

Land Use Plan Amendment



Facts to Know

RELATED FACTS TO KNOW:

Pre-Application Meeting, Neighborhood Meeting, Annexation, Zone Change, Development Plan, and Helpful Contact Information.

INTRODUCTION:

Amendments may be requested to change Future Land Use Plan designations. Land Use Plan Amendments are processed when a change in the City's Comprehensive Plan is proposed to allow a desired use of a property that is not allowed under the current land use zone for the property. **There are two types of amendments: Major and Minor (properties that are fewer than 8-acres in size).**

GENERAL TIMEFRAME:

- ☐ The length of time to process a land use plan amendment can vary depending on the complexity of the request, or if there are unique circumstances. Amendments are often complex applications that require comprehensive review by staff. However, they can generally be processed in the following timeframe:
 - ➔ Major Land Use Plan Amendments: 6 months
 - ➔ Minor Land Use Plan Amendments: 3 months
- ☐ In order to maximize the efficient processing of an application, **it is in the applicant's best interest to ensure that a complete and thorough application has been submitted** and that any subsequent submittals adequately address comments that were provided.
- ☐ **No building permit may be submitted for review until all development review applications have been approved.**

GENERAL NOTES:

- ☐ Plan Amendments may also involve minor changes to the Future Land Use Plan map or text to correct errors, which may occur administratively.
- ☐ Minor Land Use Plan Amendments apply to properties that are fewer than 8 acres in size, including small minor changes to the map. Minor Amendments cannot include a change to the goals, objectives, policies, or text of the Comprehensive Plan, unless the text amendment(s) are directly related to the Minor Land Use Plan Amendments.
- ☐ All Major Plan Amendments shall be considered by the Planning Commission and City Council.

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☐ Review:

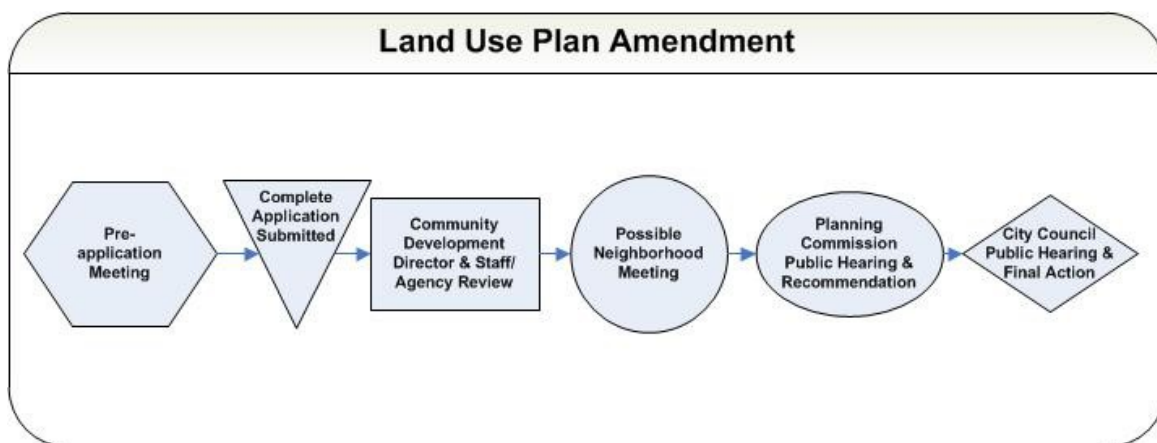
➔ Based on its consideration of the recommendations from staff, Planning Commission, and evidence from public hearings, the City Council could then adopt the Major Plan Amendment (with or without further revisions), or reject it.

☐ Minor Plan Amendments shall be considered by the Community Development Director, who reserves the option to have the proposed Plan Amendment considered by the Planning Commission and City Council.

☐ Occasionally, the city may require a neighborhood meeting when it appears that an application may have impacts to the surrounding area.

☐ Substantive plan amendment may occur upon request by a landowner and/or reviewed as part of the periodic amendment schedule.

