



STAFF REPORT

Planning Commission

CASE #Z-953-18-20

PC Date:	January 7, 2020	Case Planner:	Caitlin Hasenbalg Long
CC Date:	February 3, 2020		
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 Zone Document for Legato (Prime Sites)		
Project Description:	This PUD Zone Document is for the western half of the Prime Sites development, and allows various land uses including residential, mixed-use, commercial, public, and office/flex. A neighborhood park and school site are generally located in the middle of the site, with residential surrounding the public uses and non-residential uses organized around the outside along the arterials. The PUD Zone Document is the final step in establishing zoning for future development of the subject property.		
Discussion Topics:	<ul style="list-style-type: none">• Comprehensive Plan/Future Land Use Plan• Proposed Land Uses• Roadway Configuration• Tower Landfill• Potential Oil and Gas well site		
Key Approval Criteria:	Compliance with Comprehensive Plan Meets or exceeds standards of Land Development Code		
Staff Recommendation:	Approval		
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 Zone Document | <input checked="" type="checkbox"/> Future Land Use Map |
| <input checked="" type="checkbox"/> Traffic Study | |

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. In 2018, another PUD Concept Schematic was submitted for review by staff and Planning Commission. The current PUD Zone Document request is in alignment with that most recent PUD Concept Schematic.

<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
Z-953-18	1/9/2019	PUD Concept Schematic	Completed

Applicant's Request

The applicant has submitted the Legato PUD Zone Document to entitle the western half of the development commonly known as Prime Sites for a mix of residential and non-residential uses. 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, surrounding a 10 acre neighborhood park and 25 acre school site. The areas along Tower Road and East 96th Avenue are designated for Mixed-Use and Commercial uses, while the area to the south, adjacent to East 88th Avenue, is primarily designated for Office/Flex and drainage uses 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 the PUD Entitlement Process

A PUD Zone Document is the second step in the PUD process, following the review of a more generalized PUD Concept Schematic, and establishes the zoning regulations for how the property will develop. The PUD Zone Document includes a detailed land use plan, bulk standards, allowed uses, some design standards, and any other standards specific to a unique development. It is formally adopted by Planning Commission and City Council, and the regulations contained within the PUD Zone Document replace the corresponding regulations in the Land Development Code. This gives developers and the City an opportunity for more flexibility and innovation than would otherwise be permitted by the Land Development Code. Following adoption of a PUD Zone Document, all development is reviewed for compliance with the zone document in the third step of the PUD process, PUD Development Permits, which are typically administrative.

Comprehensive Plan / Future Land Use Plan

The Legato 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.

Comprehensive Plan

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

Section	Goal	Description
Land Use and Growth	LU 1	Maintain a balanced mix of land uses citywide and within Strategic Planning Areas. Commerce City growth will occur in a manner that maintains a citywide balanced mix of jobs and housing, and that achieves additional jobs, retail, and services
Analysis:		The Legato PUD provides a wide range of allowed land uses, from medium-density residential to vertical mixed-use, and from small-scale embedded neighborhood commercial to large-scale office campuses and high-tech production. This range will provide housing, service sector jobs, employment centers, and public facilities to serve the neighborhood.

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 2	Retain and increase a strong employment base. The city will retain and expand its existing industrial base, and attract and recruit new businesses that contribute positively to city revenues.
<u>Analysis:</u>	While most of the non-residential land being developed in the Northern Range is commercial (along East 104 th Avenue and along Chambers Road) and industrial distribution (along East 81 st Avenue in DIATC and Nexus North), the Legato PUD presents a unique employment opportunity with its Office/Flex areas that allow for light manufacturing uses, high-tech production, research and development, big box uses, office campuses, health care, hotels, and more.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Public Facilities and Infrastructure	PF 1.11	Landfill Coordination and Buffer: Promote the provision of adequate buffers for the Tower Road Landfill to prevent the encroachment of incompatible land uses.
<u>Analysis:</u>	The proposed PUD includes over 1,200 feet of separation between the landfill and the nearest residential uses. A 50-foot minimum landscape buffer will stretch along East 88 th Avenue, and more compatible commercial and light industrial land uses will develop in the Office/Flex planning areas to the north of the buffer.	

