landscape area within the buffer area. TCHD also commonly recommends completing a flammable gas investigation plan for any new development located within 1,000 feet of landfills since flammable gases from decomposing organic matter can migrate underground from the source.

As currently proposed, the PUD Concept Schematic shows an approximately 900-foot depth from East 88th Avenue for the Office/Flex land use area, which could contain such uses as offices, flex space, light industrial and high tech uses, with supporting commercial uses including retail, restaurants, and hotels. Combined with the required 120 feet right-of-way for East 88th Avenue and 80 feet of right-of-way for a major collector separating the Office/Flex and Residential land use areas, and the total distance separation from Tower Landfill to the nearest residential use would be approximately 1,100 feet. The concept schematic also includes notes regarding the buffer, stating that enhanced landscaping will be required along East 88th Avenue and that buildings in the Office/Flex land use area will be encouraged to be closer to the internal roadways with parking areas along East 88th Avenue.

Other Site Constraints

Along the east side of this portion of Prime Sites, adjacent to the E-470 right-of-way, the City of Aurora has an existing 16-acre water pump station site. This site is partially developed and largely unmanned, and has space for some future expansion. An aerial image is shown to the right for reference.



In addition, a future oil and gas drilling site has been identified on the to the south of the pump station. As of August 2018, this location was pending approval by the Colorado Oil and Gas Conservation Commission (COGCC). This location could potentially have 16 wells, and would consist of approximately 6 acres after the initial drilling phase is completed. The long-term operational timeframe of this site could be 25 to 30 years. Any oil and gas development has a separate land use application and process, and is not impacted by this zoning application. However, the zoning can take into account potential impacts to the surrounding development by determining appropriate land uses and buffers from this well site. The Prime Sites PUD Concept Schematic shows the state-regulated 500-foot building setback, which appears to only affect the Commercial and Office/Flex land use areas. To the east of E-470, there are several gas transmission and hazardous liquid pipelines which may impact Phase 2 of the Prime Sites developemnt; however, these are not relevant to the current case under review.

PUD Process/Next Steps

1. PUD Concept Schematic
 - a. DRT Team analysis
 - b. Planning Commission review and comment (**Current Application**)
2. PUD Zone Document
 - a. Planning Division works with applicant on PUD Zone Document material
 - b. DRT analysis of the PUD Zone Document
 - c. Applicant revises submittal as necessary until the document is ready for Public Hearing
 - d. PUD Zone Document is reviewed by Planning Commission at a public hearing and a recommendation is made to City Council
 - e. PUD Zone Document is reviewed by City Council at a public hearing and City Council votes to approve, approve with conditions, or deny the PUD Zone Document.
3. PUD Development Permit
 - a. Applicants submit PUD Development Permits for administrative review and approval

Planning Commission Feedback on Proposal

The PUD Concept Schematic does not require 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:

1. Proposed configuration of Land Use Areas
 - a. Adequate buffer from Tower Landfill?
 - b. Slightly increase residential density to help offset school/park dedication?
2. Potential allowed uses in each Land Use area
3. Roadway Location & Connectivity
4. Alteration of Dunkirk Street/Himalaya Road alignment
5. Considerations of land uses or buffer near oil and gas wells

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