



STAFF REPORT

Planning Commission

CASE #Z-777-02-03-19

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|-------------------|---|----------------------|--|
| PC Date: | April 2, 2019 | Case Planner: | Brad Callender |
| CC Date: | N/A | | |
| Location: | South of E 103 rd Place (Private), east of Altura Street, and west of Chambers Road in the Aspen Hills development | | |
| Applicant: | Southwestern Property Corp. | Owner: | SW 104 th LLC |
| Address: | 5613 DTC Pkwy., Suite 810 Greenwood Village, CO 80111 | Address: | 5613 DTC Pkwy., Suite 810 Greenwood Village, CO 80111 |

Case Summary

| | |
|-------------------------------|---|
| Request: | Planning Commission review of a PUD Concept Schematic |
| Project Description: | The applicant wishes to develop the subject property with townhomes and indoor climate controlled mini-storage on property currently designated for commercial uses only. |
| Discussion Topics: | <ul style="list-style-type: none">• Comprehensive Plan/Future Land Use Plan• Proposed Land Uses |
| Key Approval Criteria: | None. A PUD Concept Schematic is neither approved or denied. The purpose of a PUD Concept Schematic is to provide informal 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) |
| Comp Plan Designation: | Commercial |

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

- ☒ Applicant's Narrative Summary
- ☒ PUD Concept Schematic

- ☒ Vicinity Map

Background Information

Site Information

| | |
|-------------------------------|---|
| Site Size: | ±7.161 Acres (Lot 10 in Aspen Hills) |
| Current Conditions: | Vacant and undeveloped |
| Existing Right-of-Way: | Altura Street to the west, East 103 rd Place (private) to the north, and Chambers Road to the east |
| Neighborhood: | Aspen Hills |
| Existing Buildings: | None |
| Buildings to Remain? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 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 | Commercial | Prestige Preschool Academy, Popeyes, UC Health Emergency Room, Dion's, Perfect Teeth, & North Range Eye Care (under construction) | PUD & C-2 |
| South | Utility | Public Service Company of Colorado (electric transmission lines) | PUD |
| East | Undeveloped | Undeveloped commercial lot in Aspen Hills | PUD |
| West | Residential | Aspen Hills multi-family development | PUD |

Case History

The relevant case history for the subject property is provided below.

| <u>Case</u> | <u>Date</u> | <u>Request</u> | <u>Action</u> |
|-------------|-------------|---|---------------------------------|
| AN-099-88 | 11/7/88 | Annexed ±195 acres located south of E 104 th Avenue, west of Chambers Road, and east of Blackhawk Street from ADCO into Commerce City, including the subject property at Altura Street and Chambers Road | Approved |
| Z-503-89 | 2/20/89 | Rezoned ±79 acres from ADCO A-3 zoning to PUD, including the subject property at Altura Street and Chambers Road | Approved with Conditions |
| Z-777-02 | 1/27/03 | PUD Zone Document for Aspen Hills | Approved |
| S-533-08 | 8/5/08 | Subdivision Plat for Aspen Hills (subdivided one lot for First Bank) | Approved |
| S-614-14 | 2/16/16 | Subdivision Plat for Aspen Hills (subdivided 10 lots for future development) | Approved |

Applicant's Request

The applicant has submitted this PUC Concept Schematic for Lot 10 in Aspen Hills to gain feedback and comments on the change to allowed land uses, prior to submitting a complete PUD Zone Document Amendment. Lot 10 in Aspen Hills is one of the remaining undeveloped lots in the commercial portion of Aspen Hills. Lot 10 is located south of East 103rd Place (private), east of Altura Street, and west of Chambers Road. The applicant is requesting to change the allowed land uses on Lot 10 to include multi-family development. The applicant proposes to develop the site with 180 townhomes and an indoor climate controlled mini-storage facility. The applicant's narrative states the request is being made to allow townhome development based upon changing economic conditions. The applicant's narrative further states the site has not been able to attract an interested commercial user and the strong need for high-density housing within a community commercial center has become increasingly relevant within the neighborhood.

