



STAFF REPORT

Planning Commission

CASE #Z-945-17-19-20

PC Date:	December 3, 2019	Case Planner:	Jenny Axmacher
CC Date:	December 16, 2019		
Location:	Property generally located on the southeast corner of Buckley Road and East 88th Avenue.		
Applicant:	Schuck DIA, LLC	Owner:	Schuck DIA, LLC
Address:	2 N. Cascade Ave. Suite 1280 Colorado Springs, CO 80903	Address:	2 N. Cascade Ave. Suite 1280 Colorado Springs, CO 80903

Case Summary

Request:	Amend the PUD Zone Document to provide the ability to administratively accommodate larger distribution/warehouse facilities within the planning areas.
Project Description:	The applicant wishes to amend the Nexus North PUD Zone Document to allow for the construction of a large warehouse distribution facility (>750,000 sq. ft.) in Planning Area (PA) 1, while maintaining the same total area of PA-3 uses (primarily flex, office, tech and research) as the original Nexus North PUD.
Issues/Concerns:	<ul style="list-style-type: none">• Allowed Land Uses• Planning Areas
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Compliance with the PUD approval criteria
Staff Recommendation:	Approval
Current Zone District:	Planned Unit Development (PUD)
Comp Plan Designation:	Office/Flex with an employment center designation

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input type="checkbox"/> Design Standards |
| <input checked="" type="checkbox"/> PUD Zone Document | <input type="checkbox"/> Traffic Study |

Background Information

Site Information

Site Size:	157.9 Acres
Current Conditions:	Undeveloped/Agricultural
Existing Right-of-Way:	88 th Avenue and Buckley Road
Neighborhood:	To be determined
Existing Buildings:	Various Agricultural Structures
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

Existing Land Use		Occupant	Zoning
North	Open space & Residential	Buffalo Highlands Development	PUD
South	DIA Technology	The Nexus at DIA Development including existing warehouse and distribution facilities	PUD
East	Residential & DIA Technology	Second Creek and associated floodway, Future single-family homes as part of the Second Creek Farms Development and additional Nexus at DIA development	PUD & PUD
West	Open Space	Rocky Mountain Arsenal National Wildlife Refuge	ADCO

Case History

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

Z-945-17:

- In April of 2018, the Planning Commission reviewed and provided feedback on a PUD Concept Schematic for this property submitted by the same applicant.

Z-945-17-19:

- In April of 2019, Council approved the Nexus North PUD Zone Document and PUD zoning designation for the newly annexed site.

Applicant's Request

The applicant states that based on feedback from potential users, there is an unmet need in Commerce City for new very large warehouse/ distribution facilities, from 750,000 to 1,000,000 + sq. ft. (commonly known as "Amazon-sized" warehouse facilities). Without such availability in desired locations within Commerce City, such large facility users have had to search elsewhere in the Denver-metro area for these facilities, primarily in Aurora.

Such large facilities and users at Nexus North would bring dozens of new jobs and a significant and stable tax base to Commerce City and to Adams County.

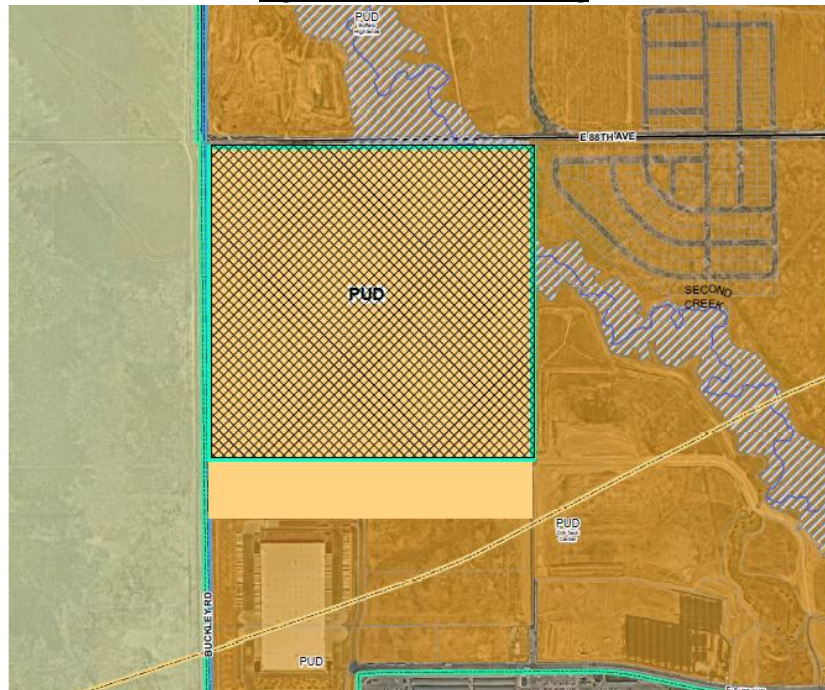
This change in the designated PUD Planning Areas to accommodate a large warehouse distribution facility would ONLY be allowable for facilities > 750,000 sq. ft. This change does NOT allow for additional smaller warehouse distribution facilities (< 750,000 sq. ft.) than was originally approved by the Nexus North PUD. This PUD Amendment also preserves the same total acreage for PA-3 uses as set forth in the original PUD, which targets flex, office, tech and research type of facilities/ users.