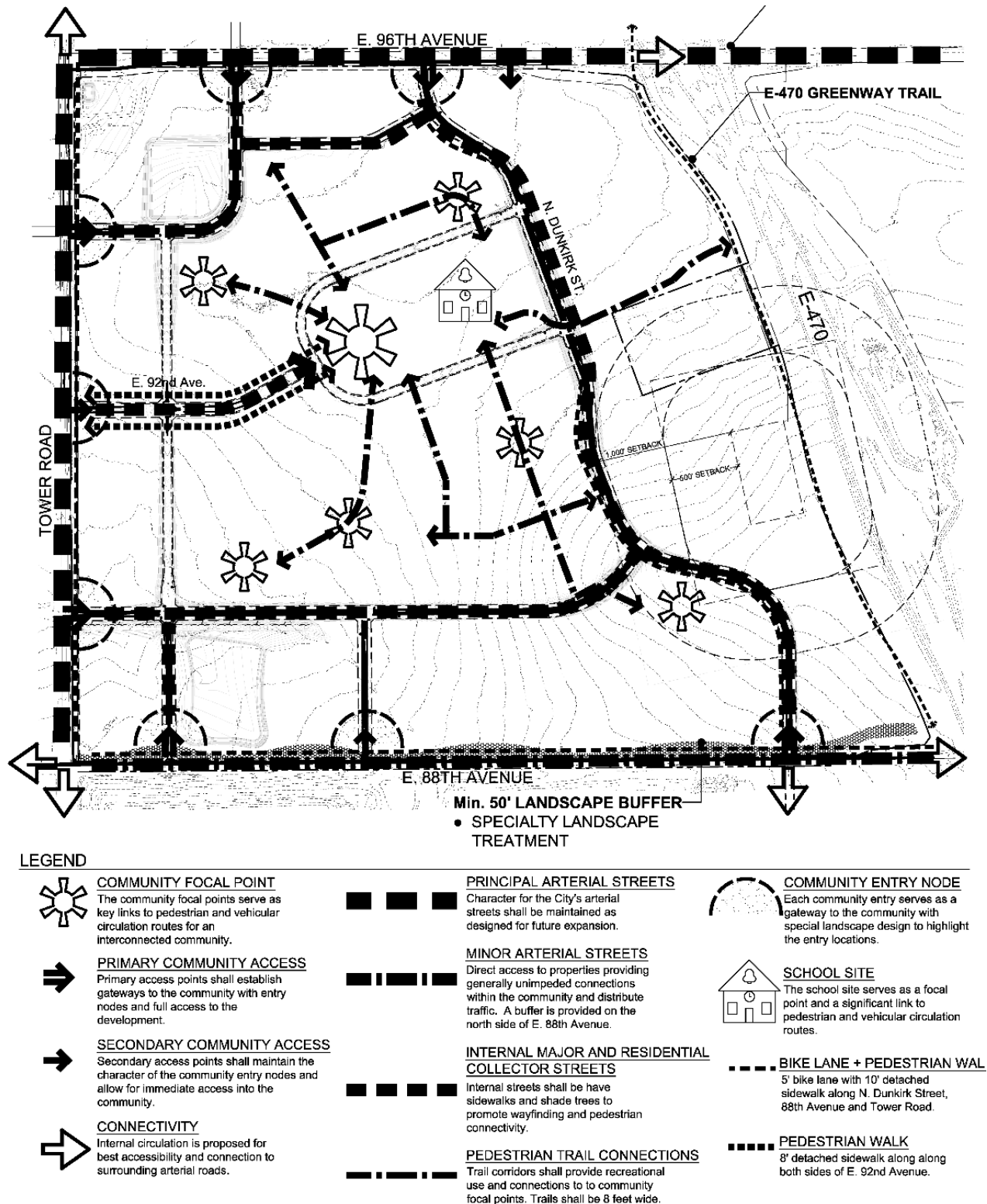
PUD Zone Document

The development commonly known as Prime Sites consists in its entirety 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 Legato PUD Zone Document 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 Legato PUD Zone Document contains eight sheets, which can generally be summarized as follows:

- Sheet 1 -- Cover
- Sheet 2 -- Project Intent, General Notes
- Sheet 3 -- Community Design Elements, demonstrating a park/school site as a central feature connected to smaller local parks and regional facilities by a trail network.
- Sheet 4 -- Land Use Plan, showing the collector road network and distinct Planning Areas with different allowed land uses.
- Sheet 5 -- Residential Development Standards, including a table of bulk standards and notes and definitions specific to residential development.
- Sheet 6 -- Residential Lot Typicals demonstrating how the bulk standards on the previous sheet actually function and look on a site plan.
- Sheet 7 -- Non-Residential Development Standards, including a table of bulk standards and additional notes and requirements.
- Sheet 8 -- Permitted Uses, with a Table of Land Uses identifying what land uses are permitted in which planning areas, and additional notes for some specific uses.

