



# PUD Amendment Report

## Case #PUDA25-0002

*Planning Commission Date: July 1, 2025*

*City Council Date: September 15, 2025*

### **GENERAL INFORMATION**

|                       |                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------|
| <b>PROJECT NAME</b>   | Nexus North at DIA Amendment No. 3                                                   |
| <b>LOCATION</b>       | West of Tower Road between E. 81 <sup>st</sup> Avenue and E. 88 <sup>th</sup> Avenue |
| <b>SITE SIZE</b>      | 21.5 Acres                                                                           |
| <b>CURRENT ZONING</b> | PUD (Nexus North at DIA Amendment No. 2)                                             |
| <b>APPLICANT</b>      | Becknell Industrial                                                                  |
| <b>OWNER</b>          | Nexus North Lot 4 Owner LLC                                                          |
| <b>CASE PLANNER</b>   | Dalton Guerra                                                                        |

### **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.

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 Nexus North at DIA Tech Center PUD has been fully developed with the exception of Planning Area 3. All lots have been developed as warehouse and distribution land uses that are consistent with the existing land uses within the surrounding area in the DIA Tech Center PUD.

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.

### **PUD ZONING**

The zoning of a property determines what uses are allowed/not allowed and sets bulk development standards such as setbacks, lot size requirements, and maximum building heights. The City has a variety of straight zoning districts including residential districts, commercial

districts, industrial districts. PUD Zoning is a zoning district that allows specific uses and standards that a straight zone district would not allow. The intent of the PUD Zoning is to support a unique development that would not be feasible within a straight zoning district. PUD Zoning is approved by the City Council in the form of an ordinance and “runs with the land” meaning that the zoning for a parcel remains in effect unless it is modified by a subsequent PUD Amendment.

## **BACKGROUND AND CASE HISTORY**

The original Nexus North at DIA PUD Zone Document was approved by City Council on April 1, 2019. The first amendment to the PUD Zone Document was approved by City Council on December 12, 2019 which allowed for administrative modification of the planning area acreages up to a certain percentage. The second amendment to the PUD Zone Document was approved by City Council on May 3, 2021 which expanded the boundary of the PUD and modified the acreage of each planning area.

Planning Areas 1 and 2 are currently developed with warehouse and distribution uses. The original intent of not allowing warehouse and distribution uses within Planning Area 3 was to mitigate potential adverse impacts on the Buffalo Highlands residential subdivision to the north and Second Creek Farms to the east. The property directly north within the Buffalo Highlands PUD is designated as passive open space and will not be developed with residential land uses. The property directly east is within the Third Creek floodplain and will not be developed. East of that is the land within Second Creek Farms that was originally zoned for residential but has since come into ownership of the City of Commerce City and will no longer be developed as residential.

Becknell Industrial brought this same proposed amendment before the City in 2022. The proposal was recommended for approval by the Planning Commission on December 6, 2022. City Council heard the proposal on February 6, 2023 and voted to continue the case to March 20, 2023. There were concerns from the City Council regarding traffic along East 88<sup>th</sup> Avenue and impacts to the residential neighborhoods north of East 88<sup>th</sup> Avenue. There was also concern about the Nexus North at DIA Tech Center not developing as an employment office center and instead being developed as a warehouse park. The City Council voted to approve the proposal but amended the motion to not allow warehouse and distribution uses within Planning Area 3. The amendment to eliminate the maximum front yard setback was essentially all that was approved with the proposed amendment. The applicant subsequently withdrew their application before it was heard on second reading as they were unable to move forward with their proposed development without the warehouse and distribution land use being permitted.

## **COMPREHENSIVE PLAN (CP) CONSISTENCY**

The subject property is within the DEN Gateway District Character Area. The DEN Gateway District Character Area calls for primary land uses of Commercial, Office, Technology and Research, Airport Logistics, Warehousing and Distribution/Logistics, Utility, Public Gathering Spaces, and Parks and Open Spaces. The DEN Gateway District Character Area identifies warehousing and distribution facilities as a land use that benefits from the large land area,

proximity to the airport, and easy access to interstates. The proposed amendment to allow warehousing and distribution uses by right is consistent with the primary land uses and goals outlined within the DEN Gateway District Character Area.