Development Review Team Analysis

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

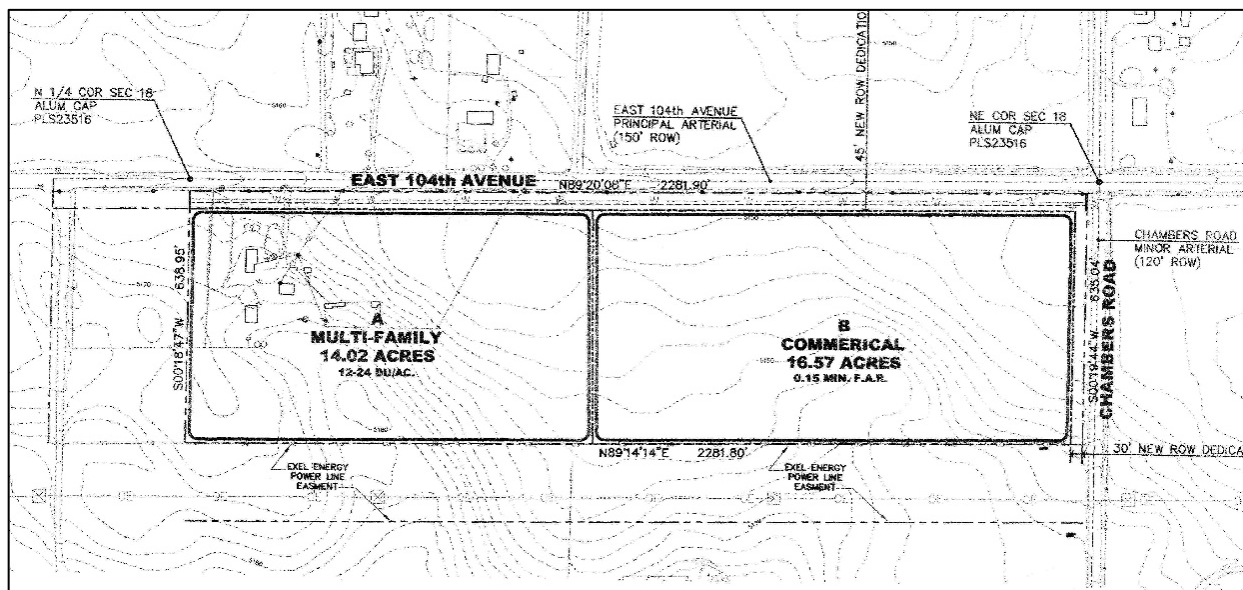
PUD Concept Schematics:

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 occurred. 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. The Planning Commission will have an opportunity to review the future PUD Zone Document and make comments and recommendations to City Council.

Aspen Hills PUD Background:

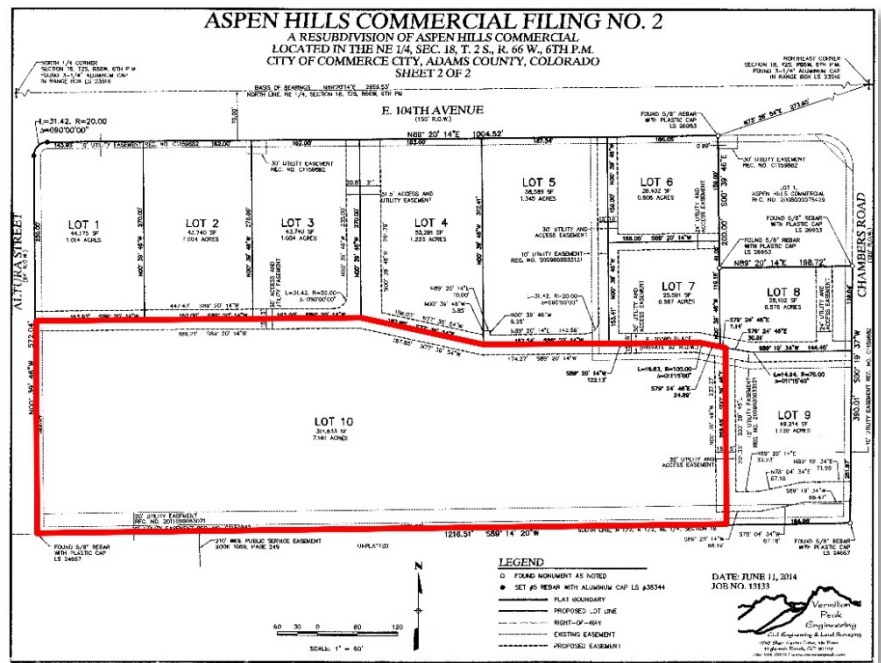
PUD Zone Document:

Aspen Hills was rezoned to PUD back in 1989. In 2003, the current PUD Zone Document for Aspen Hills was approved. The current PUD Zone Document is comprised of two planning areas. Planning Area A is a ± 14.02 acre portion of the PUD located on the south side of E 104th Avenue and west of Altura Street. Planning Area A is designated for multi-family uses. Planning Area A has been entirely developed for multi-family, with the last phase of units currently under construction. Planning Area B is a ± 16.57 acre area located south of E 104th Avenue, west of Chambers Road, and east of Altura Street. Planning Area B is designated for commercial uses only. The current PUD Zone Document states the allowed commercial uses in Planning Area B include supermarkets, retail, convenience retail, eating and drinking establishments, entertainment, lodging, health clubs, offices, childcare, parks, community centers, civic buildings, liquor stores, gas stations, banks and financial institutions, and transit connections. Of the 11 total lots located in Planning Area B, 6 lots have been developed, 2 lots are currently approved for new development, and 3 lots remain undeveloped (including the subject property).



