



## Legislation Text

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**File #:** Z-896-11-12-16-17-21, **Version:** 1

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AN ORDINANCE APPROVING AMENDMENT NO. 3 TO 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 FOR THE PROPERTY LOCATED SOUTH OF E. 84TH AVE, WEST OF TOWER RD, NORTH OF E. 81ST AVE AND EAST OF THE ROCKY MOUNTAIN ARSENAL NATION WILDLIFE REFUGE COMMERCE CITY, COLORADO

### **Summary and Background Information:**

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. No other modifications to the PUD are proposed.

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.

**Staff Responsible (Department Head):** Jason Rogers, Community Development Director

**Staff Member Presenting:** Jenny Axmacher, Principal Planner

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** The Planning Commission recommendation will be provided during the presentation. The Planning Commission public hearing will occur earlier in the day on November 23, 2020. The agenda and packet are anticipated to be updated prior to the City Council hearing but the relevant information will be available to the public through the Planning Commission hearing. The Development Review Team is recommending approval to the Planning Commission.

**Suggested Motion:**

- 1) I move to accept the recommendation of the Planning Commission in this case.
- 2) I move to introduce and approve Zoning Ordinance Z-896-11-12-16-17-21 approving the DIA Tech Center PUD Zone Document Amendment No. 3 on first reading by Council as seated.