The development is organized with a neighborhood park and future school site at its center, surrounded by single-family residential uses with mixed-use, commercial, and office/flex uses located around the periphery along arterials. Pedestrian trails will link through the neighborhoods to the central park/school site, connecting the various planning areas internally as well as to more regional trail facilities. The PUD Community Design Elements sheet illustrating this intent is shown in Figure 1 below:

Figure 1. Community Design Elements depicting how proposed development is organized around the central park/school site and connected by a network of trails.



The submitted PUD Zone Document depicts a similar land use layout to the Future Land Use Plan. The allowed land uses for each planning area are in line with what the Comprehensive Plan envisions for the comparable future land use designations, and incorporate the feedback provided by the Planning Commission during the PUD Concept Schematic review process. The PUD Land Use Plan and a summary of those planning areas is shown in Figure 2 below:

LEGATO PUD ZONE DOCUMENT
 LOCATED IN SECTION 22 AND 23, TOWNSHIP 2 SOUTH,
 RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF COMMERCE CITY,
 COUNTY OF ADAMS, STATE OF COLORADO

LEGEND
 ——— PROJECT BOUNDARY
 ——— RIGHT-OF-WAY
 ——— PLANNING AREA BOUNDARY
 ——— PRIMARY VEHICULAR ACCESS
 ——— SECONDARY VEHICULAR ACCESS
 ——— LANDSCAPE BUFFER
 ——— HOMES REQUIRED TO FRONT LOCAL STREETS

OWNER: SECOND CREEK HOLDINGS, LLC

ZONING: PUD SECOND CREEK FARMS

NOTE: WHERE COLLECTOR STREETS ARE REDUCED TO A LOCAL WIDTH, ADJACENT USES SHALL FRONT ONTO THOSE STREETS

LOT DETAILS:
 K COMMERCIAL 19.2 acres
 J DETENTION 10.5 acres
 L MIXED USE 18.2 acres
 A SINGLE FAMILY ATTACHED RESIDENTIAL 13.7 acres
 M MIXED USE 21.1 acres
 N COMMERCIAL 12.0 acres
 O DETENTION 22.3 acres
 P OFFICE / FLEX 11.7 acres
 D SINGLE FAMILY DETACHED RESIDENTIAL 47.1 acres
 E NEIGHBORHOOD PARK 10.0 acres
 C SINGLE FAMILY DETACHED RESIDENTIAL 106.3 acres
 F SCHOOL 25.0 acres
 G MULTI-FAMILY RESIDENTIAL 19.9 acres
 H COMMERCIAL 36.8 acres
 Q OFFICE / FLEX 80.2 acres
 R OFFICE / FLEX 76.8 acres

STREETS AND ROWS:
 E 96TH AVENUE (150' ROW)
 E 94TH AVE (647' ROW)
 E 92ND AVE (75' ROW)
 E 90TH AVE (648' ROW)
 E 88TH AVENUE (420' ROW)
 TOWER ROAD
 COLLECTOR STREET (60' ROW)
 LOCAL STREET (60' ROW)
 E 470 (E 470 GREENWAY TRAIL)
 DUNKIN' DONUTS STREET (1,000' SETBACK)
 30' ROW DEDICATION
 50' MIN. LANDSCAPE BUFFER

OTHER FEATURES:
 ZONING: PUD SETTLERS CROSSING
 RIGHT IN/OUT TURN ONLY
 ZONING: PUBLIC CITY OF AURORA PUMPING STATION #2
 PROPOSED WELLS PAD
 WELL PAD ACCESS

SCALE: 1" = 400'