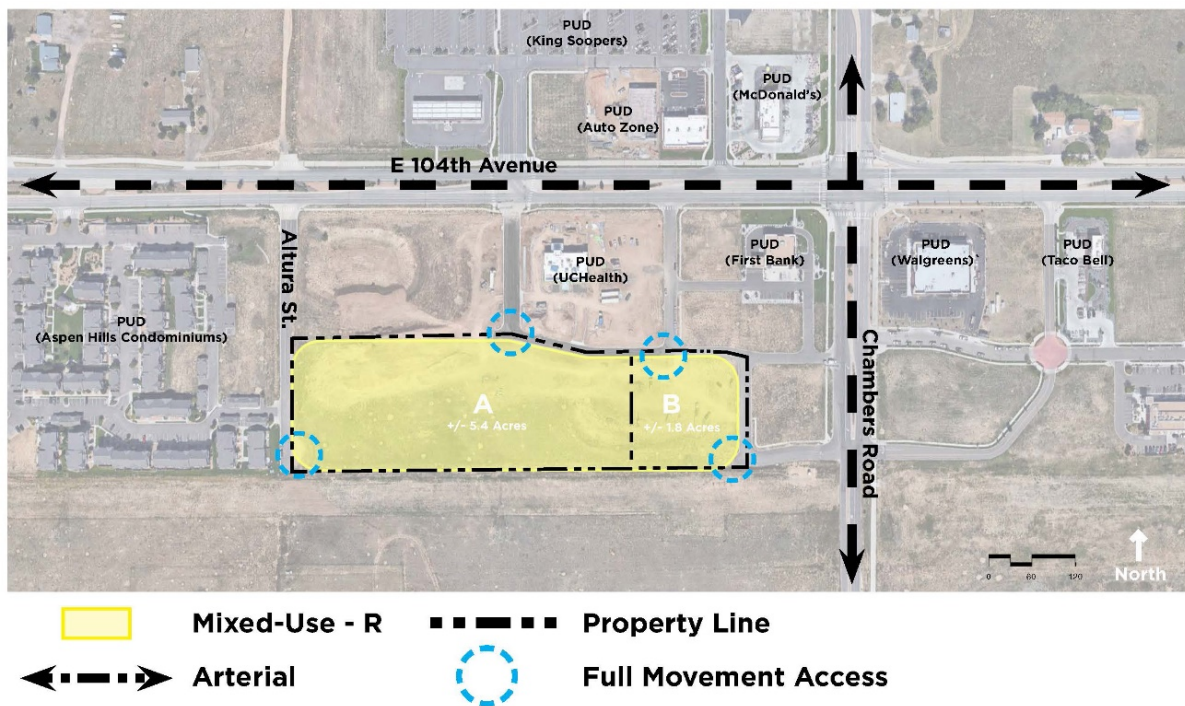
Subdivision Plat (Commercial Portion Only):

The most recent subdivision plat for the commercial portion of Aspen Hills was recorded on February 16, 2016. As shown in the image to the right, the subject property for this request is Lot 10 (outlined in red).



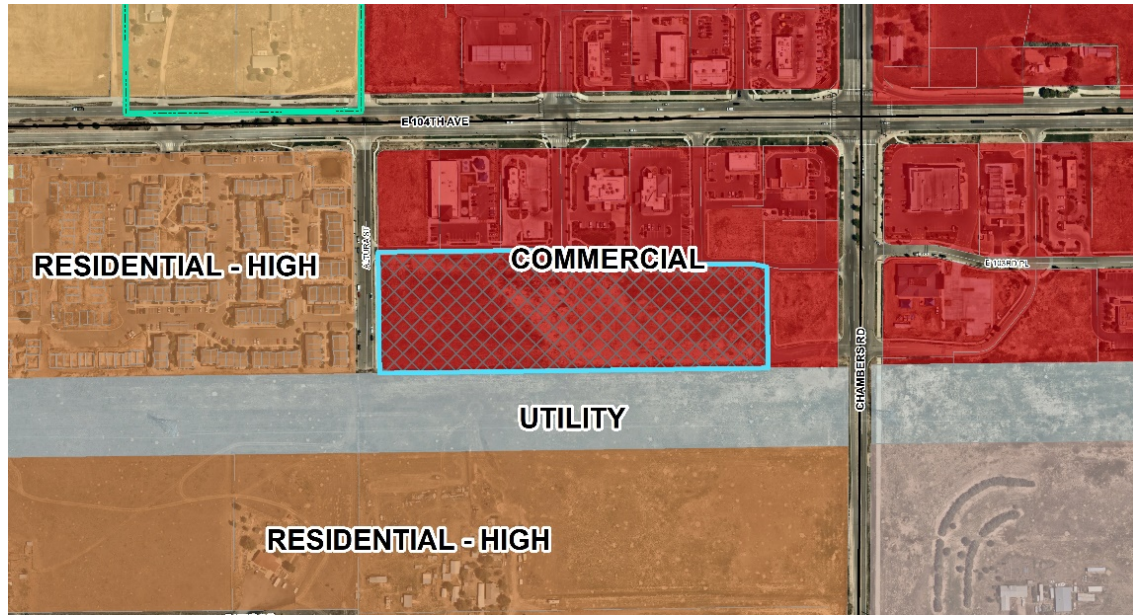
Proposed PUD Concept Schematic:

