



# PUD Amendment Report

## Case #PUDA23-0005

*Planning Commission Date: September 3, 2024*

*City Council Date: October 7, 2024*

### **GENERAL INFORMATION**

<b>PROJECT NAME</b>	Mile High Greyhound PUD Amendment No. 2
<b>LOCATION</b>	Northwest corner of East 62nd Avenue and Elm Street
<b>SITE SIZE</b>	10.52 Acres
<b>CURRENT ZONING</b>	Commerce City Urban Renewal Authority
<b>APPLICANT</b>	Real Estate Construction Group
<b>OWNER(S)</b>	City of Commerce City
<b>CASE PLANNER</b>	Heather Vidlock

### **REQUEST**

The request is to amend the Mile High Greyhound Park PUD Zone Document to allow limited drive-through uses in Planning Area B. Specifically, two drive through uses for Restaurants or Coffee Sales and one bank or financial institution within Planning Area B.

### **BACKGROUND AND CASE HISTORY**

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.

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

The subject property is designated on the Future Land Use Map as Mixed-Use (Corridor and Commercial). The proposed land uses within the PUD are consistent with the Future Land Use designation of Mixed-Use. This case is supported by the following goals as outlined in the Commerce City Comprehensive Plan:

- Land Use and Growth (Goal LU 1.1) – Growth and Future Land Use Plan Consistency

- The proposed land uses within the PUD Zone Document are consistent with the Future Land Use Plan designation of Mixed-Use for this property.
- Land Use and Growth (Goal LU 2.1) – Infill Development Promoted
  - The property is currently vacant. An amendment to allow drive-through uses will promote commercial development of the site.
- Land Use and Growth (Goal LU 5.1) – Commercial Centers
  - Allowing drive-through uses will promote redevelopment at the Wembley Property (East 64<sup>th</sup> Avenue and Highway 2) for a Regional Commercial Center.
- Economic Development (Goal ED 3.2) – Reinvestment/Redevelopment of Targeted Areas
  - The Wembley Property is a targeted area for redevelopment. This property is currently vacant with frontage along Highway 2 and additional drive through uses will allow more businesses to consider locating on this site.
- Redevelopment and Reinvestment (Goal RR 1.1) – Historic City Infill Development Promoted
  - The property is currently vacant. An amendment to allow drive-through commercial uses will promote commercial development of the site.

## **ADDITIONAL INFORMATION**

The requested PUD Amendment is to amend the land use table for Planning Area B, located at the northwest corner of East 62<sup>nd</sup> Avenue and Elm Street. Specifically, to allow two drive through uses for Restaurants or Coffee Sales and one bank or financial institution within Planning Area B.

A portion of Planning Area B has already been developed into the Woodsprings Hotel. The remainder of Planning Area B would be impacted by the proposed amendment. No changes are proposed to the allowed land uses or bulk standards for any other Planning Areas.

There are no additional applications currently under review with the City. A development plan and final plat will be needed to lay out the final design for Planning Area B.

## **PROJECT ANALYSIS**

### **Site Overview**

The subject property is approximately 10.52 acres. The surrounding properties to the east and north are vacant but zoned for a mix of uses with some institutional uses (Planning Area A to the north) and residential (Planning Area D to the east). To the south is the Parkway Market Center (King Soopers shopping plaza). To the west are some major roadways including Highway 2 and US 85 (Vasquez Boulevard).

### **Road Network Impacts**

The subject property has access to/from Highway 2, East 62<sup>nd</sup> Avenue, Parkway Drive and East 63<sup>rd</sup> Avenue. Highway 2 is classified as a principal arterial road. While East 62<sup>nd</sup> Avenue, East 63<sup>rd</sup> Avenue, and Parkway Drive are minor collectors. Improvements are expected to East 62<sup>nd</sup> Avenue, East 64<sup>th</sup> Avenue and Parkway Drive to accommodate the additional traffic generated. There is a preliminary traffic study on file that will be finalized at the time of Final Plat and Development Agreement.

### **Overall Analysis**

The proposed PUD Amendment has been reviewed by the Development Review Team (DRT) including Planning, Public Works, Engineering, South Adams County Fire District, and South Adams County Water and Sanitation District. 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. 21-3232(5) of the Land Development Code.

**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 proposed amendment to allow additional drive-through uses is consistent with the policies and goals of the comprehensive plan as stated in this staff report and will remain consistent with the land use designation of Mixed-Use (Corridor and Commercial).

