



# STAFF REPORT

## Planning Commission

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### CASE #Z-695-98-19

**PC Date:** March 5, 2019

**Case Planner:** Robin Kerns

**CC Date:** April 15, 2019

**Location:** South-West Corner of E. 120<sup>th</sup> Avenue & Chambers Road (Lots 1 thru 4)

**Applicant / Owner:** Wall Development Group  
4201 E. Yale Avenue, Suite 140  
Denver, CO 80222

120th & Chambers, LLC  
905 W. 124th Ave., Suite 210  
Westminster, CO 80234

City of Commerce City  
7887 E. 60<sup>th</sup> Avenue  
Commerce City, CO 80022

YFP LLC  
600 Towne Centre Blvd., Suite 109  
Pineville, NC 28134-8472

H and A Storage LLC  
10050 W 41st Ave, Unit 202  
Wheat Ridge, CO 80033-4123

### Case Summary

**Request:** The applicants are requesting to amend The Villages at Buffalo Run West Planned Unit Development (PUD) Zone Document by updating and modernizing the commercial uses. The allowed bulk standards (height, setback, and design) are not changing.

**Project Description:** The original PUD for the Villages at Buffalo Run West area was established in 1999 to allow for the coordinated development of a large residential area and associated commercial area, in the Northern Range of Commerce City.  
The subject zoning amendments are meant to preserve the existing residential areas, which remain unchanged from the original PUD Zone Document, while updating and modernizing the permitted commercial uses allowed on Lots 1 thru 4 at the south west corner of E. 120<sup>th</sup> Ave. and Chambers Road.

**Issues/Concerns:**

- Conformance with Commercial Land Uses
- Clarification of existing PUD requirements

**Key Approval Criteria:** - Compliance with the Comprehensive Plan

**Staff Recommendation:** Approval

**Current Zone District:** PUD (Planned Unit Development District)

**Comp Plan Designation:** Commercial

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

- |  |   |
|--|---|
| <input type="checkbox"/> Applicant's Narrative Summary                     | <input checked="" type="checkbox"/> Vicinity Map                |
| <input checked="" type="checkbox"/> Development Review Team Recommendation | <input type="checkbox"/> Neighborhood Meeting Notes             |
| <input type="checkbox"/> Site Plan   | <input checked="" type="checkbox"/> Amended PUD Zoning Document |
| <input checked="" type="checkbox"/> Existing PUD Zoning Document           | <input type="checkbox"/>  |

## Background Information

### Site Information

<b>Site Size:</b>	352,459 sq. ft., or 8.0913 acres, more or less.
<b>Current Conditions:</b>	Partially Developed (2 of 4 Lots)
<b>Existing Right-of-Way:</b>	E. 120 <sup>th</sup> Avenue to the North, Cameron Drive to the West, and Chambers Road to the East
<b>Neighborhood:</b>	Villages at Buffalo Run West
<b>Existing Buildings:</b>	Yes, 2 of 4 lots developed
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input 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	Brighton
<b>South</b>	Residential	Villages at Buffalo Run West	PUD
<b>East</b>	Commercial	Villages at Buffalo Run East (Vacant Land)	PUD
<b>West</b>	Residential / Right of Way	Villages at Buffalo Run West / CDOT	PUD / NA

### Case History

In 1999, the original PUD Zone Document for the subject area was approved with conditions. In 2000, the residential area was platted. The subject commercial area was platted in 2017 when development was anticipated.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-695-98	June 7, 1999	PUD Zone Document	<b>Approval with Conditions</b>
S-313-00	June 15, 2000	Plat Residential Lots	<b>Approval</b>
S-669-17	May 16, 2017	Plat Commercial Lots	<b>Approval</b>

## Applicant's Request

The subject commercial area, located at the southwest corner of E. 120<sup>th</sup> Avenue and Chambers Road, is part of the existing Villages at Buffalo Run West PUD, which includes; approximately 81 acres of Residential development that has been fully developed with single family detached dwelling units, 9 acres of Public Park/Detention which has been developed as such, and 8 acres of Commercial development that is only partially developed. The Villages at Buffalo Run West PUD was approved in 1999, and in that time the residential area consisting of 446 units was fully built out within the first 5-6 years. There are no changes proposed to the residential areas. However, the commercial area, which consists of 4 lots has struggled to attract development, with only 2 of the lots developing in the past 2 of 20 years.