The applicant proposes to change the allowed uses for Lot 10 in the Aspen Hills PUD to allow development for 2 lots, with one containing multi-family and one with indoor climate controlled mini-storage. Currently, Lot 10 of the Aspen Hills PUD is designated for commercial uses as part of Planning Area B described above. The applicant proposes the multi-family component will be approximately 5.4 acres in size and will contain 180 townhome units. The applicant proposes to develop the remaining 1.8 acres with an indoor climate controlled mini-storage facility. Access to the site will be via existing street connections as identified in the PUD Concept Schematic below.



Comprehensive Plan:

The subject property is designated Commercial on the Future Land Use Plan. The Commercial land use category is described in the Comprehensive Plan as allowing for retail, commercial, office, and other services and is appropriate in commercial centers, and commercial areas designated along arterial streets or within mixed-use developments. The Comprehensive Plan further states that developments within the Commercial designation should be accessed from arterial streets and should be convenient to transit routes and stops.



The Comprehensive Plan describes primary land uses appropriate for the Commercial category as retail at different scales to serve neighborhoods or the community. Uses should generally include land uses such as restaurants, shops, financial services, medical, dental, and veterinary offices as well as day care centers, senior housing, gas stations, and hotels.

The Comprehensive Plan also describes secondary land uses appropriate for the Commercial category. Secondary land uses include schools, open space, libraries, and other public uses and facilities, and limited high-density residential. The Comprehensive Plan states high-density residential may be allowed in some but not all, as part of a horizontal or vertical mixed-use project. The DRT concluded that for the reasons described above, the project would be categorized as a horizontal mixed-use development and would not require the need for a Future Land Use Plan Amendment to allow for multi-family development on the site.

Referral Comments:

The Economic Development Division provided feedback regarding the proposed PUD Concept Schematic. The Economic Development team stated they cannot support the land uses of indoor climate controlled mini-storage and multi-family housing proposed in the PUD Concept Schematic. The ED team further states the change would diminish the opportunity to locate businesses in the Commerce City community that meet the Economic Development directive.

Market Analysis:

The DRT requested the applicant to provide a market research analysis to address the claims by the applicant that the property was no longer a viable commercial property. The applicant provided two market analyses in response to the DRT's request. The first analysis performed by Newmark Knight

Frank concluded the highest and best use for the property would be multi-family residential use based on adequate demand for multi-family in the regional context. The second analysis performed by Apartment Appraisers Consultants concluded there is demand for approximately 300 apartment units in the area around the subject property.

Pros & Cons:

Advantages in allowing the site to be changed from commercial to multi-family residential development include the following:

- Compliance with the intent of Comprehensive Plan Goal HN 2, increasing housing types to meet current and future needs
- Compliance with the intent of Comprehensive Plan Goal LU 5, establish mixed-use centers as a primary location for jobs, retail, civic activity, and high density housing

Disadvantages of removing entitled commercial land with multi-family residential development include the following:

- Loss of viable, entitled commercial land near a Community Commercial Center (as identified on the Future Land Use Plan at the intersection of E 104th Avenue and Chambers Road)
- Difficulty in maintaining compliance with Comprehensive Plan Goal ED 3, recruit new employment and commercial development; Changing the allowed uses on the site to multi-family would diminish the amount of available commercial land in the Northern Range as identified by the Economic Development team above

Planning Commission Feedback on Proposal

The PUD Concept Schematic does not necessitate action by the Planning Commission. The PUD Concept Schematic is presented as an informational item so that the applicant has a clearer understanding of general direction on whether or not the applicant should proceed with a PUD Zone Document Amendment. The Planning Commission is encouraged to comment on the PUD 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 uses at this location, primarily allowing indoor climate controlled mini-storage
- B. Replacing entitled commercial development with multi-family development (townhomes)