



STAFF REPORT

Planning Commission

CASE #Z-966-21

PC Date:	December 1, 2020	Case Planner:	Jenny Axmacher
CC Date:	December 21, 2020		
Location:	7190 Colorado Boulevard		
Applicant:	Urban Land Conservancy	Owner:	Adams Tower NP Center LLC
Address:	1600 Downing Street, Denver, CO 80218	Address:	1600 Downing Street, Denver, CO 80218

Case Summary

Request:	The applicant is requesting to rezone the property located at 7190 Colorado Boulevard from Public Zone District to a Planned Unit Development (PUD) for a Transit-Oriented Development (TOD) for residential development.
Project Description:	The requested PUD zoning for the site would allow for a mixed-use/multifamily residential project to be built on the site, across the street from RTD's 72 nd Avenue N-Line Station. The existing office building on the site will remain and continue to be used in the current capacity with some expanded office and commercial uses.
Issues/Concerns:	<ul style="list-style-type: none">• Allowed Land Uses• Adjacent Transit Station
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:	Public District
Comp Plan Designation:	Mixed Use (Corridor and Commercial)

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 checked="" type="checkbox"/> Traffic Study |

Background Information

Site Information

Site Size:	4.5 Acres
Current Conditions:	Developed with a 70,000 sf office building and associated parking lot
Existing Right-of-Way:	E. 72 nd Avenue and Colorado Boulevard
Neighborhood:	Fernald/Frei Crossing
Existing Buildings:	Office Building
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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	Public	Adams County Service Center/TCHD/Sheriff's Substation	Public
South	Residential	Unincorporated residential properties	ADCO
East	School	Alsup Elementary School	Public
West	Public	RTD – 72 nd Avenue N-Line FasTracks Station	Public

Case History

The relevant case history for the subject property is case Z-505-89 when the site was rezoned to Public in 1989. This property is the site of the former Adams County Human Services building.

Applicant's Request

The applicant is very excited about this opportunity to create custom zoning for this site for its continued evolution into a transit-oriented development (TOD). This PUD would allow for the existing office building to remain, with minimally expanded uses, while allowing for the creation of residential development opportunities on site.

When the administration of Adams County relocated the services in the former Adams County Human Services building to their new location approximately 7 miles farther north in the county, it left a significant service gap in the Commerce City community. ULC's concept for the existing property is to fill some of the void created by the relocation by developing a community services hub that provides below-market rent office space to non-profits and other social enterprise companies. ULC is partnering with the City of Commerce City as well as with Adams County to identify potential service providers that would benefit from working in a collaborative environment with other mission-aligned organizations to create a "one-stop-shop" at a convenient location. Current tenants include youth services, educational services, employment training, healthcare services and mental health services.

The applicant also envisions the creation of a TOD enhanced affordable housing project. Though the details will be worked through in the PUD Permit phase, the applicant is proposing a 4 story, 60 unit mixed use project on 0.81 acres of land that will have a significant impact on the entire city and provide a catalyst for revitalization surrounding the 72nd & Colorado Boulevard commuter rail stop. The project is proposed to be designed in a 'u' shape - with flanked housing wings framing an interior landscaped south facing courtyard enhancing the project's ability to provide daylight penetration to all units & common areas.

Development Review Team Analysis

Project Details

The applicant describes the project as an opportunity to create a TOD enhanced housing development while still striving to maintain a community hub for services similar to what was formerly provided on the site when Adams

County Human Services occupied it. The South Platte Crossing development will continue to be accessed from East 72nd Avenue and Colorado Boulevard.

Figure 1.1



Proposed Uses

The applicant is proposing to develop this site for a mixture of residential and commercial/office uses. Specifically, for Planning Area A, the applicant is proposing to maintain the Public Zone District uses on site while expanding to also allow uses found in the C-2 General Commercial Zone District in the LDC to create a comprehensive community hub with service and office uses. For Planning Area B, the applicant is proposing to mirror the R-3 Multi-Family Residential zoning designation found in the LDC, while allowing for an increased density more similar to what would be found at a TOD location with immediate adjacency to transit.

It is important to note that fueling stations, drive-thru restaurants and car washes are prohibited and the residential density is capped at 60 dwelling units.

The applicant's intent is to create true transit oriented, mixed use development to serve as a community hub and catalyst to bring revitalization to the area.