LAND USE PLAN AMENDMENT REVIEW FLOWCHART:



REVIEW PROCESS:

☐ A request for a Land Use Plan Amendment is usually initiated by the property owner or a qualified representative following the Pre-Application process.

☐ A complete application is submitted for city review.

➔ At the time of submittal, staff will determine if the application is complete (**incomplete applications will not be accepted and will be returned without review**).

➔ The city will refer the application to various city departments and outside organizations for review and comment.

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- ➔ After a review period of roughly three weeks, the case will be discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the applicant will receive a comment letter that identifies necessary revisions and questions to be answered.
- ➔ The applicant will address these revisions and resubmit to the city for an additional review cycle of approximately two weeks. The need for subsequent resubmittals may continue until all comments are resolved and the application is ready for either of the following:
 - Major Amendments will proceed to the public hearing process (generally, an application needs to be ready for public hearing about half-way through the month before it is heard by the Planning Commission).
 - Minor Amendments will be considered by the Community Development Director for approval.
- ❑ Once a Major Amendment application is ready for public hearing, but prior to the hearing, the property will be posted with a sign for 7 to 10 days, a public hearing notice will be placed in the newspaper, and neighbors will be notified in writing of the request. This process will occur for both Planning Commission and City Council hearings.
- ❑ A Major Land Use Plan Amendment application is required to have two public hearings. The first public hearing will take place before the Planning Commission, who will make a recommendation to the City Council as to whether to approve, approve with conditions, or deny the application. The ultimate approval or denial of a land use plan amendment application is determined by the City Council at a public hearing the month following the Planning Commission hearing. If approved, one additional City Council meeting is required for a second reading of the ordinance.
- ❑ The final approval or denial of a height exception is determined by the Board of Adjustment at a public hearing.
 - ➔ The Planning Commission meets on the 1st Tuesday of every month in the City Council Chambers located at 7887 East 60th Avenue and the meetings begin at 6 p.m.
 - ➔ The City Council hears land use cases on the 1st Monday of every month in the City Council Chambers located at 7887 East 60th Avenue and the meetings begin at 6 p.m.

LAND USE PLAN AMENDMENT APPROVAL CRITERIA:

1. The plan amendment corrects a minor technical mistake; or
2. The plan amendment meets all of the following:
 - a) It is consistent with the overall intent of the Comprehensive Plan;
 - b) The existing Plan and/or any related element thereof is in need of the proposed amendment;
 - c) It is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions and strict adherence to the Plan will result in a situation neither intended nor in keeping with other key elements and policies of the plan;

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- d) The proposed amendment will not have a negative effect on the immediate areas or on transportation, services, and facilities;
- e) The proposed amendment will have minimal effect on service provision, including adequacy or availability of urban facilities and services, and is compatible with existing and planned service provision and future development of the area;
- f) The proposed amendment, if for an area that is outside of the city's current municipal boundaries, is consistent with the city's ability to annex the property; and
- g) The proposed plan amendment will promote the public health, safety, and general welfare of the people of the city and will be consistent with the goals and policies of this Plan and the elements thereof.

SUBMITTAL REQUIREMENTS:

- ☐ Submit one copy of the development review application and applicable non-refundable fee.
- ☐ One copy of general warranty deed, with a complete legal description (often times in the form of Exhibit "A," attached to the warranty deed) for the property or properties for which the application is made.
- ☐ One copy of a certified boundary survey for the property or properties for which application is made (if required by city staff).
- ☐ Fifteen folded copies of exhibits in map form clearly showing the existing zoning, comprehensive plan categories, and acreages along with the proposed amendments.
- ☐ Fifteen (15) copies of the Land Use Amendment Narrative Questionnaire (found on subsequent pages).
- ☐ A development plan and/or a concept plan must be submitted with all applications. Please see the Facts to Know for Development Plan for required information.
- ☐ One copy of an unstapled, fully legible, reproducible 8-1/2 inch by 11-inch, or 11-inch by 17-inch copy of the oversized plans.
- ☐ One electronic copy of all application-related documents, submitted on a labeled CD-ROM or Flash drive, in .PDF or .JPG format.
- ☐ City staff may require additional information or technical studies such as drainage studies, construction plans, address plats, environmental assessments, transportation capacity analysis, school capacity, and development agreements. To assure that your application is complete, please check with city staff prior to submitting your application.
- ☐ Additionally, the Planning Commission or City Council may request from the applicant additional information or technical studies such as traffic studies, drainage studies, etc.

