



Case #PUDA23-0003

Commons at 104th PUD Amendment No. 2

09/16/2024

Case Summary

- Location: Southeast corner of Potomac Street and East 104th Avenue
- Request: PUD Amendment to allow sit down restaurants with a drive thru, retail stores, and EV charging stations.
- Zoning: PUD (Commons at 104th)
- Future land use designation: Mixed-Use (Corridor and Commercial)

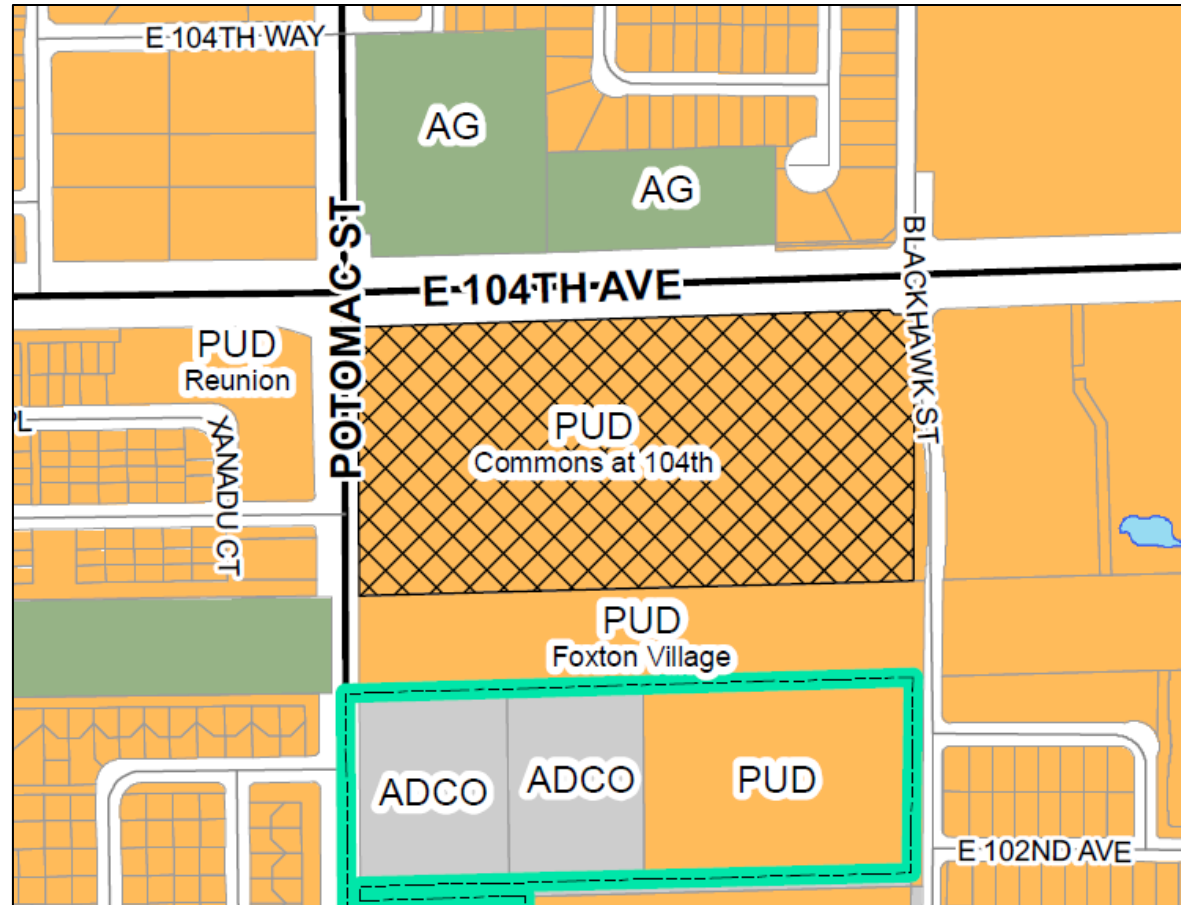
Case Background

- Original Commons at 104th PUD approved in 2008
- Amendment #1 approved in 2022
 - To allow multi-family residential on Planning Area B
- Amendment #2 will modify permitted commercial uses within Planning Area A

