



# STAFF REPORT

## Planning Commission

### CASE # Z-896-11-12-16-17-21

<b>PC Date:</b>	November 23, 2020	<b>Case Planner:</b>	Jenny Axmacher
<b>CC Date:</b>	November 23, 2020		
<b>Location:</b>	The DIA Tech Center PUD Zone Document generally applies to the properties located south of E. 84th Ave, west of Tower Road, north of E. 81st Ave and east of the Rocky Mountain Arsenal Nation Wildlife Refuge.		
<b>Applicant:</b>	DIA Tech Center, LLC	<b>Owner:</b>	See Exhibit A
<b>Address:</b>	2 N. Cascade Ave. Suite 1280 Colorado Springs, CO 80903	<b>Address:</b>	See Exhibit A

### Case Summary

<b>Request:</b>	Amend the PUD Zone Document to allow the deviation of setback and Floor Area Ratio standards to be considered through the minor modification process.
<b>Project Description:</b>	DIA Tech Center, LLC is requesting a third amendment to the DIA Tech Center Planned Unit Development (PUD) Zone Document to allow for the deviation of setback and Floor Area Ratio standards to be considered through the minor modification process with approval of the Community Development Director. This change would be applicable to all properties within the DIA Tech Center (or Nexus) development.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>• Administrative Modifications</li><li>• Setbacks</li><li>• Floor Area Ratio</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>• Compliance with the Comprehensive Plan</li><li>• Compliance with the PUD approval criteria</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	Planned Unit Development (PUD)
<b>Comp Plan Designation:</b>	DIA Technology

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

- |  |   |
|--|---|
| <input 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

<b>Site Size:</b>	277 Acres
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<b>Current Conditions:</b>	Primarily developed with a few, remaining undeveloped lots
<b>Existing Right-of-Way:</b>	East 81 <sup>st</sup> Avenue, East 83 <sup>rd</sup> /84 <sup>th</sup> Avenue, Telluride Street and Quintero Street
<b>Neighborhood:</b>	DIA Tech Center
<b>Existing Buildings:</b>	Within the DIA Tech Center, there is a 7-Eleven, a McLane distribution center, Becknell distribution center, Lincoln Properties industrial buildings, Park N Fly airport parking and an AVR van rental facility.
<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>	Employment/ Industrial	Nexus North future industrial Development	PUD
<b>South</b>	Parking	US Airport Parking	Denver
<b>East</b>	Industrial	Allied Waste Systems Landfill and Canopy Airport Parking	PUD
<b>West</b>	Open Space	Rocky Mountain Arsenal National Wildlife Refuge	ADCO

### Case History

In 2011, the DIA Tech Center development was annexed and zoned PUD through cases AN-226-11 and Z-896-11. Additional approvals were put in place in 2012 for vesting of zoning for DIATC through case Z-896-11-12. The PUD was amended in 2016 and 2017 to add additional property to the development.

## Applicant's Request

The applicant states that based on feedback from potential users, there is a need for greater flexibility for compliance with setback and Floor-Area-Ratio requirements within the DIA Tech Center Development. Large scale warehousing and distribution users have very specific requirements for truck turnarounds, loading areas and access throughout the site. These requirements make it difficult to position the building in a manner that complies with the maximum setbacks required in the PUD Zone Document.

This amendment would give the Community Development Director the ability to evaluate requests for minor modifications on a case-by-base basis, for facilities that would have an economic benefit to Commerce City but otherwise might not be able to meet the development requirements.

This is the only proposed change to the PUD Zone Document, all of the uses and bulk standards remain unchanged.

## Development Review Team Analysis

### Project Details

The DIA Tech Center, or Nexus, project was originally envisioned as mixed use, commercial and industrial development in compliance with the Comprehensive Plan designation for DIA Technology. This future land use allows for a mix of light industrial, industrial distribution, offices, flex space, research and development, and production uses. The main access points for the development are off of Tower Road at East 81st Avenue and East 83rd Avenue.

A significant portion of the project is already developed with a mix of commercial and industrial uses including a 7-Eleven, an AVR Van Rental and a McLane distribution center. Vacant commercial and industrial sites are also available.