NORTH

- **Mixed-Use along Tower Road, approx. 650 feet in depth, 39 acres**
 - Potential uses include restaurants, shops, financial services, day care, places of worship, hotels, other general commercial/retail uses, multi-family or other high density multi-story attached residential, vertical or horizontal mixed-use developments, and public/civic uses
 - Excludes auto-oriented uses such as drive-thrus, repair shops, and gas stations

- Commercial along East 96th Avenue and E-470, and at intersection of Tower Road and East 88th Avenue, min. 350 feet in depth, 83 acres
 - Potential uses include restaurants, shops, financial services, medical/dental/veterinary offices, child care, theater, auto-oriented uses, hotels, other general commercial and public/civic uses
 - Permits high-density residential as part of vertical mixed-use development
- Office/Flex along East 88th Avenue and E-470, approx. 168 acres
 - Potential uses include offices, flex space, light industrial, and high-tech uses, with supporting commercial including retail, restaurants, and hotel
- Single-Family Detached Residential surrounding the Park/School site, approx. 153 acres
 - 4 to 8 dwelling units per acre, allows single-family detached, paired homes, auto court and green court homes
- Single-Family Attached Residential interior to Mixed-Use areas, approx. 28 acres
 - 6 to 15 dwelling units per acre, allows multi-story single-family attached (townhomes), paired homes, auto court and green court homes
- Multi-Family Residential along Dunkirk Street adjacent to School site, 20 acres
 - 8 to 40 dwelling units per acre, allows multi-story single-family attached (townhomes) and multi-family (apartments/condos)
- Neighborhood Park/School site, 35 acres
 - 10 acres for park, 25 acres for school, with shared resources such as parking and sports fields
- Detention near southwest and northwest corners, approx. 33 acres total

In total, there are around 200 acres for residential development, nearly 300 acres for non-residential development, and 35 acres for the park/school site.

A few specific land uses which staff want to highlight are listed below:

- Subsurface Extraction uses are limited only to the planning area in which the potential well is located. Although this well has been proposed to move to the east of E-470 into the Prime Sites East development, the location change is not final and therefore is still accounted for in this PUD.
- Marijuana uses are limited to retail marijuana stores and medical marijuana centers, and are allowed by right in Commercial, Mixed-Use, and Office/Flex planning areas, subject to the location restrictions in the Land Development Code.
- Senior Housing, specifically nursing homes and assisted living facilities, are permitted only with a Use-by-Permit in the Commercial, Mixed-Use, and Office/Flex planning areas, and with a Conditional Use Permit in Residential planning areas, which reflects the Planning Commission's desire for less active commercial uses to be somewhat limited. Uses-by-Permit and Conditional Use Permits allow for these types of uses to be evaluated in a public hearing to ensure the use is appropriate at a particular location.
- Small-scale neighborhood-serving commercial uses such as convenience stores, coffee shops, boutique shops, and independent professional offices are allowed with a Conditional Use Permit to be embedded in Residential planning areas where adjacent to collector streets.
- Accessory Dwelling Units (ADUs) are allowed by right in the single-family detached residential planning areas. ADUs are a way to address affordable housing, and intergenerational family living situations. Only 1 ADU is permitted per lot.

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 Comprehensive Plan and the Legato PUD Zone Document show an approximately 1,000-foot depth of Office/Flex uses along the north side of East 88th Avenue, across from the Tower Landfill. The Office/Flex designation covers over 160 acres of land and allows a variety of office, retail, light industrial, high tech, research and development, recreation and public uses.