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

The proposed amendment is consistent with the concept schematic that was reviewed in 2013.

**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;

Allowing additional drive-through uses will promote the site to develop along the commercial frontage of Highway 2. The Design Guidelines established for the Mile High Greyhound Park Area will promote unique architecture and high-quality landscape design.

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

The proposed amendment has been reviewed by the Development Review Team and meets all applicable City standards as well as the Future Land Use Plan.

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

The previously approved PUD Zone Documents have set a layout which provides connections and access through the site and to neighboring developments.

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

The proposal includes a cap on the number of allowed drive-through uses. Which will help to mitigate the impacts on adjacent properties. The proposed amendment goes on to require additional landscape screening for the drive through uses to mitigate visual impacts.

**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 property is within the South Adams County Water and Sanitation District and the South Adams County Fire District. Xcel Energy and Commerce City Public Works/Engineering reviewed the request and had no opposition.

**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 maintaining what has already been established for Mile High Greyhound Park while responding to market conditions.

## **CONSIDERATIONS FOR REQUESTED PUD AMENDMENT**

1. Allowing drive through commercial uses will promote commercial development
2. Drive-through uses were discouraged in the original vision for Mile High Greyhound Park
3. The proposal includes a limitation on the number and location of the drive-through
4. No changes proposed to the PUD besides the land use table for Planning Area B

## **POTENTIAL MOTIONS**

1. Approval
  - a. Planning Commission

- i. I move that the Planning Commission enter a finding that the requested **PUD Zone Document Amendment** for the property located **at the northwest corner of East 62nd Avenue and Elm Street** contained in case **PUDA23-0005** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the PUD Amendment.
    - b. City Council
      - i. I move that the City Council enter a finding that the requested **PUD Zone Document Amendment** for the property located **at the northwest corner of East 62nd Avenue and Elm Street** contained in case **PUDA23-0005** meets the criteria of the Land Development Code and based upon such finding, approve the PUD Amendment.
2. Approval with conditions
- a. Planning Commission
 

I move that the Planning Commission enter a finding that the requested **PUD Zone Document Amendment** for the property located **at the northwest corner of East 62nd Avenue and Elm Street** contained in case **PUDA23-0005**, meets the criteria of the Land Development Code with conditions, and based upon such finding, recommend that the City Council approve the PUD Amendment with the following conditions:

\*Proposed conditions\*
  - b. City Council
 

I move that the City Council enter a finding that the requested **PUD Zone Document Amendment** for the property located **at the northwest corner of East 62nd Avenue and Elm Street** contained in case **PUDA23-0005**, 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. Planning Commission
    - i. I move that the Planning Commission enter a finding that the requested **PUD Zone Document Amendment** for the property located **at the northwest corner of East 62nd Avenue and Elm Street** contained in case **PUDA23-0005** fails to meet the criteria of the Land Development Code and based upon such finding, recommend that the City Council deny the PUD Amendment.
  - b. City Council
    - i. I move that the City Council enter a finding that the requested **PUD Zone Document Amendment** for the property located **at the northwest corner of East 62nd Avenue and Elm Street** contained in case **PUDA23-0005** fails to meet the criteria of the Land Development Code and based upon such finding, deny the PUD Amendment.
4. Continuance
- a. Planning Commission
    - i. I move that the Planning Commission continue the public hearing of the requested **PUD Zone Document Amendment** for the property located **at the**