## **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 west side of the property with commercial uses along Tower Road. The allowed uses include:

- Mixed-Use (warehouses, production, research & development, offices, green technology)
- Commercial (retail shops, general sales, restaurants, gas station, financial services)
- Office (primary employment, headquarters, corporate campus)
- Distribution (shipping, receiving, handling)
- Limited Airport Parking (commercial airport parking for airline passengers)

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 DIA Tech Center PUD Zone Document to allow the deviation of setback and Floor Area Ratio standards to be considered through the minor modification process. The minor modification process allows the Community Development Director to approve small changes to development requirements administratively, based on the approval criteria outlined in the Land Development Code. This PUD Amendment outlines further approval criteria, requiring upgrades to the development in order for a deviation to be considered.

The PUD Permit for the development must meet at least one of the following:

- 1.) Installation of: i) a stand-alone employee amenity area or structure designed that provides year-round weather protection and outdoor lighting, ii) gazebo, or iii) attached structural element, each with a minimum floor area ratio of 0.40% the primary building structure Square footage or a minimum of 1,000 square feet, whichever is greater.
- 2.) Enhanced landscaping or hardscape elements, or combination thereof, such as but not limited to: i) 10% increase in living plant material coverage for site perimeter landscaping or 30% increase in overall plants material onsite, ii) public art in highly visible areas from the public or private right-of-way or highly trafficked areas, iii) contrasting special paving materials, iv) low walls, or v) murals and decorative metal wall screens.
- 3.) Use of high quality building materials or articulation to the façade of the building, or combination thereof, such as but not limited to: i) a minimum of three (3) variations in the building façade through recesses, protrusions, entries and changes in planes, ii) change in roof form and materials, iii) breaking down the form and massing, (i.e. vertical massing breaks every 65 feet (applies to front and side facades)); or iv) any façade that is generally parallel to, and within 15 feet of a right-of-way line, shall have 35% of its length occupied by transparent windows, doors, and storefronts.

No other changes to the PUD Zone Document are proposed with this amendment and the amendment does not guarantee that a minor modification to a setback or Floor Area Ratio requirement would be granted.

The Development Review Team (DRT) is supportive of this amendment because it provides the ability to make small changes to a limited number of standards to allow for economically beneficial uses to develop that would otherwise be prohibited or would have to follow more lengthy approval processes. For Commerce City to be competitive in landing these high-profile business that provide high quality jobs, and/or tax revenue, this amendment allows the City to offer a faster path forward with a predetermined amount of flexibility and the guarantee of upgrades to the development. The DRT is also supportive of the limited scope of the amendment; only allowing for changes in setbacks and Floor Area Ratio, preserving the overall integrity of the PUD unless a special opportunity comes along.

**Next Steps:**

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

**Outside Agency Review:**

Staff presented this application to several departments in the city as well as outside agencies during a Development Review Team Meeting. 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 and City priorities for economic development. 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 is DIA Technology. 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 2011 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 and unique, desirable, development 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.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<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:

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

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

Section	Goal	Description
DIA Economic Development Uses	LU-6.1	New development near DIA should be based on complimentary uses, including non-residential development near DIA, with a mix of employment uses that are positive for the City, nearby neighborhoods, and the airport. Development should be planned for a mix of non-residential uses within the DIA 60 LDN noise contours and within three-quarters of a mile of any existing or planned runway where ground rumble may occur. Additional lands in the area should be designated for future jobs and employment.
<b>Analysis:</b>	The DIATC project does not propose any residential land uses as compatible within the 60 LDC noise contour. The commercial and DIA Tech land uses proposed will provide jobs and primary employment opportunities that are complimentary to the nearby airport.	

*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 views development near DIA as an important economic development opportunity.*

## 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 **south of E. 84th Ave, west of Tower Road, north of E. 81st Ave and east of the Rocky Mountain Arsenal Nation Wildlife Refuge**, contained in case **Z-896-11-12-16-17-21** 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 **south of E. 84th Ave, west of Tower Road, north of E. 81st Ave and east of the Rocky Mountain Arsenal Nation Wildlife Refuge**, contained in case **Z-896-11-12-16-17-21** 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 **south of E. 84th Ave, west of Tower Road, north of E. 81st Ave and east of the Rocky Mountain Arsenal Nation Wildlife Refuge** contained in case **Z-896-11-12-16-17-21** 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 **south of E. 84th Ave, west of Tower Road, north of E. 81st Ave and east of the Rocky Mountain Arsenal Nation Wildlife Refuge** contained in case **Z-896-11-12-16-17-21** to a future Planning Commission agenda.