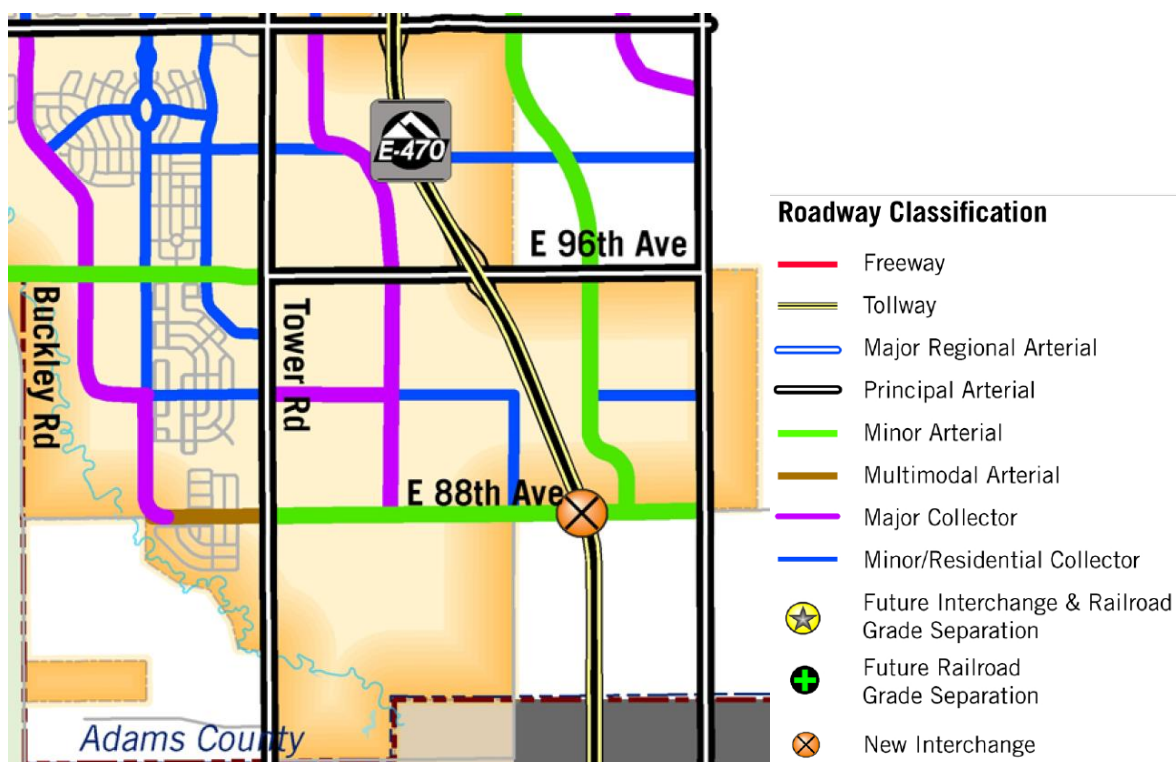
Design

The name "Legato" is derived from the word for musical notation indicating that notes are to be played smoothly and connected. As described in the PUD Zone Document, the Legato development focuses on neighborhood connectivity, strong pedestrian accessibility, and centralized community focal points. A separate Design Standards and Guidelines document will be submitted for administrative review and approval to create a unique identity for the Legato development, including architectural design, fencing, landscaping, signage, lighting, and other similar standards. No final plats, PUD Development Permits, or building permits will be approved until the design standards are approved.

Road Network

Around the perimeter of Legato, 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 include space for 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 Legato will be contributing to the improvements to East 96th Avenue and East 88th Avenue to accommodate the build-out of the proposed development. A future interchange has been identified at E-470 and East 88th Avenue to complement the existing one at East 96th Avenue; this interchange is under design by E-470, but there is no anticipated date for construction.

Figure 3. Excerpt from the Transportation Master Plan (2010) showing the anticipated street network and roadway classifications along the E-470 corridor.

