



# City Council Communication

**AGENDA DATE:** September 15, 2025    **LEGISTAR ITEM #:** PUDA25-0002

**PRESENTER:** Dalton Guerra  
Development

**DEPARTMENT:** Community

<input checked="" type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Public Hearing
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## REQUEST

The request is to amend the existing PUD Zone Document to allow warehouse and distribution land uses by right and to remove the maximum front yard setback for Planning Area 3, one of the last undeveloped parcels in the 170-acre light-industrial / commercial development called Nexus North at DIA located west of Tower Road between E. 81<sup>st</sup> Avenue and E. 88<sup>th</sup> Avenue.

## BACKGROUND

The proposed amendment will permit the following land uses by right in Planning Area 3: Produce Storage and Warehousing, Retail Sales in Conjunction with Warehouse Establishment, Warehousing and Storage - General. The current Nexus North at DIA PUD Zone Document Amendment allows for a number of commercial and light industrial land uses by right within Planning Area 3 such as fuel sales, vehicle repair, office, retail, office/flex, research and development. Manufacturing is also allowed by right within Planning Area 3. However, it does not currently allow for warehousing and distribution which is permitted by right within Planning Area 1 and with a Conditional Use Permit in Planning Area 2.

The applicant is also proposing to eliminate the maximum front yard setback requirement for Planning Area 3. The maximum front yard setback is currently 100' which would not allow for a practical building placement due to the shape of the lot.

A decision for this case must be based on the following criteria from Sec. 21-3251(3) of the Land Development Code.

## CITY COUNCIL COMMUNICATION CONTINUED

- 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.

## CITY COUNCIL COMMUNICATION CONTINUED

On July 1, 2025, the Planning Commission held a public hearing to consider the proposed PUD amendment. Following the hearing, the Commission unanimously recommended approval of the application.

### JUSTIFICATION

<input type="checkbox"/> Council Goal	<input type="checkbox"/> Strategic Plan	<input type="checkbox"/> Work Plan	<input checked="" type="checkbox"/> Legal
Citation	Section 21-3251 of the Land Development Code requires the City Council to receive a recommendation from Planning Commission and consider the request at a public hearing		

### BOARDS & COMMISSIONS ASSIGNED

Board or Commission	Planning Commission
Recommendation	5-0 Approval
Date of Recommendation	July 1, 2025

### PUBLIC OUTREACH

None, other than standard referrals and standard public hearing notice requirements.

### AVAILABLE ACTIONS

- a) Available Action #1: Approve PUDA25-0002, to find that the requested PUD Amendment to allow warehouse and distribution land uses and reduce the maximum front yard setback for Nexus North at DIA Planning Area 3 meets the criteria of the Land Development Code.
- b) Available Action #2: Deny PUDA25-0002, to find that the requested PUD Amendment to allow warehouse and distribution land uses and reduce the maximum front yard setback for Nexus North at DIA Planning Area 3 fails to meet the criteria of the Land Development Code.

# CITY COUNCIL COMMUNICATION CONTINUED

## **STAFF RECOMMENDATION**

Staff recommends available action #1, approving the PUD Amendment to allow warehouse and distribution land uses and reduce the maximum front yard setback for Planning Area 3 in the Nexus North at DIA zone document.