The Economic Development Framework identifies the subject property as an Airport Employment Area. These areas leverage proximity to the airport by supporting industrial and business development while considering noise restrictions and providing buffering to adjacent neighborhoods. The proposed amendment to allow warehousing and distribution uses by right is consistent with the Economic Development Framework goals for Airport Employment Areas. These goals include building on existing economic assets and encouraging and promoting industrial uses near the airport. The proposed amendment to allow warehouse and distribution uses would be consistent with the surrounding area and meet the Comprehensive Plan goals of supporting distribution uses near the airport to leverage the proximity of Commerce City to DEN.

Planning Area 3 is the last vacant property within the Nexus North at DIA Tech Center PUD. The surrounding area has already been developed with warehouse and distribution land uses that are also consistent with the Comprehensive Plans goals and policies.

## **PROJECT ANALYSIS**

### **Site Overview**

The requested amendment to the PUD Zone Document (Nexus North at DIA PUD) is for the 21.5-acre property (Planning Area 3) generally bounded by E. 88th Ave to the north, Buckley Rd to the west, and Quintero St to the south. Planning Area 3 is the last vacant site in the northwest corner of the Nexus North at DIA Tech Center PUD. The property is currently vacant with an old barn structure on the site and the current zoning has been in place since 2021. The most recently approved PUD Zone Document Amendment allows for a number of commercial and industrial uses of varying intensity but does not allow for warehouse and distribution uses.

### **Overall Analysis**

The proposed PUD Amendment has been reviewed by the Development Review Team (DRT) including City of Commerce City Planning, City of Commerce City Engineering, City of Commerce City Economic Development, City of Commerce City Geographic Information Systems, City of Commerce City Parks Recreation Golf, South Adams County Fire Department, South Adams County Water and Sanitation District, United Power, Xcel Energy, and Denver International Airport. The DRT has reviewed the proposal against all relevant City standards and Land Development Code (LDC) requirements. There were no comments from referral agencies in opposition to the proposed PUD Amendment.

## **PUD ZONE DOCUMENT APPROVAL CRITERIA**

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

**Criteria (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;**

The subject property is within the DEN Gateway District Character Area as identified by the 2045 Commerce City Comprehensive Plan. The DEN Gateway District Character Area calls for warehousing and distribution as a primary land use. The DEN Gateway District Character Area identifies warehousing and distribution facilities as a land use that benefits from the large land area, proximity to the airport, and easy access to interstates. The Economic Development Framework identifies the subject property as an Airport Employment Area. These areas leverage proximity to the airport by supporting industrial and business development while considering noise restrictions and providing buffering to adjacent neighborhoods. The proposed amendment to allow warehouse and distribution land uses and to eliminate the maximum front yard setback for Planning Area 3 is consistent with the primary land uses and goals outlined within the DEN Gateway District Character Area and the Economic Development Framework goals for Airport Employment Areas.

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

The PUD Concept Schematic was reviewed by staff and presented to Planning Commission in 2018. There were two amendments to the original PUD approved by City Council in 2019 and 2021 which modified the boundaries of the PUD and the planning areas. The PUD and planning areas have changed significantly since the original concept plan was reviewed but the proposed amendment to allow warehouse and distribution land uses and to eliminate the maximum front yard setback for Planning Area 3 is consistent with the intent of the concept schematic to create a regional employment center that can accommodate airport related uses including warehouse and distribution.

**Criteria (c): 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;**

City Council approved the original PUD for this property in 2019. The proposed amendment to allow warehouse and distribution land uses and to eliminate the maximum front yard setback for Planning Area 3 is consistent with the overall intent of the PUD. The Nexus North at DIA Tech Center PUD has specific Design Standards and Guidelines that must be met by all new development. The Design Standards document provides specific standards for open space, landscaping, vehicular circulation, architecture, and signage. These standards help create a unique development that

would not be accomplished through straight zoning. The proposed amendment will allow Planning Area 3 to be developed with a warehouse distribution use that is consistent with the surrounding area and will meet the standards outlined in the Nexus North at DIA Tech Center PUD Design Standards and Guidelines.

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

The proposed amendment to allow warehouse and distribution land uses and to eliminate the maximum front yard setback for Planning Area 3 has been reviewed by the City of Commerce City Planning, City of Commerce City Engineering, City of Commerce City Economic Development, City of Commerce City Geographic Information Systems, City of Commerce City Parks Recreation Golf. City of Commerce City Planning reviewed the proposed amendment against the Nexus North at DIA Tech Center PUD, the Land Development Code, and the 2045 Commerce City Comprehensive Plan.

