



PUD Amendment Report

Case #PUDA23-0003

Planning Commission Date: August 6, 2024

City Council Date: September 16, 2024

GENERAL INFORMATION

PROJECT NAME	Commons at 104 th PUD Amendment No. 2
LOCATION	Southeast corner of Potomac Street and East 104 th Avenue
SITE SIZE	16.57 Acres
CURRENT ZONING	PUD (Commons at 104 th)
APPLICANT	Southwestern Property Corp.
OWNER	Southwestern Property Corp.
CASE PLANNER	Dalton Guerra

REQUEST

The request is to amend the existing PUD Zone Document to allow additional land uses.

BACKGROUND AND CASE HISTORY

The original Commons at 104th PUD Zone Document was approved by City Council in 2008. In 2022, City Council approved an amendment to the zone document to allow multi-family residential in the southern planning area. A condition was added by the City Council as part of the approval in 2022. The condition states that no more than 50% of the multi-family residential units in Planning Area B can be occupied until at least 25% of the commercial frontage along 104th is under vertical construction. This condition can be found as a note on Sheet 5 of the PUD Zone Document and will remain in place as part of this amendment.

The proposed amendment will allow retail stores less than 25,000 square feet by right and retail stores greater than 25,000 square feet with a Conditional Use Permit. This amendment will also define and distinguish fast food restaurants from sit down restaurants. A fast food restaurant is defined as having the ability to order food in a drive thru lane. A sit down restaurant would only allow the ability to order food inside the restaurant. However, a drive thru may be utilized to pick up a call-in/mobile order. EV Charging Stations are also being proposed as a requirement for a fuel sales use.

ADDITIONAL INFORMATION

The northern portion of the property along 104th Ave (Planning Area A) is designated for commercial uses and equals approximately 6.97 acres. The southern portion of the PUD (Planning Area B) is designated for multi-family residential and equals approximately 9.6 acres. The requested PUD Amendment is to amend the land use table for Planning Area A, along 104th Ave. No changes are proposed to the allowed land uses or bulk standards for Planning Area B.

There is a proposed Development Plan (PUD23-0001) and Final Plat (S23-0001) which are currently under review for the site. The Development Plan consists of a 200-unit multi-family apartment complex on the southern portion (Planning Area B) of the site. The final plat will create one large lot for the apartment complex to the south and several commercial lots to the north along the 104th Avenue frontage.

COMPREHENSIVE PLAN (CP) CONSISTENCY

The subject property is designated on the Future Land Use Map as Mixed-Use (Corridor and Commercial). The proposed additional commercial land uses within the PUD are consistent with the Future Land Use designation of Mixed-Use. Allowing more retail uses and restaurant uses support the Mixed-Use designation and goals and policies within the Comprehensive Plan. 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 unplatted and vacant. An amendment to allow additional commercial uses will promote commercial development of the site along East 104th Avenue.
- Land Use and Growth (Goal LU 3.6) – Northern Range Neighborhoods Strengthened
 - Allowing additional land uses will promote commercial development along the East 104th Avenue frontage.
- Economic Development (Goal ED 3.2) – Reinvestment/Redevelopment of Targeted Areas
 - Infill along East 104th Avenue is a targeted area for redevelopment. This property is currently vacant with frontage along E 104th and additional land uses will allow more businesses to consider locating on this site.
- Economic Development (Goal ED 4.1) – Support Retail Development
 - Retail stores and sit-down restaurants are being proposed as allowable uses within this PUD Amendment.
- Redevelopment and Reinvestment (Goal RR 1.2) – Northern Range Infill Development Promoted
 - The property is currently unplatted and vacant. An amendment to allow additional commercial uses will promote commercial development of the site along East 104th Avenue.

PROJECT ANALYSIS

Site Overview

The subject property is approximately 16.35 acres. The surrounding properties to the east and west are vacant but zoned for residential. To the north are existing residential homes within AG zoning. To the south is a large power line easement within AG zoning. The site is currently vacant but a development plan is currently being reviewed for an apartment complex within Planning Area B. No changes are proposed to the allowed land uses or bulk standards for Planning Area B.