Comprehensive Plan

The Comprehensive Plan describes the Mixed Use, Commercial and Corridor, designation as follows:

This category allows for a mix of residential, retail, commercial, office, and other services. It is appropriate in commercial centers and commercial areas designated along arterial streets. Generally, it is accessed off arterial streets and should be convenient to transit access. The designation is also intended to facilitate areas transitioning from strip commercial corridors to mixed-use places with greater intensity and/or a vertical mix of uses. Primary uses: Retail and office at different scales—either to serve neighborhoods or the community at large. Residential, retail, and other uses may be allowed as part of a horizontal or vertical mixed-use project. Uses should be appropriate in a pedestrian-oriented setting and can generally include the following: restaurants, shops, financial services, day care, places of

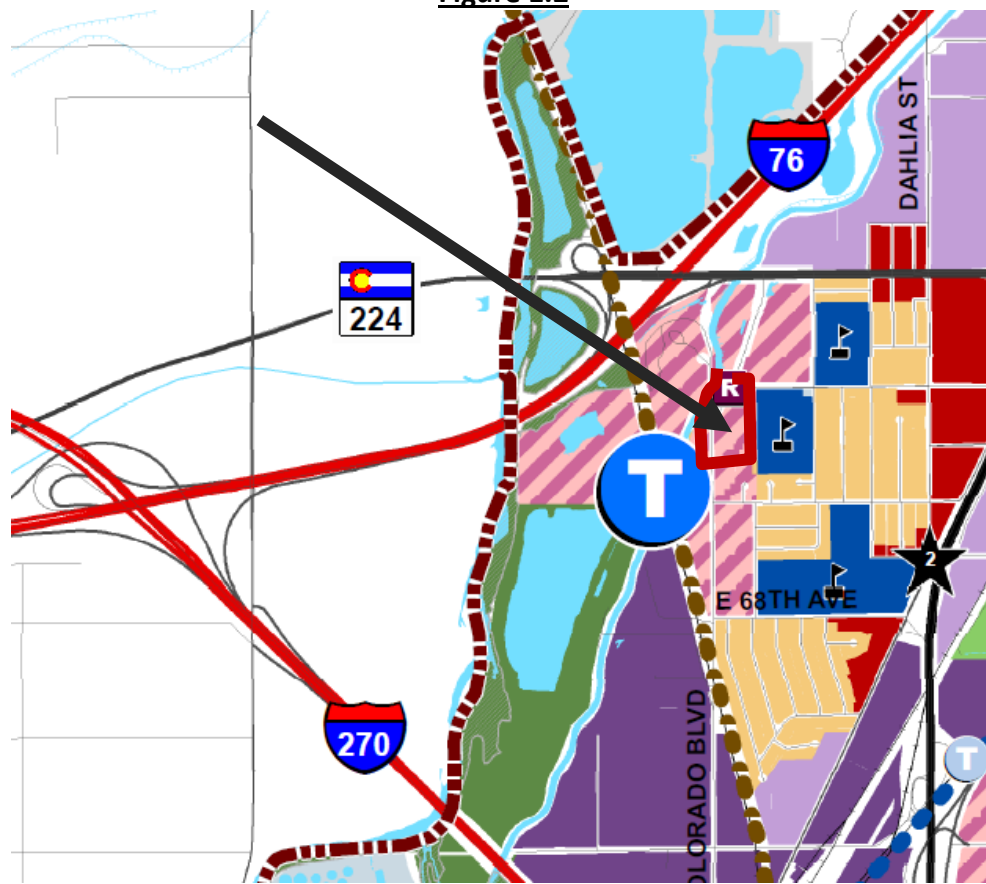
worship, senior housing, sales (including outdoor sales), hotels, and the like, and multi-family (high-density) housing integrated with ground-floor retail uses. Secondary uses: Schools/education, open space, libraries, and other public uses and facilities.

The Comprehensive Plan also recommends using PUDs or the MU-1 zone district to achieve the land use as described in the designation. The plan further states that the immediate area surrounding the FasTracks North Metro Corridor commuter rail station, along the Union Pacific Railroad (UPRR) tracks on the west side of Commerce City, could have potential for transit oriented development and redevelopment.