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NARRATIVE QUESTIONNAIRE

LAND USE PLAN/MAP AMENDMENT QUESTIONNAIRE

A. General Property Information:

1.	Property Address or Parcel Identification Number (PIN):	0172318200004
2.	Applicant's Name:	Thomas Oldenburg
3.	Property Owner's Name:	Southwestern Property Corp
4.	Current Zoning of the Subject Property:	PUD

B. Land Use Identification:

Residential (Specify Type)	Multi-Family	Non-Residential (Specify Type)	
Existing Future Land Use	Office	Existing Future Land Use	Office
Existing Use	Vacant	Existing Use	Vacant
Acres/Number of Units	Max 228 Units = 22.6 Du/ Ac	Acres/Square Feet	6.6 Acres / TBD
Requested Future Land Use	Mixed Use	Requested Future Land Use	Mixed Use
Number of Proposed Units	Up to 228 Units	Maximum Square Footage	TBD
Existing Zoning	PUD	Existing Zoning	PUD
Proposed Zoning	PUD	Proposed Zoning	PUD

Adjacent Future Land Uses	N:	Office / Medium Residential
(For example, "Commercial")	E:	High Residential
	W:	Mixed Use
	S:	Utility
Adjacent Land Uses	N:	Residential
(For example, "School")	E:	Multi-family Housing
	W:	Vacant
	S:	Utility

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C.	Specific Details <i>(Be specific! Do not answer just ‘Yes’ or ‘No.’ Applicants should explain in detail the nature of the request and why the proposal is justified (e.g., how it meets the required approval criteria listed on page #3. Prior to being determined a complete application, clear justification statements <u>must accompany amendment requests</u>. If you have any questions, please ask for assistance.)</i>
1.	What is the purpose of your proposed amendment? (Describe, in general terms, what the proposed amendment is intended to accomplish.)

The Commons at 104th Land Use Plan Amendment documents provide a detailed summary establishing the project’s compatibility with the Commerce City Comprehensive Plan. The goals, guidelines, and overall design concepts for the 16.57-acre mixed-use development are detailed within the Land Use Plan Amendment Set and the Land Use Plan/Map Amendment Questionnaire. We are requesting that the future land use designation be amended from Office/Flex to Mixed Use.

2.	Describe the desired Comprehensive Plan map designation as it relates to the property.
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The City’s Future Land Use Plan designates this property as a site for Office/Flex development. We are requesting that the future land use be amended from Office/Flex to Mixed Use in order to allow for greater flexibility & create a cohesive mixed use corridor along 104th Avenue. The Future Land Use Plan identifies a major portion of 104th Ave. from Revere St. to Potomac St as an opportunity for mixed use development. This proposal would extend the mixed use designation into our property, fitting in with the adjacent context. An office use is not being eliminated with this amendment as it is still permitted under the mixed use designation.

According to CoStar, the world leader in real estate information data, office development in the Denver MSA has historically developed along or near major highway corridors, see Exhibit B. Office developments desire a high level of vehicular access adjacent to major highway intersections. This vehicular access is required to support lease rates that can afford multi-story office buildings. This site lacks the needed access to attract and support the desired office/flex uses desired by the city. The nearest connection to I-76 is three miles away. As a result of strained access to major highways, this site has not seen any office development in the past nine years. While the site has been development ready for the same timeframe, it is apparent that further supporting residential uses are needed to attract office/commercial development. Exhibit A shows the best locations for Office space in northeast Denver.

For example, diagonally across the street from this property, see Exhibit C, is an office park containing 6 office buildings totaling approximately 55,000 square feet of office space. The location’s lack of desirability and low absorption rates resulted in 1 story buildings that took nine years to develop. The diagonal development was financially feasible due to the residential “anchor” development to the north and west. This residential project provided the perimeter streets and utilities infrastructure. The commercial sites where “pad ready” minimizing the upfront costs to the commercial developer.