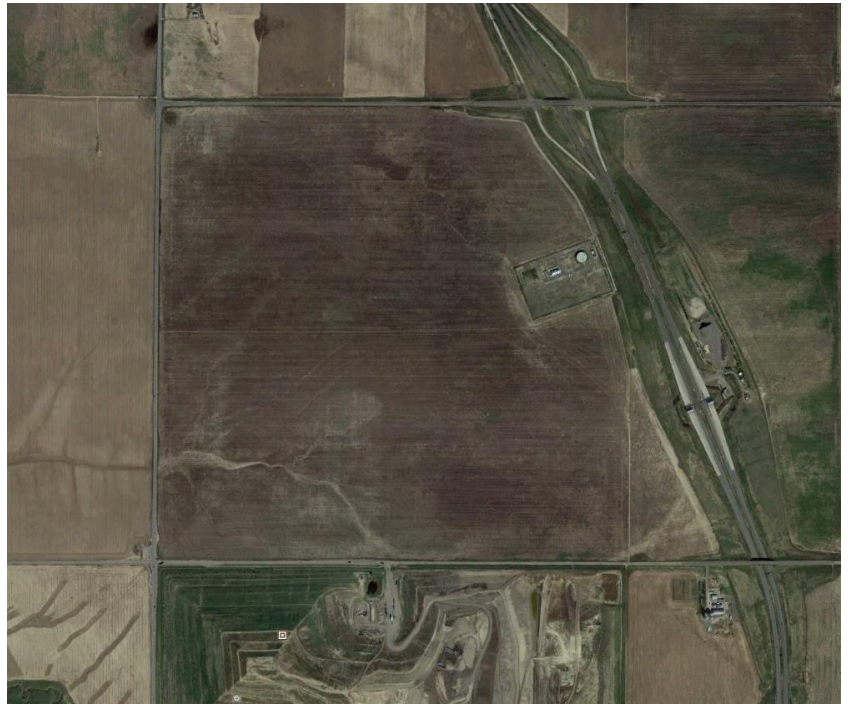


Internally, East 90th, East 92nd, and East 94th Avenues will be dedicated as major east/west collectors, while Dunkirk Street will serve as the major north/south collector connecting from Settler's Crossing to the north of East 96th Avenue to Himalaya Road to the south of East 88th Avenue. Shifting this alignment east of the quarter-section line allows Dunkirk Street to not align with the Tower Landfill entrance to the south in an effort to minimize conflicts. Additional collector roads separate commercial and single-family residential uses. Between the Mixed-Use and Single-Family Attached planning areas, the street is reduced to a local cross-section to provide traffic calming, and adjacent development will be required to front onto this street to provide a well-connected transition from higher-density mixed-use to lower density residential uses. A copy of the traffic study is included as an attachment in the packet for reference.

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 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, will be reduced in size with a larger detention facility located nearby but more interally. On the PUD Zone Document, a large detention area is also shown towards the southwest corner, where the majority of the site will naturally drain along Gramma Gulch. A full drainage report was reviewed by the Public Works Department and Mile High Flood District as part of the PUD Zone Document phase of the entitlement process, and was approved in November 2019.

Figure 4. Aerial of the overall Legato site, with the Gramma Gulch stream channel in the southwest corner.



According to South Adams County Water and Sanitation District, water service is available within Tower Road along the entire western boundary of Legato. 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.

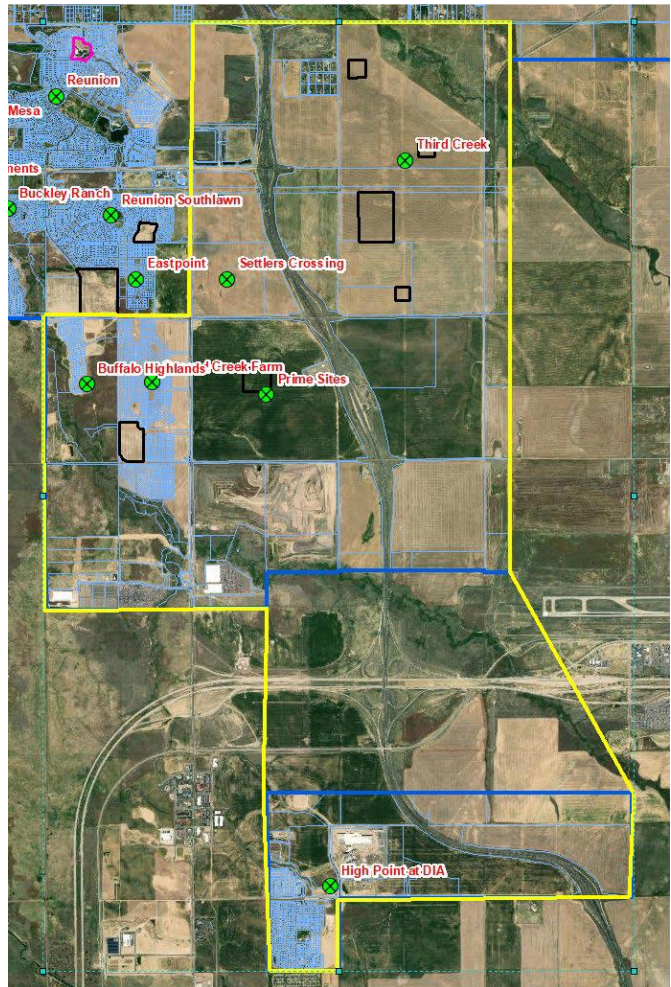
The developer has also submitted applications to include the property into both the E-470 Commercial Area General Improvement District (ECAGID) and the E-470 Residential Area General Improvement District (ERAGID). This inclusion process will take place concurrently with the PUD Zone Document phase of the entitlements. An application to create 10 distinct metro districts to help pay for internal infrastructure is also under review.