This project exemplifies the intent behind this future land use designation through what it is trying to achieve with this PUD rezoning request. The proposed PUD will foster and support horizontal mixed use with the potential for limited vertical mixed use as well. The PUD also embraces the site's location adjacent to RTD's new 72nd Avenue N-Line station by allowing for a dense, multifamily development while striving to maintain low, but balanced parking ratios for the development.

The project is also in harmony with the City's Station Area Master Plan (STAMP), created in 2013 to guide development around the commuter rail station at 72nd Avenue. The planning framework strives to enhance community livability and safety while maximizing transit-oriented development potential, both of which are achieved with this project. The plan also supports context sensitive development of mixed-income residential development, also supported by this rezoning.

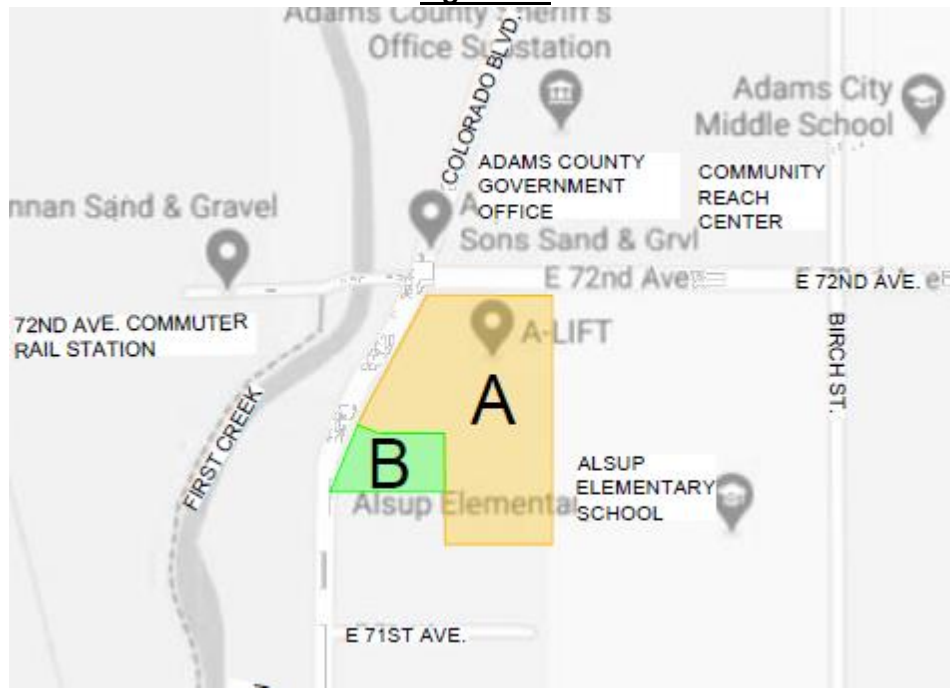
Figure 1.2



PUD Zone Document

As part of the PUD zoning, the applicant is proposing the following deviations from the City's R-3 Multi-Family Zone District, Public Zone District, and general LDC (Land Development Code) standards.

Figure 1.3



Land Uses:

The applicant is proposing to allow for more varied office and commercial uses than what would normally be allowed in the Public Zone in Planning Area A by expanding the allowed uses to include those permissible in the C-2, General Commercial, Zone District. This will allow the site to adapt the existing office building to meet market demands and evolve with implementation of transit-oriented development. No residential use is proposed for Planning Area A.

For Planning Area B, the applicant is proposing more dense multifamily residential use (60 dwelling units total) than would be allowed in the R-3 Zone District (24 dwelling units per acre), though the proposed density is more in line with what is recommended with the Comprehensive Plan designation for the site and the Station Area Master Plan. Planning Area B also allows for Commercial Uses permitted in the C-1, Local Commercial, Zone District, but not to exceed 25% of any building's FAR. The commercial is intended to be complimentary and accessory to the primary residential use such as a leasing office, day care, or coffee shop.

The DRT is supportive of the proposal and believes the expansion of allowed uses and increased residential density will allow the site to more appropriately take advantage of its proximity to the 72nd Avenue Station.

Bulk Standards:

The proposed building height and setbacks are more urban in nature than the existing regulations for the R-3 or Public zone districts however these changes are supported by the STAMP and will help in the creation and feel of TOD. The DRT is supportive of the proposed standards. The additional five-feet allowed in building height should still be compatible with the adjacent single family homes to the south and would actually be shorter than what otherwise would be allowed in the Public Zone District now.