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. 21-3251(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 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).

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.

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.

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 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.

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.

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.

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

CONSIDERATIONS FOR REQUESTED PUD AMENDMENT

1. Allowing additional commercial uses promotes commercial development along East 104th Avenue
2. Sit down restaurants with a drive-thru for mobile orders are permitted by right

3. Fast food restaurants with a drive-thru require a Conditional Use Permit
4. EV stations are required with fuel sales
5. General retail under 25,000 square feet is permitted by right
6. No changes proposed to the PUD besides the land use table for Planning Area A

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 southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003** 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 southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003** 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 southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003**, 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 southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003**, 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 southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003** 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 southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003** 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 southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003** to:

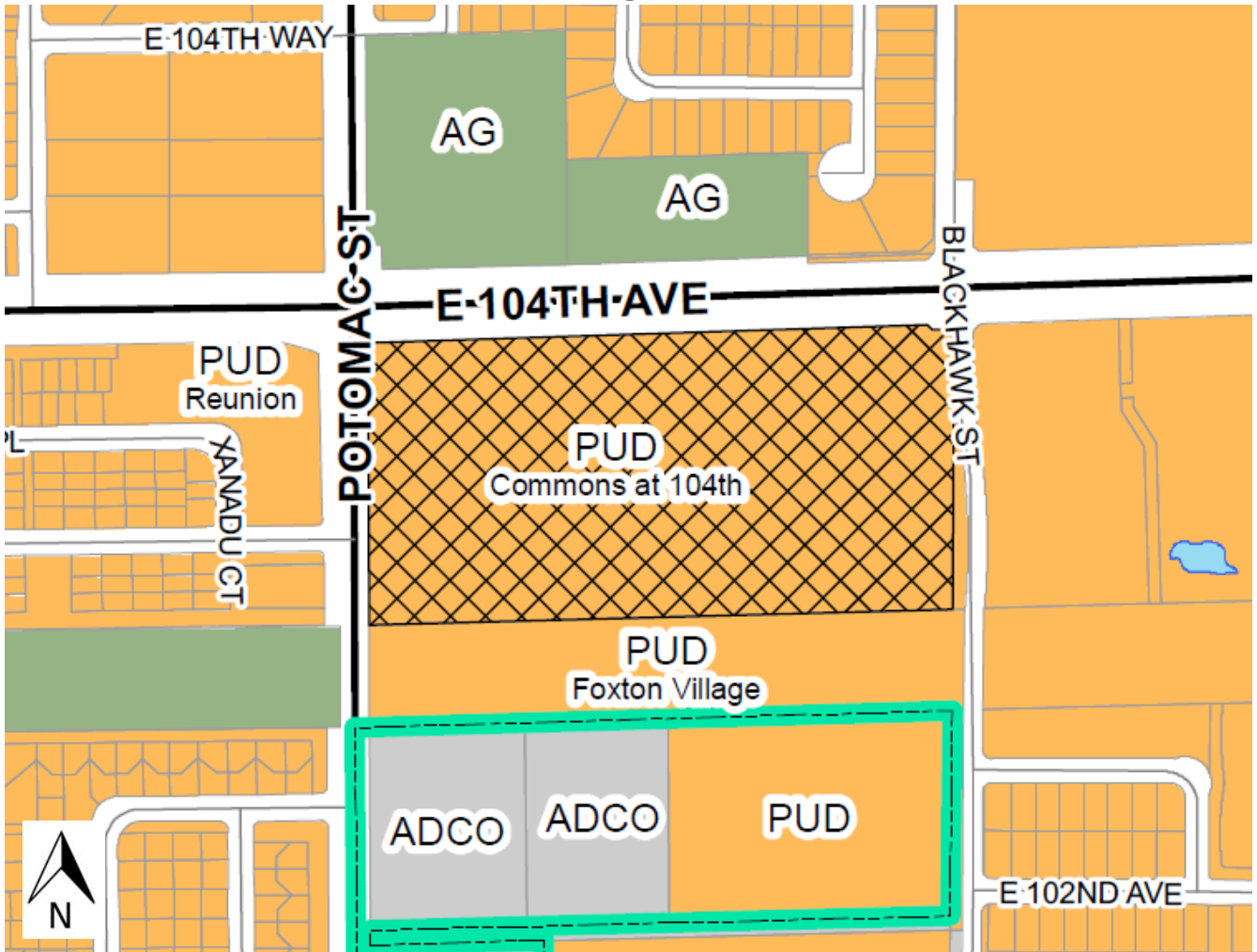
1. The next regularly scheduled Planning Commission meeting; or
2. A date certain.