Development Review Team Analysis

Project Details

The applicant describes the project as an employment center that can accommodate a variety of airport related land uses including warehouses, flex space, light manufacturing, office, distribution and retail. Nexus North at DIA will be accessed from Tower Road to the east and the DIA Tech Center to the south via East 81st Avenue and East 83rd/84th Avenue. Quintero Street and Telluride Street will both extend north into this property as well.

Figure 1.1 – Current Zoning



Approved Uses

The PUD Zone Document currently allows a modified version of the I-1 Light Intensity Industrial Zone District, allowing land uses more similar to the DIA Technology Uses on the south side of the property. These DIA Technology uses transition from the south of the project to the north in PA -1. The additional uses include vehicle oriented uses, indoor auction houses, above-ground storage tanks, truck/transportation services including terminals and truck sales, warehousing and distribution, and private bus stations.

It is important to note that residential uses are prohibited in this area due to the potential conflicts created by DIA's flight patterns. Residential uses are listed as excluded in the PUD Zone Document's land use schedule on sheet 6.

The applicant's intent is to create an employment center that is attractive to the market while not going to the full extent of allowing I-2 Industrial Zone District uses.

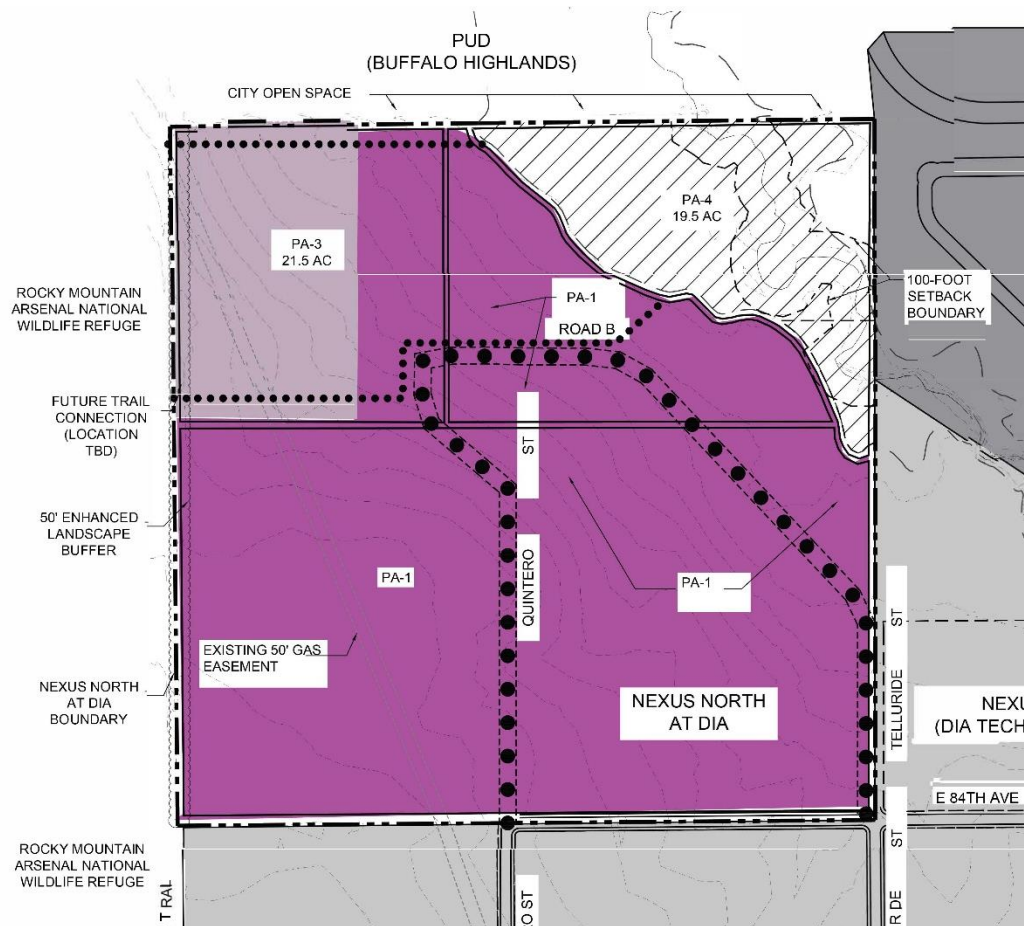
Proposed Amendment

The applicant wishes to amend the Nexus North PUD Zone Document to allow for the construction of a large warehouse distribution facility (>750,000 sq. ft.) in Planning Area (PA) 1, while maintaining the same total area of PA-3 uses (primarily flex, office, tech and research) as the original Nexus North PUD. The proposed amendment does not change any of the approved uses, bulk standards, or design standards for the project. It grants the Community Development Director the ability to administratively approve the expansion of PA-1 to allow for a warehouse distribution facility greater than 750,000 sq. ft.

This expansion of PA-1 would likely eliminate all, or a majority of, PA-2 but the applicant would be required to maintain the same amount of acreage for PA-3. PA-3 would likely move towards the north west corner of the property to accommodate the expansion of PA-1 (Figure 1.2). These changes in Planning Area configurations are only permissible for a project greater than 750,000 sq. ft. Alterations to the planning areas for projects not meeting this threshold are still permissible, but only as originally approved in the PUD, with changes to PA-1 limited to 6% and 15% for the other Planning Areas.

The Development Review Team (DRT) is supportive of this amendment because it preserves the desirable, more office intense, uses in PA-3 while accommodating a similarly desirable large-scale warehouse distribution project that would be unique in the Metro Area. The DRT is also supportive of the limited scope of the amendment; only allowing for changes in the Planning Areas for this specific type of project and preserving the overall integrity of the PUD unless a special opportunity comes along.