Design Standards and Landscaping:

The applicant is proposing enhancements to the design standards in the R-3 zone district such as upgraded amenities, programmed open space, and upgraded building materials. A minimum of 50% of the multi-family dwelling units will also have a porch or patio.

The design criteria proposed for this development exemplifies the intent behind the Mixed Use Designation in the Comprehensive Plan and STAMP and the DRT is supportive of the applicant's proposed standards. By having specific design standards for the site, it will help the development seem coordinated as part of a master plan.

Infrastructure:

This project will not require much in the way of infrastructure improvements. Access points will general remain along E. 72nd Avenue and Colorado Boulevard however the precise location will be determined during the PUD Permit stage with the finalization of the traffic study. The need for a signal at 72nd and Colorado will also be further considered with the PUD Permit through the approval of the traffic study. Drainage improvements will be required with the multifamily project and an on-site storm water detention pond will likely be necessary and will be evaluated with the drainage study.

Zone Document Contents

Sheet 1 – Cover Sheet with legal description and signatures

Sheet 2 – PUD Description

Sheet 3 – Land Use Schematic

Sheet 4 – Land Use Table, Bulk Standards and General Notes

Sheet 5 – Design Options/Standards

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 would not create conflicts with their regulations and no objections were received. Additional investigation may be necessary due to potential impacts to the site by adjacent former landfills as brought up by the Tri-County Health Department and this will be further explored in the subsequent development steps.

PUD Process

1. PUD Concept Schematic
 - a. DRT Team analysis
 - b. Planning Commission review and comment-Required for projects of greater complexity. Not necessary for this application.
2. PUD Zone Document - CURRENT STEP
 - 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
 - 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.
3. PUD Development Permit
 - a. Applicants submit PUD Development Permits for administrative review and approval

Summary:

In summary, the DRT has determined that the request meets the approval criteria for a PUD Zone Document outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals, Station Area Master

Plan 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 the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan	The City's plan for the subject property is mixed use. The proposed PUD is designed to provide this type of development.
<input checked="" type="checkbox"/>	The PUD zone document is consistent with any previously reviewed PUD concept schematic	This development is straightforward enough that a PUD concept schematic was not required.
<input checked="" type="checkbox"/>	The PUD addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes set out in section 21-4370 (PUD Zone District) and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments	The proposed PUD achieves the purposes identified in Section 21-4370. The customized zoning allows for mixed use residential and office development that is sensitive to adjacent property as identified in the Comprehensive Plan. It also furthers the goals of the Station Area Master Plan
<input checked="" type="checkbox"/>	The PUD complies with all applicable city standards not otherwise modified or waived by the city	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 through street connections, sidewalks, trails, and similar features	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 on adjacent properties or on the general community	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	This project takes advantage of the adjacent RTD N-Line FasTracks station, allowing for denser transit-oriented development that might otherwise not be appropriate.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
<input checked="" type="checkbox"/>	As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing	Not applicable
<input checked="" type="checkbox"/>	The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.	The primary objective of this PUD is to create a transit-oriented, mixed use development. This could not be achieved through a straight zoning designation and would not guarantee an innovative 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	<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 Mixed Use development. The proposed zoning is compatible with this type of development.	

Section	Goal	Description
		<u>Station Area Master Plan</u> Planning Framework
<u>Analysis:</u>	The PUD Zone Document is proposing entitlements that are in line with the planning framework outlined for the area adjacent to the 72 nd Avenue station.	

Section	Goal	Description
		<u>Station Area Master Plan</u> Implementation Actions
<u>Analysis:</u>	The STAMP encourages rezonings to meet the type of development described in the plan. This PUD rezoning furthers that goal.	

The Comprehensive Plan supports the type of development proposed for this site because it adheres to the Future Land Use Plan. This rezoning is further supported by the aspirations outlined in the Station Area Master Plan.

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 favorable recommendation.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located at **7190 Colorado Boulevard**, contained in case **Z-966-21** 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 located at **7190 Colorado Boulevard**, contained in case **Z-966-21** 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 located at **7190 Colorado Boulevard** contained in case **Z-966-21** 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.

To continue the case:

I move that the Planning Commission continue the requested PUD Zone Document for the property located at **7190 Colorado Boulevard** contained in case **Z-966-21** to a future Planning Commission agenda.