



## Council Communication File Number: PUDA23-0005

**Agenda Date:** 10/7/2024

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Zoning Ordinances

AN ORDINANCE APPROVING THE MILE HIGH GREYHOUND PARK PUD ZONE DOCUMENT AMENDMENT 2 TO ALLOW FOR LIMITED DRIVE-THRU USES IN PLANNING AREA B. THE PROPERTY CONSISTS OF 10.52 ACRES AND IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF EAST 62ND AVENUE AND ELM STREET

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

The original Mile High Greyhound Park PUD Zone Document was approved by City Council in 2017. In 2021, City Council approved an amendment to the zone document to update the commercial and institutional uses for Planning Areas A and B. The intent of the 2021 amendment was to provide increased flexibility, to maximize the use of the land, and provide the best design and layout possible.

The proposed amendment will allow limited drive-through businesses within Planning Area B. Specifically, two drive through uses for Restaurants or Coffee Sales and one bank or financial institution within Planning Area B. The allowance of drive-through uses in Mile Greyhound Park is a departure from the initial vision for Mile High Greyhound Park. However, it is desired by the Urban Renewal Authority as response to post COVID-19 change in restaurant business models and as result of some potential end users interest in the site.

### **PUD Zone Document approval criteria - Land Development Code Section 21-3251(3)**

A PUD zone document may be approved only if:

- (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 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):** Jeff Brasel

**Staff Member Presenting:** Heather Vidlock

**Financial Impact:** N/A

**Funding Source:** N/A

**Planning Commission Recommendation:** On September 3, 2024, this case was presented to the Planning Commission. The Planning Commission held a public hearing, took testimony, and voted (4 to 1) to forward the PUD Amendment request to City Council with a recommendation for approval.

**Actions:**

- Approve the application, in accordance with the PC recommendation;
- Approve the application with conditions;
- Deny the application; or
- Continue the application