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

The proposed amendment to allow warehouse and distribution land uses and to eliminate the maximum front yard setback for Planning Area 3 does not alter the existing roadway network within Nexus North at DIA Tech Center. Access to Planning Area 3 will be provided to the south from Quintero Street. An emergency fire lane access point will be provided from East 88<sup>th</sup> Avenue but there is no public access from East 88<sup>th</sup> Avenue. The City of Commerce City Parks Recreation Golf Department has identified this area for a future trail connection to the Rocky Mountain National Wildlife Refuge. A pedestrian trail connection to the Rocky Mountain National Wildlife Refuge will be included in future plans for the development.

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

Planning Area 3 is currently vacant and surrounded by large warehouse and distribution buildings to the south. To the west is the Rocky Mountain National Wildlife Refuge, to the east is vacant passive open space within the Nexus North at DIA Tech Center that will not be developed, and to the north is passive open space within the Buffalo Highlands PUD that will not be developed. The closest residential zoned property is approximately 950 feet northeast of the property line for Planning Area 3. The building footprint within Planning Area 3 would be approximately 1,500 feet from the nearest residential property. There is no public access to the subject property from East 88<sup>th</sup> Avenue so all truck and vehicle traffic will be from the south internal to the Nexus North at DIA Tech Center PUD. The Nexus North at DIA Tech Center Design Standards and Guidelines outline standards to provide adequate landscaping, buffering, and building design to mitigate any potential significant adverse impacts on adjacent properties or on the general community. Staff will work with the applicant on future Development Plan review to ensure that the proposed site design as shown in the conceptual site plan meets the Nexus North at DIA Tech Design Standards and Guidelines document. Staff

will also review the future site design to ensure that it mitigates any potential significant adverse impacts on adjacent properties or on the general community.

**Criteria (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;**

The proposed PUD Amendment to allow warehouse and distribution land uses and to eliminate the maximum front yard setback for Planning Area 3 was reviewed by the Development Review Team (DRT) including City of Commerce City Engineering, South Adams County Fire Department, South Adams County Water and Sanitation District, United Power, and Xcel Energy. All agencies indicate that there were no issues with the proposed amendment to allow warehouse and distribution land uses and to eliminate the maximum front yard setback for Planning Area 3.

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

*Not applicable as there is no phasing plan.*

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

A PUD amendment is the only application type that would allow for warehouse and distribution land uses and the elimination of the maximum front yard setback within Planning Area 3. Amending the PUD allows Planning Area 3 to be developed with warehouse and distribution land uses consistent with the rest of the Nexus North at DIA Tech Center PUD. It also ensures that future development will be subject to the Nexus North at DIA Tech Center Design Standards and Guidelines to keep the consistent unique development found in the surrounding area.

## **CONSIDERATIONS FOR REQUESTED PUD AMENDMENT**

1. Planning Area 3 is the only vacant property remaining in the Nexus North at DIA Tech Center PUD.
2. Every developable lot within the Nexus North at DIA Tech Center has been developed as a warehouse and distribution land use.
3. There will be no truck or vehicle access along East 88<sup>th</sup> Avenue
4. All truck and vehicle access will be to the south from Quintero Street connecting the existing roadway network within the Nexus North at DIA Tech Center PUD.
5. Eliminating the maximum front yard setback standard for Planning Area 3 will allow for better site design.
6. The Nexus North at DIA Tech Center Design Standards and Guidelines will further regulate future design for the proposed development.

## **STAFF RECOMMENDATION**

Staff recommends approval of the PUD Zone Document Amendment to allow for warehouse and distribution land uses and the elimination of the maximum front yard setback within Planning Area 3 in the Nexus North at DIA zoning document.

## **PLANNING COMMISSION RECOMMENDATION**

On July 1, 2025 the Planning Commission voted 5-0 recommending approval of the PUD Zone Document Amendment to allow for warehouse and distribution land uses and the elimination of the maximum front yard setback within Planning Area 3 in the Nexus North at DIA zoning document.