Within a PUD Zone Document there is typically a list of allowed and permitted uses. Given that the Villages at Buffalo Run West PUD was one of the first approved PUD's within the Northern Range, and is nearly 20 years old, it has a limited Commercial Use list that no longer reflects changes in the market. It also lacks adaptive language that current PUDs include to allow for a better understanding of what city requirements to apply and how to address uses that are still as yet unforeseen in the commercial market. Thus, this request is to update the List of Permitted Uses in the Commercial Planning Area, to make all existing uses legal and conforming, and to include clarification notes regarding commercial uses that are typical of current PUD Zone Documents. Please note that there are no plans to change or update the already approved bulk (height, setback, lot coverage) or design/architecture elements of these lots.

## Development Review Team Analysis

As changes occur in the Commercial Market within Commerce City as a whole, in the Northern Range more specifically, and changing trends regionally and nationally, a review and update of the Villages at Buffalo Run West PUD Zone Document has been initiated. The commercial areas along E. 120<sup>th</sup> Avenue, between I-76 and E-470 are experiencing a number of infrastructure changes associated with continued growth in the Northern Range. Currently, E. 120<sup>th</sup> Avenue is an undersized 2-lane roadway, but is designated as a Principle Arterial, with plans for full build out that include a minimum of 6 travels lanes. This area of E. 120<sup>th</sup> Avenue is intersected by a couple of major roads; Chambers Road (Minor Arterial) and High Plains Parkway (Principle Arterial), see Exhibit 1 below.



The subject commercial area of the Villages at Buffalo Run West PUD, which is currently represented by 4 separate Lots and 1 Drainage Tract, is located at the southwest corner of Chambers Road (Minor Arterial) and E. 120<sup>th</sup> Avenue (Principle Arterial). According to the Comprehensive Plan & Future Land Use Plan Map (see exhibit 2.), this location is designated as a Local Commercial Center. Centers are associated with larger intersections and roadways which can support greater levels of commercial activity. The Development Review Team (DRT) generally equates this level of commercial intensity with a Commercial 3 (C-3) designation.



Currently, the PUD Zone Document, which was adopted in June, 1999, has an antiquated list of Commercial Allowed Uses that does not explicitly include several land uses that the commercial market has begun to demand. Additionally, the PUD zone document does not include any additional language related to “Unclassified or Unlisted Uses”, or additional compliance information that is commonly found within other, more current PUD Zone Documents within the city.

Working with the existing property owners in the Villages at Buffalo Run West PUD Commercial Area, revisions to the Commercial - Permitted Uses List represents a move toward modernizing the existing PUD Zoning Document while making all the existing uses legal and conforming.

### **Proposed Revisions**

The proposed amendments address a number of issues that are mentioned above within the PUD Zone Document. The changes that are made do not impact the design guidelines, bulk standards, or the sub area master plan. Each of the amendments proposed have been reviewed to align with the goals of the Comprehensive Plan.

The Villages at Buffalo Run West PUD is a document that impacts all properties in the associated planning area, both Residential and Commercial. However, the amendments proposed are limited in impact to just those lots within the Commercial Land Use Area, and expand the permitted uses and associated general notes. No changes are proposed to the residential areas. With this proposed PUD Zone Document Amendment, the expectation is that as the commercial market associated with the Commerce City Northern Range continues to grow and mature in the future years, no additional amendments should be necessary.

In addition, DRT supports allowing indoor climate controlled self-storage without outdoor storage in commercial zoning districts, especially at this location. Traditional self-storage, sometimes called mini-storage or mini-warehousing, is typified by long rows of connected storage units with roll-up doors open to the outdoors and often clustered in groups of buildings constructed to a minimal industrial standard. Staff believes that the aesthetics, operation, and activity level of indoor climate controlled self-storage buildings (without outdoor storage) can be compatible with commercial uses and that these facilities could benefit the community by providing more opportunity for these facilities to be located closer to where the majority of users are located. In the case of interior access self-storage, a building’s facade should emulate commercial design standards. Staff notes that commercial zoned areas are frequently located in close proximity to residential zoned areas within the city. Essentially, staff feels that if the self-storage building can act like and look similar to an office type building, it should be compatible with commercial type development. At this particular location, the indoor self-storage can function as a good transition use, between residential and traditional commercial, through limited hours of operation, less traffic and noise than a regular retail use, and less garbage and odors that may be associated with the back side of traditional commercial uses.