Amending the Land Use Plan to Mixed Use allows for a greater variety of potential land uses. Commercial uses are allowed within the office/flex designation and will also be permitted within the mixed use designation. A mixed use designation is preferred to allow residential development to support city and applicant desired commercial uses along the 104th Ave. corridor. Our intent is to provide commercial/office land uses along 104th but also allow flexibility to provide housing to support those uses.

This amendment’s primary objective is to develop a mix of commercial and residential land uses which strive to continue the city’s high quality of life, economic prosperity, and fiscal stability. The amendment will also improve the development prospectus of the parcel.

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3. Describe what type of development is envisioned for the property proposed for change:

This Land Use Plan Amendment's primary objective is to create a vibrant community with a mix of land uses that support and connect with the regional and local context. Our vision is to develop a community providing (5) one acre office/commercial/retail pads sites along 104th Ave. A high-quality multi-family residential community will anchor the development to the south of the commercial/office pad sites. The desired land-uses are designed to work together to result in a lively, prosperous, mixed-use neighborhood that serves as an attractive place to live, work, and shop.

4. Describe the desired future zoning for the property:

The property is currently zoned as a PUD. The current PUD allows for a mix of commercial, retail, office, and senior housing. Following the Land Use Plan Amendment, a PUD concept Schematic submittal will be required to add additional flexibility within the PUD. Our intent is to add a high-density residential use to the land use table in order to provided needed support to commercial/office/retail development along 104th Ave. The site is currently broken into two mixed use planning areas, A and B. Planning area A will develop as office/commercial/retail uses while planning area B will develop as either a senior housing or high-density multi-family residential use. Our intent is to provide commercial/office land uses along 104th but also allow flexibility to provide housing to support those uses.

5. How will your proposal affect transportation, services, and facilities? (Describe how the property is currently served, or is planned to be served, by roads and other applicable transportation systems like bus, bicycle, or pedestrian (attach copies of documents from service providers regarding available or planned services, if any).

The development will provide an internal pedestrian circulation system in conjunction with the proposed internal streets. The project provides attractive streetscapes and sidewalks to improve connectivity to surrounding areas and regional amenities. A traffic impact study prepared by Aldridge Transportation Consultants, LLC dated 5/1/2018 anticipates the uses proposed. The impact study shows proposed off site street improvements to meet city standards.

6. How will your proposal affect any utility service systems? (Describe how the property is, or is planned to be, served by sewer and water (attach copies of documents from service providers regarding available or planned services, if any).

Water, sanitary sewer, gas, electric, phone, and internet services are available at the property.

7. If your proposal would create pressure to change the designations of other properties, describe how these changes would be in the best interest of the neighborhood, city, and region:

This proposal would not create pressure to change the designations of other properties because it helps execute the goals and visions found in the comprehensive plan.

8. How will your proposal benefit the community?

Amending the Land Use Plan to Mixed Use allows for a greater variety of potential land uses. Commercial uses are allowed within the office/flex designation and will also be permitted within the mixed use designation. A mixed use designation is preferred to allow residential development to support city and applicant desired commercial uses along the 104th Ave. corridor. Our intent is to provide commercial/office land uses along 104th but also allow flexibility to provide housing to support those uses.

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According to a market study done by Newmark Knight Frank, it was concluded the highest and best use for the site would be a multi-family residential use based on adequate demand for multifamily living in the regional context. Furthermore, an additional study market study done by Apartment Appraisers & Consultants, Inc. concludes that there is demand for approximately 300 apartment units in the area. These two land uses will work together to create a lively, prosperous, mixed-use neighborhood serving as an attractive place to live, work, and shop. The two market studies have been included within this submittal.