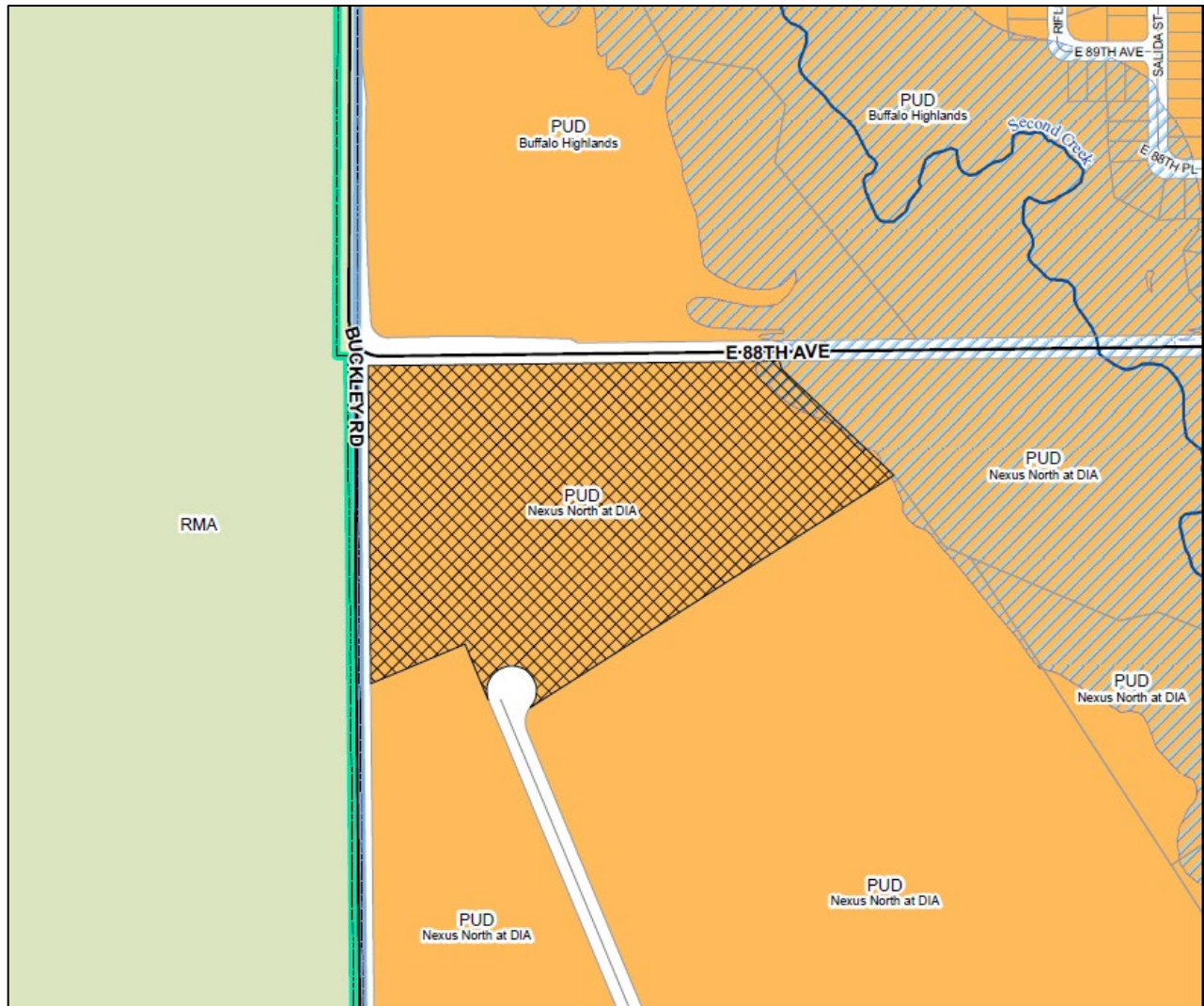
## **POTENTIAL MOTIONS**

1. Approval
  - a. City Council
    - i. I move that the City Council enter a finding that the requested **Nexus North at DIA PUD Third Amendment Zone Document contained in case PUDA25-0002** meets the criteria of the Land Development Code and based upon such finding, approve the PUD Amendment.
2. Approval with conditions
  - a. City Council