The following table identifies the proposed amendments to this PUD Zone Document. The amendments are categorized by sheet. Some amendments impact all sheets within the zone document while others effect a single sheet.

**Table of Proposed Amendments:**

Amendment		Rationale
All Sheets	Change title to PUD Zone Document Amendment #1	First amendment to the Villages at Buffalo Run West PUD.
Sheet 2	<b>Existing:</b> 1. Places for the conduct of any retail business supplying the daily needs of family life. <b>Proposed:</b> 1. Retail Establishments excluding retail marijuana, pawn shop or sexually oriented businesses	Clarification for users; no change to land use process status
	<b>Existing:</b> 2. Places serving food and/or beverages where such products are consumed within a building or take out including drive-up service. <b>Proposed:</b> 2. Eating and Drinking Establishments including drive-thru/up service	Clarification for users; no change to land use process status
	<b>Existing:</b> 3. Banks and savings and loan associations <b>Proposed:</b> 3. Financial Institutions	Clarification for users; no change to land use process status
	<b>Existing:</b> 4. General, professional, and medical offices <b>Proposed:</b> 4. General Office	Clarification for users; no change to land use process status
	<b>Existing:</b> 5. Personal service shops, such as barber, beauty shops. 6. Studios, such as photography and art studios. 8. Dry cleaning and laundries. <b>Proposed:</b> 5. Personal Services, including, without limitation, dry cleaning, barber and beauty shops, and studios such as photography and art studios, and instructional services.	Consolidation and clarification for users; no change to land use process status
	<b>Existing:</b> 9. Clinics for health care and fitness. <b>Proposed:</b> 7. Urgent Care, Medical/Dental Office, Healthcare Clinics, Outpatient Surgical Center	Clarification for users; no change to land use process status
	<b>Existing:</b> 9. Clinics for health care and fitness. <b>Proposed:</b> 8. Outdoor/Indoor Recreation or Amusement Facilities	Clarification for users; no change to land use process status
	<b>Existing:</b> 10. Printing, desktop publishing, and copying center. <b>Proposed:</b> 9. Printing & Publishing Facilities	Clarification for users; no change to land use process status
	<b>Existing:</b> 11. Day-care centers <b>Proposed:</b> 10. Day-care Facilities or Schools	Clarification for users; no change to land use process status
Sheet 2	<b>Existing:</b> 12. Small Animal and Veterinary clinics without boarding facilities except for animals being treated <b>Proposed:</b> 11. Animal Services excluding boarding facilities except for animals being treated	Clarification for users; no change to land use process status

<b>Existing:</b> 13. Post Office, 14. Library <b>Proposed:</b> 12. Governmental or Quasi-Governmental Facilities	Consolidation and clarification for users; no change to land use process status
<b>Existing:</b> 16 Churches <b>Proposed:</b> 16. Religious Institutions	Clarification for users; no change to land use process status
<b>Existing:</b> N.A. <b>Proposed:</b> 17. Indoor Climate Controlled Self-Storage without Outdoor Storage	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 18. Vehicle/Equipment Sales and Services	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 19. Hotel or Motel Lodging Establishments	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 20. Microbrewery or Micro-winery	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 21. Private Lodge or Club	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 22. Assisted Living Facility	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 23. Nursing Home	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 24. Educational Facilities	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
<b>Existing:</b> N.A. <b>Proposed:</b> 25. Repair Services (Not Including Vehicles)	Modernize the Land Use Table to reflect establishments that are often found within thriving commercial districts.
Amend Land Use Note (1) Indoor climate controlled self-storage • Shall be allowed on Lot 4 only.	Specific design requirement to maintain higher use commercial along more intense rights-of-way.
Amend Land Use Note (2) Unclassified or unlisted uses • Any specific use not listed as a Permitted Use is prohibited unless the city determines, consistent with this note, that the use falls into one of the listed Permitted Use classifications. If a proposed use is not specifically listed as a Permitted Use, an applicant may seek a written interpretation from the director that the use falls into one of the Permitted Uses. The director shall base this determination on the following considerations: (a) whether the proposed use is similar in terms of hours of operation, traffic impacts, environmental impacts, and the potential for adverse impacts on surrounding properties; (b) whether the proposed use is typically housed in buildings or structures similar and compatible to those used to	Modernize the PUD Zone Document with Land Use Notes that provide a range of planning and implementation options to support growth of commercial districts.