9. How does your proposal support the goals, objectives, and policies of the Comprehensive Plan?

The Commons at 104th Land Use Plan Amendment request is consistent with the City's Comprehensive Plan's guiding principles and supporting goals and policies for the following reasons:

- **Goal LU 4 – Retain existing industrial areas and land for future jobs.** The land use plan amendment is retaining designated ground for commercial/office/retail uses and providing needed residential support to ensure the success of these desired uses.
- **Goal LU 5 – Establish mixed-use centers as a primary location for jobs, retail, civic activity, and high-density housing.** The project proposes a balanced mix of commercial and residential land uses which strive to continue the city's high quality of life, economic prosperity, and fiscal stability. The amendment strives to create a complete community where residents will have employment opportunities within the local context and vice versa.
- **Goal HN 4 – Ensure neighborhood accessibility to all modes of travel.** The project is designed with the intention to create a compact, walkable, and transit-supportive mixed-use neighborhood. This development will connect with the multi-use trail along E. 104th Ave. This trail connects residents and commercial users with RTD bus stops along E. 104th Ave.
- **Goal RR 1 – Increase focus on infill development.** The project is an infill development which will be efficiently served by nearby utilities and services.
- **Goal FS 2 – Retain and increase revenue-producing land uses.** This proposal retains necessary commercial land uses along 104th Ave. and supports their economic vitality with additional residential land uses.
- **Goal ED 3 – Recruit new employment and commercial development.** The purpose of this land use amendment is to retain needed commercial/office space while also providing supporting residential land uses. These supporting uses will in turn make commercial development more attractive to the area.
- **Goal ED 4 – Attract and support quality retailers to become a more balanced city.** The development will strengthen existing and future Northern Range neighborhoods through the addition of needed commercial retail/office space. The residential land use will help support the internal and adjacent regional commercial land uses.
- **Goal HN 2 – Increase housing types to meet current and future needs.** The project will expand the variety of housing types within the regional context helping to meet the current and future housing needs of the neighborhood. The context currently consists of primarily single-family detached homes. The added high-density multi-family use will help support needed commercial retail/office/ and flex space the city desires.

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10.	Is your proposal based upon changing social values, new planning concepts, or other social or economic conditions that have changed since adoption of the Comprehensive Plan or any subsequent amendments? <input type="checkbox"/> Yes <input type="checkbox"/> No If 'Yes,' describe what new information or changed circumstances should be considered:
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Yes, the Commons at 104th Land Use Plan Amendment proposal is based on changing economic conditions. The strong need for high-density housing and retail/office space along E. 104th Avenue has become increasingly desired within the neighborhood. According to a market study done by Newmark Knight Frank, it was concluded the highest and best use for the site would be a multi-family residential use based on adequate demand for multifamily living in the regional context. Furthermore, an additional market study done by Apartment Appraisers & Consultants, Inc. concludes that there is demand for approximately 300 apartment units in the area. This proposal satisfies the need for an additional housing typology as well as transforms the neighborhood into a mixed-use community. The discussed studies have been included within this Land Use Plan Amendment submittal.

11.	How will your proposal affect the following elements of the Comprehensive Plan? (Describe both positive and negative impacts and any measures you are taking to mitigate negative impacts):
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Housing: This amendment's primary objective is to develop a mix of commercial and residential land uses which strive to continue the city's high quality of life, economic prosperity, and fiscal stability. Our intent is to provide commercial/office land uses along 104th but also allow flexibility to provide housing to support those uses.

Parks: The development will provide an internal pedestrian circulation system in conjunction with the proposed internal streets. The project provides attractive streetscapes and sidewalks to improve connectivity to the surrounding community trails and open space network.

Environmental Features: The landscaping will be designed with regionally appropriate low-water, drought tolerant plant materials. In open space and buffer yards, a naturalistic approach will be incorporated into the design. These areas will incorporate informal plantings of trees and shrub beds.

12.	How does the proposed amendment meet a definable public need?
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Amending the Land Use Plan to Mixed Use allows for a greater variety of potential land uses. Commercial uses are allowed within the office/flex designation and will also be permitted within the mixed use designation. A mixed use designation allows residential development to support city and applicant desired commercial uses along the 104th Ave. corridor. Our intent is to provide commercial/office land uses along 104th but also allow flexibility to provide housing to support those uses.