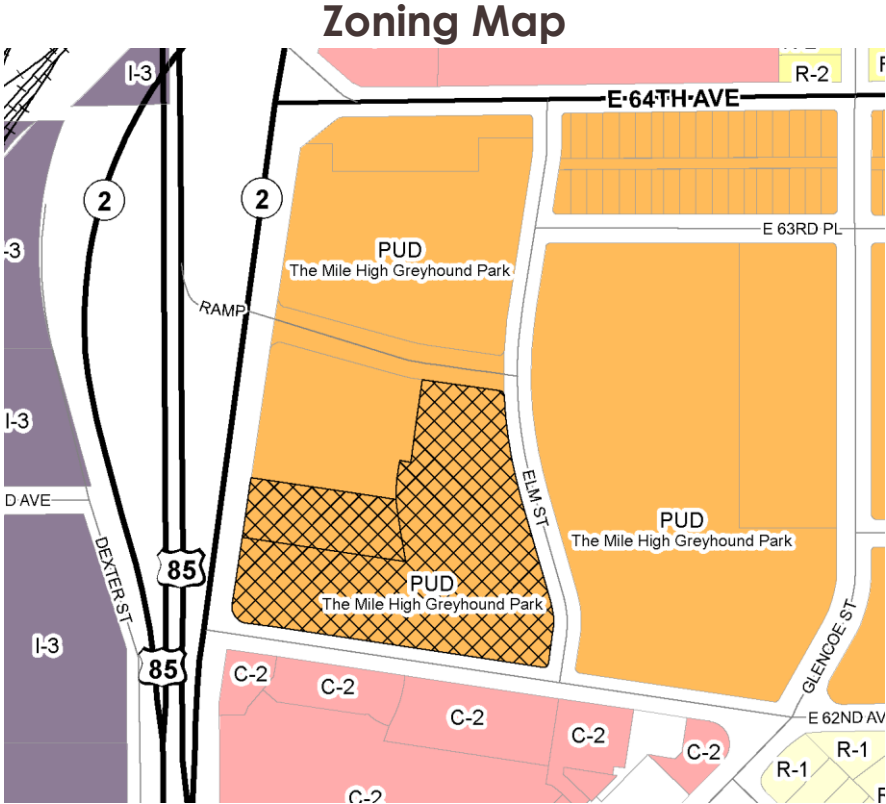
northwest corner of East 62nd Avenue and Elm Street contained in case PUDA23-0004 to:

- 1. The next regularly scheduled Planning Commission meeting; or
- 2. A date certain.

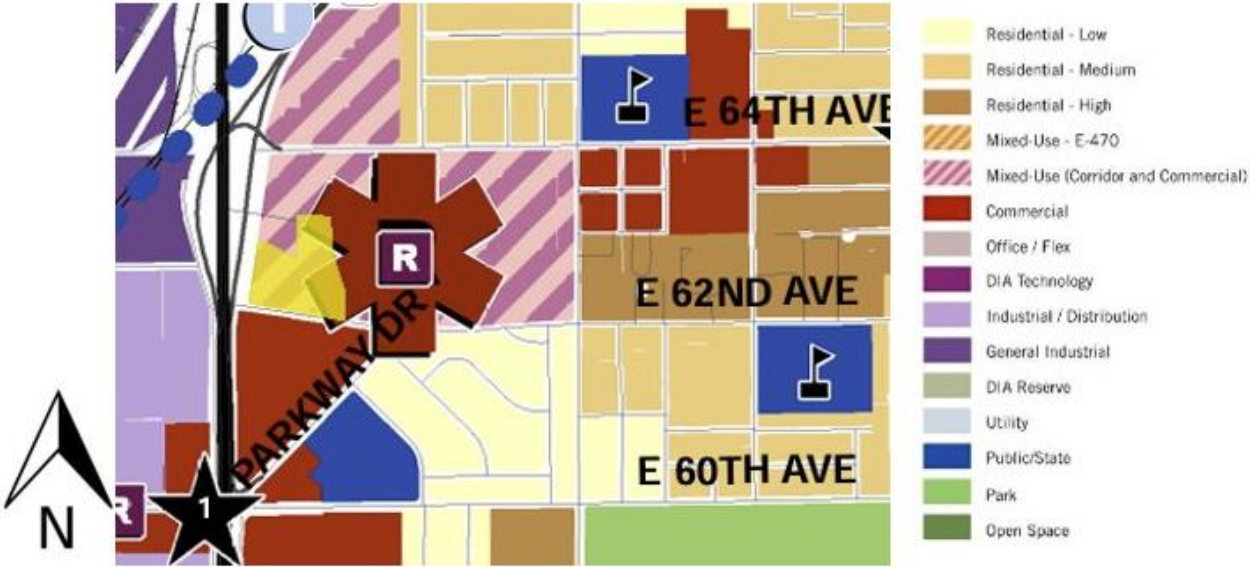
b. City Council

i. I move that the City Council continue the public hearing of the requested PUD Zone Document Amendment for the property located at the northwest corner of East 62nd Avenue and Elm Street contained in case PUDA23-0005 to:

- 1. The next regularly scheduled City Council meeting; or
- 2. A date certain.



# Future Land Use Plan



# Aerial Map





## Site Photos



View from East 62<sup>nd</sup> Avenue facing northwest (taken August 20, 2024)



View from East 63<sup>rd</sup> Avenue facing south (taken August 20, 2024)