	house Permitted Uses in the PUD zone district; and (c) whether the proposed use is consistent with the purpose and intent of the PUD zone document. A determination by the director that the proposed use does not fall into a Permitted Use classification may be appealed pursuant to the procedures outlined in article III of the City of Commerce City Land Development Code. Unless the director's decision is overturned on appeal, the proposed use shall be prohibited until the PUD is amended to indicate that such use is an allowed or special use permit within the PUD zone district.	
	Add Land Use Note (3) All commercial uses • All commercial uses shall comply with the requirements specified in the C-3 Commercial District chapter of the City of Commerce City Land Development Code.	Modernize the PUD Zone Document with Land Use Notes that provide a range of planning and implementation options to support growth of commercial districts.

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 PUD Zone Document amendment is consistent with all applicable City adopted plans.
<input type="checkbox"/>	The PUD Zone Document is consistent with the PUD concept schematic;	This issue does not apply to this request.
<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 requested PUD Zone Document amendment will continue to comply with the purpose and intent of the PUD district.
<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 portion of the PUD includes roadways aligned with existing roadways surrounding the site, and internal sidewalks creating pedestrian connectivity to adjacent neighborhood.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts;	This PUD Zone Document Amendment is similar to what is currently approved for the portions of the PUD included with this request and should not result in any additional impacts beyond those associated with the current PUD Zone Document.
<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 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 proposed changes to the PUD Zone Document could not be achieved through other processes.

## Comprehensive Plan

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

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth	LU 1a	Future Land Use Plan as a Guide Use the future land use plan to guide development patterns and mix of uses
<b><u>Analysis:</u></b>	Although the subject portion of The Villages at Buffalo Run West is already zoned for commercial uses, the proposed amendments further aligns the subject area with the future land use plan as a Local Commercial Center with a variety of commercial uses. Expanding the allowed commercial uses provides more flexibility and opportunity for businesses and users of this area.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use and Growth	LU 5.1	Commercial Centers: Guide commercial development to occur in a variety of planned mixed-use centers. Discourage strip commercial development that is randomly dispersed along arterials and highways. The Future Land use Plan and related criteria designates locations for new or infill/redevelopment centers, as described below: Local Commercial Centers include: - East 112 <sup>th</sup> Avenue at Tower Road - East 112 <sup>th</sup> at US 85, and - East 120 <sup>th</sup> Avenue at Chambers Road.
<b><u>Analysis:</u></b>	The Villages at Buffalo Run West is identified as a Local Commercial Center by the comprehensive plan and is unique due to its location and the opportunity within the Northern Range. The PUD zone document is essential to the future success of the subject commercial area. Through the proposed amendments, the Villages at Buffalo Run West PUD will allow additional uses that can assist in continue to develop and grow.	

### **Summary:**

The DRT has evaluated the proposed minor amendments, to the Villages at Buffalo Run West PUD Zone Document, on their ability to implement the City's Comprehensive Plan and positively impact the community. Given the age of the existing PUD, these amendments are needed to modernize the Zone Document. They are intended to better meet the needs of the commercial market associated with the Northern Range of Commerce City by ensuring that the PUD Zone Document is clear, consistent and modern. Therefore, the DRT is recommending that Planning Commission forward a recommendation of approval to City Council for the Villages at Buffalo Run West PUD Amendment #1.

## Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a PUD Zone Document Amendment set forth in 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 located at **the south-west corner of E. 120<sup>th</sup> Avenue and Chambers Rd.** contained in case **Z-695-98-19** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the **PUD Zone Document Amendment**.

## **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 PUD Zone Document Amendment for the property located at **the south-west corner of E. 120<sup>th</sup> Avenue and Chambers Rd.** contained in case **Z-695-98-19** 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:

*Insert Condition(s)*

### ***To recommend denial:***

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property located at **the south-west corner of E. 120<sup>th</sup> Avenue and Chambers Rd.** contained in case **Z-695-98-19** 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 located at **the south-west corner of E. 120<sup>th</sup> Avenue and Chambers Rd.** contained in case **Z-695-98-19** to a future Planning Commission agenda.