Public Facilities

The Legato development is organized around a 35-acre future school and neighborhood park site as identified in the Comprehensive Plan. Of the 35 acres, 25 acres would be intended for the future school site, and the remaining 10 acres would be dedicated to the city for a neighborhood 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.

The school (at this time planned to be a 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 in Figure 5 to the right, and may vary depending on actual development of these areas and future district needs. Brighton School District 27J has been involved in discussions for the location and layout of the school site, and is supportive of the PUD Zone Document.

Figure 5. Map from Brighton School District 27J showing a potential enrollment boundary of the future middle school site in Legato.



In addition to the public park and school facilities, each residential subdivision will be required to dedicate 3% of their usable land area for private parks, which are typically owned and maintained by a homeowners' association or metro district. Further, the PUD Zone Document allows for a wide variety of public uses in appropriate locations. Some of the anticipated needs known at this time include a new fire station site for South Adams County Fire District and a new water pump station for South Adams County Water and Sanitation District. Both of these uses would be located near the existing City of Aurora water pump station along E-470, and the developer is working with those entities to plan for their future development.

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 Comprehensive Plan was adopted. Residential development is restricted within this noise contour due to potential health impacts of regular exposure to noise at this decibel. Legato lies outside of this noise contour, and therefore is not impacted by the restriction on residential development inside the contour. The proposed building heights are subject to FAA standards and will be reviewed on a case-by-case basis as development occurs.

Tower Landfill

The Tower Landfill lies adjacent to Legato to the south of East 88th Avenue. It 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 approximately 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 Comprehensive Plan, policy direction for the E-470 Influence Area includes providing buffering from Tower Landfill to any residential development to help mitigate these potential impacts. Other relevant policies in the Comprehensive 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, 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. As stated by Allied Waste, the intent of this requested 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, most of which are included in this application. 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 example, more compatible uses such as industrial and commercial uses could 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 confirmed that the landfill has an active gas extraction and control system that addresses the migration of landfill gas off-site, so no additional methane mitigation is needed in the proposed Legato development.

As proposed, the PUD Zone Document includes a distance of 1,220 feet from the landfill to the nearest residential development. This includes 120 feet of right-of-way for East 88th Avenue and 80 feet of right-of-way for East 90th Avenue (the major collector separating the Office/Flex and Residential land use areas), and nearly 1,000 feet of Office/Flex uses, which allows light industrial and commercial. A landscape buffer a minimum of 50 feet in depth and an average of 80 feet in depth is required along East 88th Avenue, and buildings on lots closest to East 88th Avenue must be located as far to the north as possible with passive uses such as parking and drive aisles adjacent to the required buffer. Although the proposed buffer is not the full depth requested by Allied Waste, the Planning Commission felt during their PUD Concept Schematic review that what is being proposed met the intent of their request and fulfilled the Comprehensive Plan policies and LDC requirements to mitigate potential impacts.

Other Site Constraints

Along the east side of this portion of Legato, 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 in Figure 6 to the right for reference. SACWSD and SACFD have identified this general area for an additional pump station and fire station to further serve the needs of this area of Commerce City.

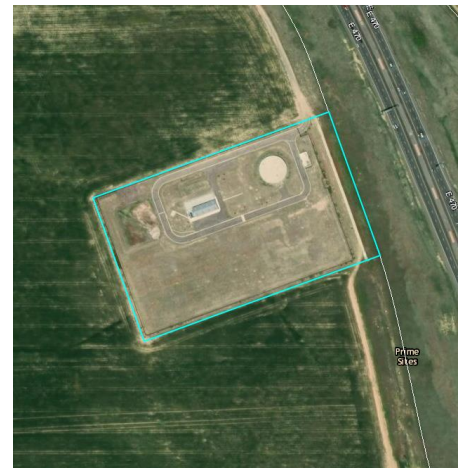


Figure 6. Aerial of the City of Aurora water pump station along E-470.