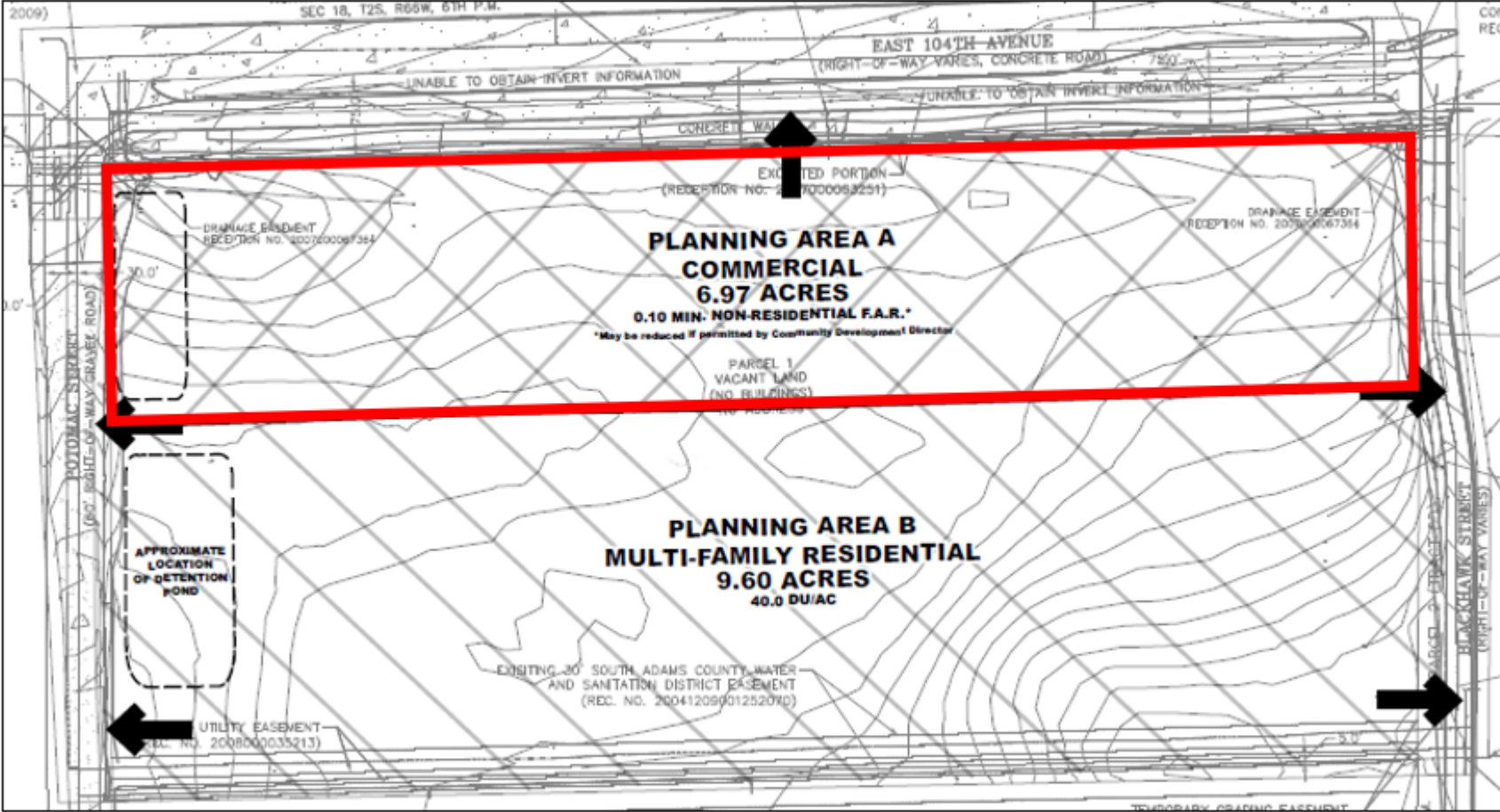
Aerial Map



Zoning Map



Planning Areas



Proposed Land Use Table - Restaurants

EATING AND DRINKING ESTABLISHMENTS	FAST FOOD ⁷ RESTAURANT WITH OR WITHOUT DRIVE-THRU/UP	C
	SIT DOWN ⁸ RESTAURANT WITH OR WITHOUT DRIVE-THRU/UP	R