Figure 1.2 – Proposed Allowable Alterations to Planning Areas

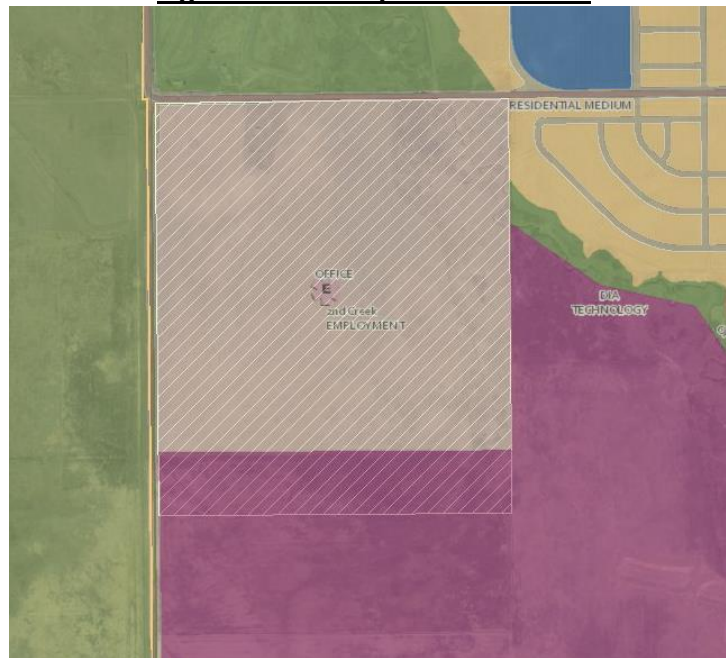


Comprehensive Plan

This property is designated for Office/Flex uses with a proposed Employment Campus/Business Center (Figure 1.2). According to the C3 Vision Plan, this classification allows for a mix of flex, high-tech space, and production uses. Generally, it is accessed off collector streets near highways and it should be convenient to transit access when feasible. Ideally, this use will be designed in a campus-like, integrated style where local transportation (streets and sidewalks), landscaping, and signage are coordinated in a master plan. Primary uses include offices and flex space. Secondary uses would allow for corporate headquarters, open space and other public uses and facilities, including educational campus uses. Retail to support the office uses, including restaurants, hotels, and conference facilities is encouraged. Related zoning designations for the Office/Flex land use category include I-1, I-2, C-3, and PUD.

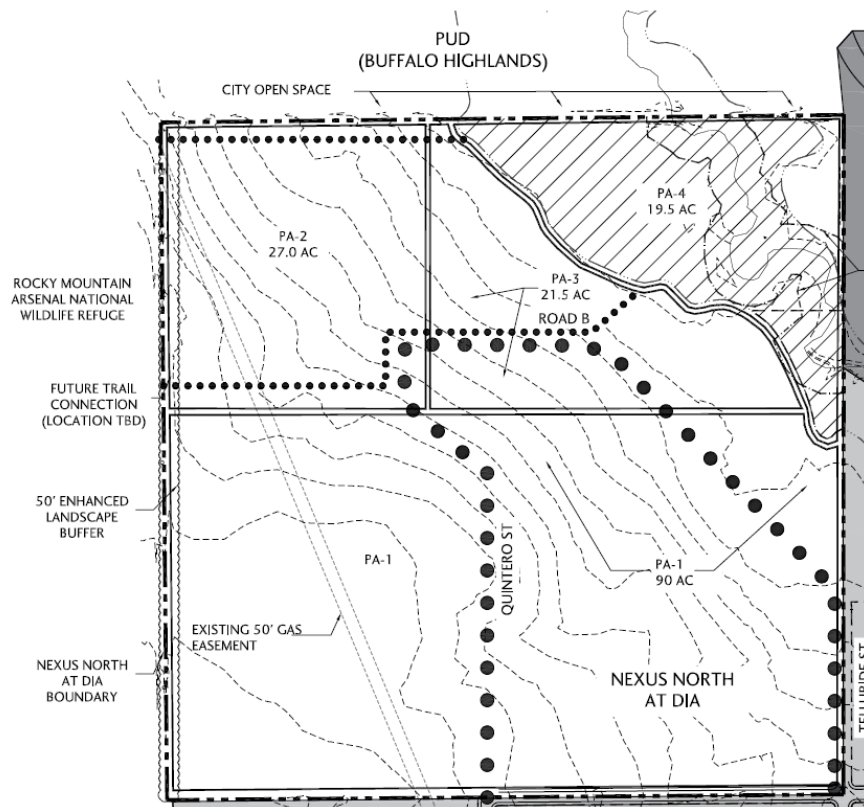
The DRT believes the proposed amendment is in harmony with the Comprehensive Plan designation for the subject property.

Figure 1.3 – Comprehensive Plan



PUD Zone Document

Figure 1.4 – Planning Areas as originally approved



Land Uses:

The applicant is proposing to allow for more intense industrial uses on the site in PA-1. The most noteworthy of these types of uses are truck/transportation services including terminals and truck sales, and warehousing and distribution uses. The intensity of industrial uses is proposed to lessen further north in PA-2 and be the least intense in PA-3, focusing more on employment and commercial uses. PA-4 is proposed to be limited to detention, open space, and floodplain uses only.

The expanded uses allowed in PA-1 become excluded or allowed only by permit in the other planning areas, with very limited public-type uses allowed in PA-4.

The approved uses in the PUD Zone Document are not proposed to change with the amendment. The amendment will allow for a larger area for the most intense uses to accommodate the development of a larger scale facility. It would also allow for the elimination of PA-2 but preserve PA-3 and the area for the least intense uses.

The design standards proposed for the site should help to mitigate the potential negative impacts of these expanded uses by requiring more aesthetically pleasing buildings and increased landscaping. Enhanced buffers along the Rocky Mountain Arsenal National Wildlife Refuge are also proposed to protect the RMANWR from any development and to provide opportunities for trail connections.