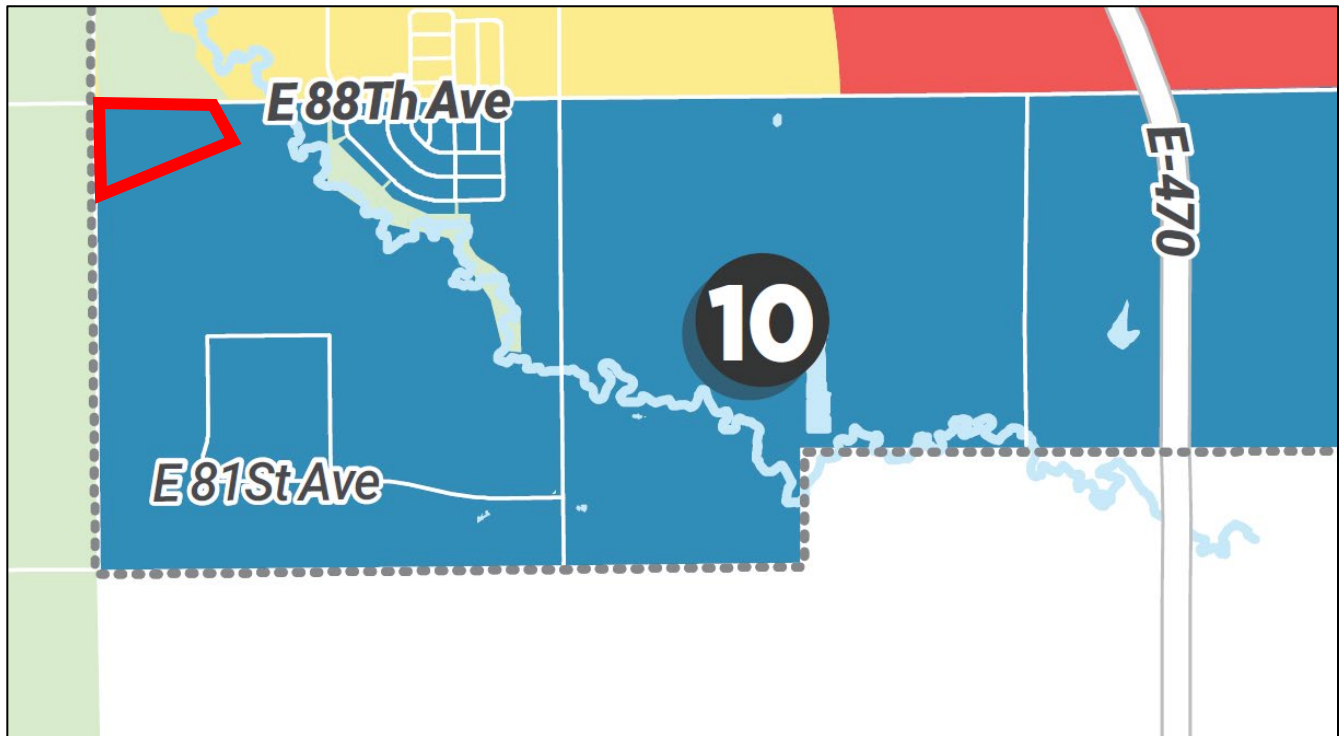
I move that the City Council enter a finding that the requested **Nexus North at DIA PUD Third Amendment Zone Document contained in case PUDA25-0002**, meets the criteria of the Land Development Code with conditions, and based upon such finding, approve the PUD Amendment with the following conditions:

\*Proposed conditions\*
3. Denial
  - a. City Council
    - i. I move that the City Council enter a finding that the requested **Nexus North at DIA PUD Third Amendment Zone Document contained in case PUDA25-0002** fails to meet the criteria of the Land Development Code and based upon such finding, deny the PUD Amendment.

# Zoning Map



## Character Area



### Legend

- |                                             |                                             |
|---------------------------------------------|---------------------------------------------|
| <b>1</b> 270 Industrial District            | <b>7</b> Northern Business District         |
| <b>2</b> Community Connection District      | <b>8</b> Northern Neighborhoods             |
| <b>3</b> Stadium District                   | <b>9</b> E-470 Expressway Corridor District |
| <b>4</b> Central Neighborhoods              | <b>10</b> DEN Gateway District              |
| <b>5a</b> Fusion District (Irondale)        | <b>11</b> Innovation District               |
| <b>5b</b> Fusion District (South Rose Hill) | <b>12</b> North Airport District            |
| <b>6</b> South Platte District              | <b>13</b> Future Growth Areas               |

# Aerial Map