b. City Council

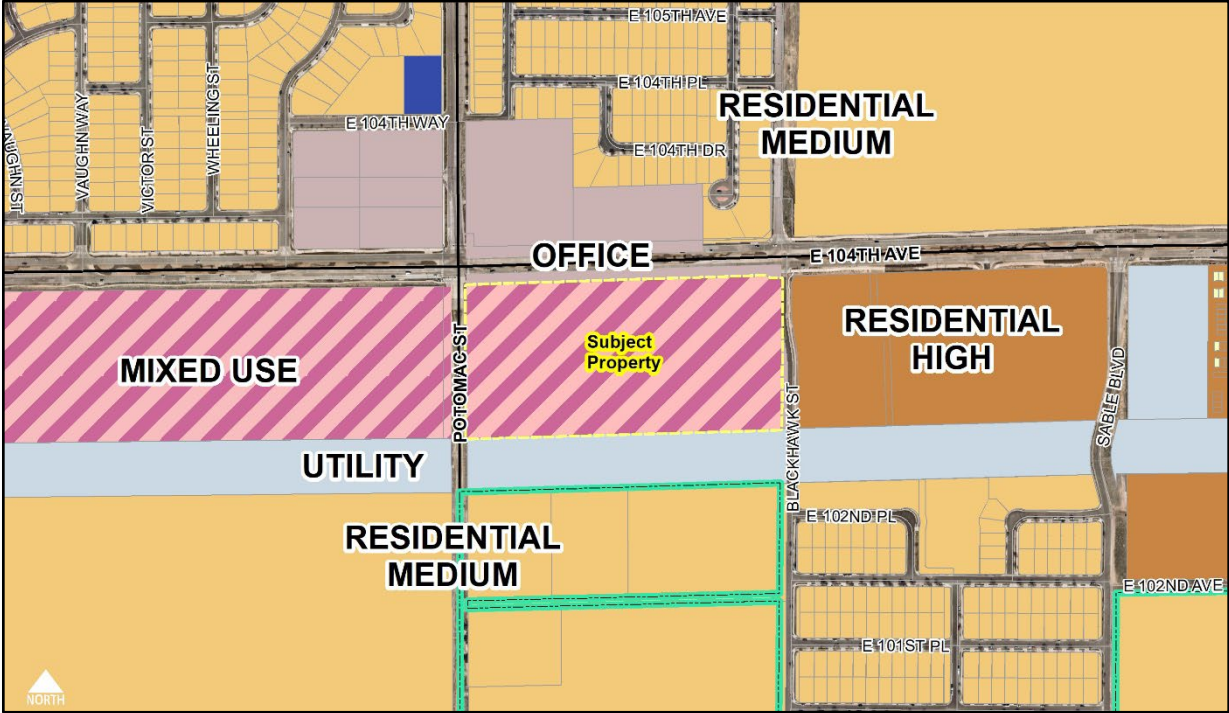
- i. I move that the City Council continue the public hearing of the requested **PUD Zone Document Amendment** for the property located **at the southeast corner of Potomac Street and East 104th Avenue** contained in case **PUDA23-0003** to:

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

Zoning Map



Future Land Use Plan



Aerial Map