The DRT is supportive of the proposal and believes the transition of allowed uses should integrate nicely between the DIA Tech Center (Nexus at DIA) industrial development to the south and the Buffalo Highlands and Second Creek Farms residential developments to the north.

Bulk Standards:

No changes to the Bulk Standards are proposed in the PUD Amendment. The current building height, minimum lot size, and floor area ratio are greater than the existing regulations for the I-1 zone district however these changes are similar in nature to what was allowed in the DIA Tech Center PUD to the south. The rest of the bulk standards, including the setbacks, match with I-1 zone district regulations.

Design Standards and Landscaping:

The applicant has approved design standards and guidelines, including landscape standards, through a separate document. The Nexus North at DIA design standards and guidelines are authorized through the PUD Zone Document but approved by the Community Development Director. These standards will continue to apply to the project, including any buildings over 750,000 square feet.

Infrastructure:

Should a project of this magnitude move forward with a development application, updates to approved traffic and drainage studies will be considered and the applicant would work closely with the South Adams County Water and Sanitation District and South Adams County Fire Protection District to make sure the facility has adequate infrastructure. No infrastructure issues are anticipated at this time.

Next Steps:

Any further development on the site must go through administrative review in the PUD Development Permits process.

Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed PUD amendment would not create conflicts with their regulations and no objections were received.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for a PUD Zone Document Amendment outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals, and the proposal is appropriate given the surrounding area. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

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 City's plan for the subject property Office/Flex. The proposed PUD and Amendment are designed to provide this type of development.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with the PUD concept schematic	The PUD is consistent with the concept plan that was done in the Spring of 2018 and takes into account the feedback provided by the Planning Commission.
<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 proposed PUD achieves the purposes identified in Section 21-4370. The customized zoning allows for an employment center development that is sensitive to adjacent property as identified in the Comprehensive Plan.
<input checked="" type="checkbox"/>	The PUD complies with all applicable city standards	The proposed PUD meets the applicable City standards and includes language that any item governed by the Land Development Code (LDC) and not addressed by the PUD shall default to the future Design Standards or LDC.
<input checked="" type="checkbox"/>	The PUD is integrated and connected with adjacent development	The property has been integrated with adjacent property as outlined above in the land use section.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts	The PUD has been created to minimize impacts to adjacent property. The PUD Zoning allows for the site to be developed in a comprehensive manner that is considerate to the adjacent development and incorporates elevated design standards.
<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	The development of the site will upgrade existing utilities and infrastructure on the site and have no impact to existing services.
<input checked="" type="checkbox"/>	The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications	The primary objective of this PUD is to create a comprehensively planned employment and commercial center with a cohesive appearance. This could not be achieved through a straight zoning designation and would not guarantee a uniformity to the development and higher quality building materials.

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	LU 1a	<u>Future Land Use Plan (FLUP) as a Guide:</u> Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<u>Analysis:</u>	The FLUP identifies the subject property for Office/Flex development. The proposed zoning is compatible with this type of development.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 6a	<u>Airport-Related Incentives:</u> Develop incentives for employment related to the airport..
<u>Analysis:</u>	The PUD Zone Document is proposing entitlements that endeavor to create an employment center that can accommodate a variety of airport related land uses.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 6c	<u>Housing Compatibility Near the Airport</u> Avoid placing residential in noise and height-restricted areas near the airport and within the ground rumble area within 2,000 feet from the DIA property line.
<u>Analysis:</u>	The PUD excludes residential development in support of this goal.	

The Comprehensive Plan supports the type of development proposed for this site because it adheres to the Future Land Use Plan, supports employment related to the airport and excludes residential development within a flight path.

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 **on the southeast corner of Buckley Road and East 88th Avenue**, contained in case **Z-945-17-19-20** 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 **on the southeast corner of Buckley Road and East 88th Avenue**, contained in case **Z-945-17-19** 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 **on the southeast corner of Buckley Road and East 88th Avenue** contained in case **Z-945-17-19** 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 **on the southeast corner of Buckley Road and East 88th Avenue** contained in case **Z-945-17-19** to a future Planning Commission agenda.