In addition, a potential oil and gas drilling site has been identified to the south of the pump station. Since oil and gas development has a separate land use application and process, it is not impacted by this zoning application apart from the use. 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 Legato PUD Zone Document shows the state-regulated 500-foot building setback, which is outside of the residential planning areas and appears to only affect the Office/Flex planning areas. The PUD also requires a 1,500-foot setback from the well pad to the future school. An Oil and Gas Permit for this site is currently under review by Community Development staff. This location is proposed to have 16 wells, and would consist of approximately 12 acres after the initial drilling phase is completed. The long-term operational timeframe of this site could be 25 to 30 years. There has been discussion about relocating this proposed well site to the east side of E-470; if that change occurs, the underlying allowed land use for the well pad area is Office/Flex.

Planning Commission Feedback on PUD Concept Schematic

Planning Commission's feedback on the PUD Concept Schematic was generally supportive since it appears to match the Comprehensive Plan. They felt that the proposed allowed uses for each land use area were acceptable, with the limitation of more passive commercial uses such as senior housing and daycares in the Commercial and Mixed-Use land use areas. The proposed major road network was determined to meet the intent of the Transportation Master Plan with a north/south through connection from East 96th Avenue to East 88th Avenue. Finally, Planning Commission felt that the proposed landscaping along East 88th Avenue and the depth of Office/Flex uses is an adequate buffer for residential uses from the adjacent Tower Landfill.

PUD Process/Next Steps

1. PUD Concept Schematic
 - a. DRT Team analysis
 - b. Planning Commission review and comment **(completed January 2019)**
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 **(current step – January 7, 2020)**
 - 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 **(scheduled February 3, 2020)**
3. Design Standards (optional)
 - a. Applicants can choose to submit separate Design Standards for administrative review and approval. If they go this route, the Design Standards must be approved prior to approval of any final plats, PUD Development Permits, or building permits
4. PUD Development Permit
 - a. Applicants submit PUD Development Permits for administrative review and approval

Approval Criteria

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 is consistent with the Comprehensive Plan for the overall layout and the allowed uses. The road network meets the intent of the Transportation Master Plan, and the trail corridors reflect the Prairieways Action Plan.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with the PUD concept schematic	The layout and land uses are substantially the same as the PUD Concept Schematic, with the feedback previously provided by the Planning Commission incorporated into the plan.
<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.	In order to comply with the Comprehensive Plan, the PUD allows a greater mix of uses, density, and building heights than can currently be achieved with any straight zone district in the Land Development Code.
<input checked="" type="checkbox"/>	The PUD complies with all applicable city standards	All applicable standards have been met.
<input checked="" type="checkbox"/>	The PUD is integrated and connected with adjacent development	The proposed development includes road connections to adjacent developments in Second Creek Farms to the west and Settlers Crossing to the north. Trail connections are also proposed to link from the E-470 Multi-Use Trail to the Second Creek Trail via East 88 th Avenue.
<input checked="" type="checkbox"/>	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts	The PUD includes a required landscape buffer along East 88 th Avenue to help mitigate the impacts of the adjacent Tower Landfill to the south.
<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	No objections were received from referral agencies with regard to public safety, transportation, and utility facilities and services. The developer will construct the necessary internal infrastructure. The PUD's allowed uses permit any necessary public offices to locate within the project.
<input checked="" type="checkbox"/>	The proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing.	The single-family detached residential planning areas will likely be the first phase to develop, followed by single-family attached, and then commercial and office/flex uses as the market allows. The developer has also submitted an application for metro districts to help finance the necessary infrastructure improvements.
<input checked="" type="checkbox"/>	The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications	The density and heights proposed in the PUD could not be achieved with height exceptions, variances, or minor modifications. The Land Development Code explicitly prohibits the use of those processes to increase density.

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 set forth in the Land Development Code and recommends that the Planning Commission forward the PUD Zone Document request to the City Council with a recommendation for approval.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case **Z-953-18-20** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document.

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 for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case **Z-953-18-20** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document 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 for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case **Z-953-18-20** 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.

To continue the case:

I move that the Planning Commission continue the requested PUD Zone Document for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case Z-953-18-20 to a future Planning Commission agenda.