- FAST FOOD IS DEFINED AS THE ABILITY TO ORDER FOOD IN THE DRIVE-THRU LINE
- SIT DOWN IS DEFINED AS MUST ORDER FOOD INSIDE, DRIVE-THRU IS FOR CALL-IN OR MOBILE ORDERS ONLY



Proposed Land Use Table – EV Stations

CONVENIENCE STORE/ GROCERY STORE WITH FUEL SALES AND EV STATIONS ⁶	R
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- THE NUMBER OF FUEL ISLANDS WILL BE LIMITED TO THE STANDARDS SET FORTH IN THE COMMERCE CITY LAND DEVELOPMENT CODE.
- A MINIMUM OF ONE EV SPACE IS REQUIRED FOR SITES WITH 2 FUEL ISLANDS.
- AN ADDITIONAL EV SPACE IS REQUIRED FOR EACH ADDITIONAL FUEL ISLAND PROVIDED.



Proposed Land Use Table - Retail

RETAIL ESTABLISHMENT	RETAIL BUSINESS STORE LESS THAN 25,000 SQUARE FT. ⁵	R
	RETAIL BUSINESS STORE GREATER THAN 25,000 SQUARE FT. ⁵	C

- RETAIL BUSINESS STORE LESS THAN OR GREATER THAN 25,000 SQUARE FEET EXCLUDES BETTING PARLOR, ADULT BOOKSTORE, PORNOGRAPHIC SHOP/ADULT STORE, BAIL BONDS BUSINESS, FLEA MARKET, JUNK YARD, NIGHTCLUB, WAREHOUSE, FUNERAL PARLOR, VEHICLES SALES/OFFICE SHOWROOM, AND MARIJUANA/THC STORE/SALES.



Planning Commission

- Heard by Planning Commission on August 6, 2024
- Planning Commission voted 5-0 to recommend approval to City Council

Considerations

- Allowing additional commercial uses promotes commercial development along East 104th Avenue
- Sit down restaurants with a drive-thru for mobile orders are permitted by right
- Fast food restaurants with a drive-thru require a Conditional Use Permit
- EV stations are required with fuel sales
- General retail under 25,000 square feet is permitted by right
- No changes proposed to the PUD besides the land use table for Planning Area A

PUD Approval Criteria - 1

Sec. 21-3251(3):

(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;

PUD Approval Criteria - 2

Sec. 21-3251(3):

(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 is available to answer any questions.

PUD Approval Criteria (a)

- **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 land uses is consistent with the policies and goals of the comprehensive plan as stated in this staff report and is consistent with the land use designation of Mixed-Use (Corridor and Commercial).

PUD Approval Criteria (b)

- **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 2018.

PUD Approval Criteria (c)

- **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 commercial land uses will allow the site to develop along the commercial frontage of E 104th Ave. The PUD provides a horizontal mixed-use product with multi-family housing to the south and commercial sites to the north along 104th Ave.

PUD Approval Criteria (d)

- **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.

PUD Approval Criteria (e)

- **Criteria (e): The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;**
- The proposed layout provides connections between the multi-family residential use to the south and the commercial uses to the north. Additionally, there are vehicle access points to Potomac St, Blackhawk St, and 104th Ave.

PUD Approval Criteria (f)

- **Criteria (f): To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;**
- The subject property is currently vacant with a large power line easement directly to the south and vacant property to the east and west zoned for residential. The proposed amendment would allow additional commercial uses along E 104th Ave. on a property that is currently vacant. Access points, traffic studies, and overall site design will be reviewed and approved in future development plan applications.

PUD Approval Criteria (g)

- **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, South Adams County Fire District, and the Northern Infrastructure General Improvement District. Xcel Energy, United Power, and Commerce City Public Works/Engineering reviewed the request and had no opposition.

PUD Approval Criteria (h)

- **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.

PUD Approval Criteria (i)

- **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 additional commercial uses for Planning Area A of the Commons at 104th PUD.