



## Legislation Text

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**File #:** PUDC-22-0001, **Version:** 2

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A major amendment to the PUD concept plan for Interquest Marketplace to allow commercial use on 1.642 acres located north of Federal Drive and Summit View Parkway.

(Quasi-Judicial)

Related Files: PUDZ-22-0003

**Presenter:**

Austin Cooper, Planner II, Planning & Community Development  
Peter Wysocki, Director, Planning & Community Development

**Summary:**

Owner: Allison Valley Development Co c/o La Plata Communities  
Consultant: Kyle Campbell  
Location: north of Federal Drive and Summit View Parkway

This project includes concurrent applications for a zone change and a concept plan. The zone change proposes re-zoning from PUD (Planned Unit Development: Office/Commercial, 135 foot maximum building height) and A/CR (Agricultural with conditions of record) to PUD (Planned Unit Development; Commercial, 35,000 square feet of non-residential square footage, 45-foot maximum building height). The concept plan illustrates how the 1.642-acre site is currently developed since there are no proposed changes to the lot.

**Background:**

This property was annexed in 2005 and zoned as PUD and A/CR. The area that is part of this application that was zoned A/CR was done so to provide adequate protection for the Preble's Meadow Jumping Mouse. This area was later deemed unnecessary for the habitat which would allow it to be developed without interfering with that protected area (See USACE PMJM determination). The applicant proposed the zone change discussed below in an effort to support a future office development.

The proposed land use designation for the property is determined by the concept plan. The concept plan does not illustrate the detailed design for this development and will require a comprehensive development plan application to move forward with any site development.

Any change of zone application must be evaluated using the review criteria in Section 7.5.603.B. of City Code. Specifically, the request must not be detrimental to public interest, health, safety, convenience, or general welfare; the proposal must be consistent with the City's Comprehensive Plan; and the request must be consistent to the approved master plan for the area. Staff finds that the criteria are met. While a more detailed analysis of how the newly adopted PlanCOS applies to

this project is provided below, it should be noted that the City has been supporting infill development and redevelopment opportunities.

The proposed zone change will cause the property's zone designation to change from A/cr (Agricultural with Conditions of Record) to PUD (Planned Unit Development; Commercial, 35,000 square feet of non-residential square footage, 45-foot maximum building height) to allow for previously protected land to be developed. The applicant has provided documentation to prove that the land is no longer needed for the Preble's Meadow Jumping Mouse Habitat Conservation Plan. Portions of the 1.6-acre zone change site were previously zoned to PUD in 2005. While the current zoning of most of the site is supportive of the proposed future development, the applicant is required to seek rezoning for portions of the lot zoned A/CR. PUD zoning is tied to the zoning ordinance. While the remaining 0.36-acre portion of the site is required to be rezoned, the entire parcel must be included so that all property for future development is encumbered by the same zone district. The previous PUD allowed for height provisions of up to 120-feet in some areas. One key difference between the existing PUD zoning and the proposed is that the applicant has also decreased the allowable height of any development on the site from the current 120-feet to 45-feet to address the neighbors' concerns of building height.

For the reasons stated above, as well as the discussion within the applicant's project statement, staff finds that the proposed zone change meets the review criteria for a zone change, as set forth in City Code Section 7.5.603.B.

The proposed land use designation for the property is determined by the concept plan (see attached Concept Plan). The concept plan does not illustrate the detailed design for this development, and a development plan and final plat will be needed to develop this site. The concept plan will require some technical modifications to be made to the plans to ensure concurrence between the proposed rezoning and approved concept document. First, the concept plan area notes only the 0.35-acre area to be added into the concept plan. As discussed above, this area was previously determined to be encompassed by the PMJM habitat and required additional study by US Army Corps of Engineers. Per that document, no habitat was identified, and the property was deemed developable without restriction. As such, this small area must be included in the concept plan area. Planning staff is requesting a technical modification relating to the project size so that it illustrates the entire 1.6-acre zone change area. The second technical modification relates to the proposed new building height being added as a note to the plans clearly identifying that this project area is subject to the proposed rezoning permitting a 45-foot maximum building height. Staff finds that the requested technical modifications do not materially alter the request but further reinforce the rezoning request.

For the reasons stated above and in the applicant's project statement, staff finds that concept plan meets the review criteria as set forth in city code Section 7.5.501.E.

The proposal is complementary to the envisioned comprehensive land use pattern for the surrounding neighborhood based on several themes in PlanCOS.

The Thriving Economy Chapter of PlanCOS includes a goal to "Embrace Sustainability", along with Policy TE-4.A which reads: "Prioritize development within the existing City boundaries and built environment (not in the periphery)." The proposed project is an example of allowing continued investment within the existing city boundaries. Policy TE-4.A-3 reads, "Support greenfield development that includes mixed-use, higher density clusters and quality design. This project allows for a site to be developed within a commercial and office hub allowing for a high-density cluster of

commercial along the I-25 corridor.

For the reasons noted above, Staff finds the proposed development in compliance with PlanCOS. Copies of some Framework maps are shown here and are available on the City website.

This area is part of the existing Allison Valley Master plan and is consistent with the development proposals outlined in that plan.

The attached City Planning Commission staff report includes additional analysis.

**Previous Council Action:**

City Council previously acted on this property on January 8<sup>th</sup>, 2019, when the zoning was PUD was last amended to add public facility to the use types allowed in this PUD. The Agricultural zoning was implemented with ordinance number 05-132 which was approved September 27<sup>th</sup>, 2005.

**Financial Implications:**

N/A.

**City Council Appointed Board/Commission/Committee Recommendation:**

At the City Planning Commission meeting held on October 12, 2022, the project applications were considered under the Consent Calendar. After the recusal of James McMurray, Planning Commission voted unanimously 8-0-1 (with Commissioner James McMurray recusing) to approve the project applications.

**Stakeholder Process:**

The public notification process consisted of providing notice to approximately 40 adjacent property owners within 1,000 feet of the site on three occasions: upon initial submittal of the zone change and concept plan applications; prior to the planning commission hearing and city council hearing. A city-generated poster was placed on the site, and postcards were mailed to property owners on each occasion. Three written comments were received by the planning department upon initial submittal concerning obstructed views, mouse habitat, and building height.

Staff's analysis of the proposed applications is outlined in the previous sections of this report. In terms of internal and external agency reviews, staff sent the applications to the standard agencies and service providers including but not limited to, Engineering Development Review, CSU, Traffic, Enumerations, Fire, Stormwater, Public Works, Forestry and Land Surveying. Various comments specific to the project design, notably regarding existing CSU lines and development notes, were provided to the applicant.

**Alternatives:**

City Council can adopt the proposed concept plan as presented, amend the proposed concept, or decline to approve the proposed concept plan.

**Proposed Motion:**

Approve a major amendment to the PUD concept plan for Interquest Marketplace to allow commercial use on 1.642 acres located north of Federal Drive and Summit View Parkway based upon the findings that the request meets the review criteria for establishing a PUD concept plan, as set forth in City Code Section 7.3.605, and the review criteria for establishing a concept plan, as set

forth in City Code Section 7.5.501(E).

N/A