Legislation Details (With Text)

File #:	Z-774-04-21	**Version:**	1	**Name:**	This PUD Amendment proposes to modify planning areas based on shifting markets and housing demands. The residential use areas will increase to allow for more housing opportunities while offsetting the amount of Mixed-Use areas to strengthen the focus on m
Type:	Zoning Ordinances			**Status:**	Passed
File created:	1/21/2021			**In control:**	City Council
On agenda:	4/5/2021			**Final action:**	4/5/2021
Title:	AN ORDINANCE APPROVING THE SECOND CREEK FARM PUD ZONE DOCUMENT, 1ST AMENDMENT, AND AMENDING ORDINANCE Z-774-04 TO MODIFY THE RESIDENTIAL UNIT CAP, MODIFYING THE LIMITS ON SINGLE FAMILY AND MULTIFAMILY DEVELOPMENT, MODIFYING THE PLANNING AREA BOUNDARIES, SIZES, LOCATIONS, AND LAND USES, AND MODIFYING THE LAND USES, BULK STANDARDS, AND OIL AND GAS STANDARDS, AND OTHER MATTERS, FOR THE PROPERTY BOUNDED GENERALLY BY E 96TH AVENUE TO THE NORTH, TOWER ROAD TO THE EAST, THE SECOND CREEK FLOODPLAIN TO THE SOUTH, AND TELLURIDE STREET TO THE WEST, ZONED PUD (PLANNED UNIT DEVELOPMENT DISTRICT), IN COMMERCE CITY, COLORADO.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Council Communication, 2. Ordinance - Final, 3. Ordinance, 4. Vicinity Map, 5. Staff Report, 6. Planning Commission Minutes of February 2, 2021, 7. Existing PUD, 8. Proposed PUD First Amendment, 9. Filing 3 Drainage Report, 10. Proposed Filing 3 Plat, 11. Staff Presentation, 12. Applicant Presentation				

Date	Ver.	Action By	Action	Result
4/5/2021	1	City Council	approved on second & final reading	
3/1/2021	1	City Council	introduced by council as seated and approved on first reading	Pass

AN ORDINANCE APPROVING THE SECOND CREEK FARM PUD ZONE DOCUMENT, 1ST AMENDMENT, AND AMENDING ORDINANCE Z-774-04 TO MODIFY THE RESIDENTIAL UNIT CAP, MODIFYING THE LIMITS ON SINGLE FAMILY AND MULTIFAMILY DEVELOPMENT, MODIFYING THE PLANNING AREA BOUNDARIES, SIZES, LOCATIONS, AND LAND USES, AND MODIFYING THE LAND USES, BULK STANDARDS, AND OIL AND GAS STANDARDS, AND OTHER MATTERS, FOR THE PROPERTY BOUNDED GENERALLY BY E 96TH AVENUE TO THE NORTH, TOWER ROAD TO THE EAST, THE SECOND CREEK FLOODPLAIN TO THE SOUTH, AND TELLURIDE STREET TO THE WEST, ZONED PUD (PLANNED UNIT DEVELOPMENT DISTRICT), IN COMMERCE CITY, COLORADO.

Summary and Background Information:
The Second Creek Farms property was annexed into Commerce City, and zoned PUD in December of 2004. In September 2005, a subdivision was approved for Filing 1, creating 333 residential lots and adjacent rights of way, in addition to dedicating land for a future neighborhood park/school site. In April 2006, a subdivision was approved for Filing 2, which created 600 residential lots and adjacent

right of way. Following the approval of these two subdivisions, residential development did not immediately occur and sat vacant following the financial crisis of 2008. In 2018, interest re-emerged in residential development in this area, and the applicant submitted applications to amend Filings 1, and split the existing Filing 2 into two new filings - Filing 2 and Filing 3. The proposed Filing 3 is attached for reference only and is not the subject of this application or Council's decision.

The applicant is requesting to amend the existing PUD Zone Document to facilitate the final single family residential filing (Filing 3) in the overall development. This amendment to the PUD Zone Document will impact all areas in Filing 3, and all commercial and mixed use parcels along Tower Road. In particular, the request is to modify the existing 50' lot width in Planning Area M to 41' lot widths in that filing. The PUD Amendment is also requesting changes to: i) reduce the single family residential unit cap in the development from 1,129 residential units to 923, and ii) a series of significant modifications to the planning area boundaries, sizes, and locations, modifying the limitation on single family attached and multifamily development in Planning Areas A, F, K & L. It also includes significant modifications to the land use table, including allowed uses in each specific planning area, and updating the table to more accurately reflect the City's currently adopted Land Use Table in Article V of the LDC, as well as other modifications to bulk standards, and setbacks from Oil and Gas facilities.

The Planning Commission has recognized that the requested PUD Zone Document Amendment is consistent with the Comprehensive Plan, will not negatively impact surrounding properties, and will provide for the redevelopment of an underutilized parcel in a core industrial area of the city, which has the potential to positively improve the character of the neighborhood.

Please see attached Planning Commission minutes for detailed background and discussion and the Development Review Team recommendation.

Applicable Decision Criteria (for zoning application): Council will consider the zoning application following a public hearing in a quasi-judicial proceeding. As a modification to an existing PUD zone document, the application is subject to the same criteria as applied to PUD zone documents. LDC 21 -3251(5)(a). Per LDC 21-3251(3), Council may only approve the zoning application if all of the following criteria are found to be satisfied:

(a) 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;

(b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;

(c) The PUD:

(i) 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

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environments; or

(ii) The PUD is required to avoid completely prohibiting a legal, permitted business use within the city;

(d) The PUD complies with all applicable city standards not otherwise modified or waived by the city;

(e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;

(f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;

(g) 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;

(h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and

(i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.

Staff Responsible (Department Head): Jason Rogers, Community Development Director
Staff Member Presenting: Domenic Martinelli, AICP, LEED AP ND, Environmental Planner

Financial Impact: N/A
Funding Source: N/A

Planning Commission Recommendation:
On February 2, the Planning Commission held a public hearing, took testimony, and voted (5 to 0) to forward the PUD Zone Document Amendment request to City Council with a recommendation for Approval with Conditions, subject to the findings of fact.

Suggested Council Motions (Z-774-04-21):
- To accept the Planning Commission's recommendation and findings (does not approve zoning application): I move to accept the Planning Commission's findings and recommendations. [Requires simple majority.]

- To approve the zoning application (first reading): I move to introduce and approve Ordinance Z-774-04-21 on first reading by Council as seated. [Requires a majority of the members of council in office to override the Planning Commission (i.e., 5 no votes).]

- To approve the zoning application (second reading): I move to approve Ordinance Z-774-04-21 on second and final reading by Council as seated. [Requires a majority of the members of council in office to override the Planning Commission (i.e., 5 no votes).]