



STAFF REPORT

Planning Commission

CASE #S-620-14

PC Date:	September 2, 2014	Case Planner:	Caitlin Hasenbalg Long
CC Date:	October 6, 2014		
Location:	4851 East 60 th Avenue, Commerce City, CO 80022 (existing address) New address: 6001 Dexter Street, Commerce City, CO 80022		
Applicant:	Sterling Design Associates	Owner:	Wendy's International, Inc.
Address:	2009 W Littleton Blvd #300 Littleton, CO 80120	Address:	1 Dave Thomas Blvd Dublin, OH 43017

Case Summary

Request:	Consolidate one lot and one tract into a single lot.
Project Description:	The existing Wendy's restaurant at this location is currently a legal non-conforming use in the I-3 zone district. Wendy's intends to demolish the existing building and rebuild a new restaurant in the same location. Concurrent case #Z-910-14 to rezone from I-3 to C-3 will bring the existing use into compliance with the LDC and allow for the proposed reconstruction of the restaurant. This subdivision request will simplify and clarify the platting of the subject property, and consolidate the use on a single lot.
Issues/Concerns:	<ul style="list-style-type: none">• Creation of legal and conforming lots
Key Approval Criteria:	<ul style="list-style-type: none">• Compliance with the Comprehensive Plan• Final Plat Approval Criteria
Staff Recommendation:	Approval
Current Zone District:	I-3 (Heavy Intensity Industrial District)
Requested Zone District:	C-3 (Regional Commercial District)
Comp Plan Designation:	Commercial

Attachments for Review: *Checked if applicable to case.*

☒ Proposed Final Plat ☒ Vicinity Map

Background Information

Site Information

Site Size:	Approximately 1 acre
Current Conditions:	Developed as a drive-thru fast food restaurant.
Existing Right-of-Way:	East 60th Avenue to the south; Dexter Street and Highway 85 to the east.
Neighborhood:	Clermont
Existing Buildings:	2,989 square foot building
Buildings to Remain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Commercial	Walgreen's	I-3
South	Commercial	Taco Star; Arby's	C-3
East	Commercial	Parkway Market Center; Various fast-food restaurants; Wal-Mart	C-2, C-3
West	Industrial	Pacheco Construction Production	I-3

Case History

The subject property was originally developed as a Wendy's fast-service restaurant in 1983. The property was subdivided in its current configuration in 1982, which included the unplatted parking, drainage, and access easement along the north of the property that will be consolidated with the rest of the property in case #S-620-14. Multiple sign variances were also granted in 1982 to help make the site more visible to passing traffic. The signage proposed as part of the redevelopment of this site will comply with the conditions of the previous variance case.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
S-87-82	Nov. 1982	Final plat for Wendy's Subdivision	Approval with Conditions
A-610-82	Oct. 1982	Sign height, sign square-footage, and sign number variances	Approval with Conditions

The existing building also underwent a remodel in 2009 to update the appearance of the restaurant.

Applicant's Request

The applicant is requesting a zone change to the subject property along with a subdivision plat to consolidate one lot and one parcel into a single lot.

The lot was subdivided as the Wendy's Subdivision in 1982 as part of the original development of the property as a quick-service restaurant. An easement was granted on a neighboring property for parking, drainage, and access for the benefit of the subdivided lot. Wendy's later purchased the land that is part of the easement, and now is seeking approval to consolidate the easement into their property as Wendy's Subdivision Filing #2.

The proposed final plat creates one legal and conforming lot, while also simplifying and clarifying the platting in this area. The lot size and bulk standards for the proposed C-3 zoning accommodate the existing and future use of the property, and no variances will be needed in order to achieve a conforming status in the C-3 zone district.

Development Review Team Analysis

Comprehensive Plan

The DRT recommendation for this case is supported by the following Comprehensive Plan Goals:

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Land Use	LU 1a	Future Land Use Plan as Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the Land Development Code (LDC).
<u>Analysis:</u>	The rezoning aligns the property with the Future Land Use Plan while allowing the current use of the property to become a conforming use.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 3.2	Reinvestment/Redevelopment of Targeted Areas: This Plan identifies targeted areas for reinvestment and redevelopment, including Clermont, Wembley, the FasTracks Station Site, Derby, and East 104 th Avenue infill.
<u>Analysis:</u>	Through the rezoning of the subject property, the applicant will be able to redevelop the site with a new building, bringing additional investment and improvements to the Clermont neighborhood that would not otherwise have been possible.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 4.2	Enhance Existing Commercial Developments: Encourage improvements to upgrade landscaping, facades, parking areas, undergrounding utilities, and other upgrades for retail centers.
<u>Analysis:</u>	By redeveloping the subject property, Wendy's is not only investing in a modern building, but is also improving drainage on the site, installing a new accessible pedestrian access, renewing the landscape design, and replacing poor pavement.	

The Development Review Team (DRT) also reviewed the application for compliance with the lot standards for the requested C-3 (Regional Commercial District). Specifically, the C-3 zone district requires that all lots with this zoning have a minimum lot frontage of 70 feet and have a minimum lot size of 8,000 square feet. The proposed lot has two frontages, both of which meet the minimum 70-foot standard. The frontage along Dexter Street is 85 feet, while the frontage along East 60th Avenue is 330 feet. In addition, the area of the proposed lot is 34,201 square feet, which exceeds the minimum area required.

Issue	City Standard	Proposed	Meets Standard?
Lot Size	8,000 sf	34,201 sf	Yes
Lot Frontage	70 feet	330 feet, 85 feet	Yes
Lot Access	Access is required to be provided to a public street	There is access from Dexter Street as well as from East 60th Avenue	Yes
Street Width	To dedicate and install ROW that complies with city standards	No roadway improvements or dedications are required.	Yes
School Land	None for commercial zoning	No dedication needed for commercial zoning	N/A

School Capacity Fee	None for commercial zoning	No fee required for commercial zoning	N/A
Comprehensive Plan	Commercial	Commercial	Yes
Parks/Open Space	Fee to be paid at building permit issuance. Amount in accordance with LDC.	No Parks Fee is required for this consolidation. No new lots are created.	Yes
Neighborhood Issues	N/A	Staff has received no comments or objections	N/A

There will be no changes to the access to the site, which will still be provided with a driveway on Dexter Street as well as two driveways on East 60th Avenue. The Public Works Department has reviewed the proposed plat and has no issues or objections to the existing access points.

After reviewing the proposed plat and determining that the lot will meet the minimum lot requirements for the C-3 zone district, as well as analyzing the request against the specific approval criteria for a final plat as shown on the next page, the DRT is recommending that the document be approved as proposed.

Criteria Met?	Sec. 21-3241. Final Plats or Consolidation Plats	Rationale
<input checked="" type="checkbox"/>	The plat is consistent with any approved land use document;	The proposed plat is consistent with the lot standards for property that is zoned C-3.
<input checked="" type="checkbox"/>	The plat is consistent with and implements the intent of the specific zoning district in which it is located;	The proposed plat will create a lot intended for commercial development, which is consistent with the requested C-3 zoning designation.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	No indication has been provided through the development review process that the plat violates any laws, regulations, or requirements.
<input checked="" type="checkbox"/>	The general layout of the plat minimizes land disturbance, maximizes open space, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of the LDC;	The proposed layout will have minimal impact to the land, and has been reviewed to ensure that it accomplishes the purpose and intent of the LDC.
<input checked="" type="checkbox"/>	The plat complies with all applicable city standards and does not unnecessarily create lots that make compliance with such standards difficult or infeasible;	The plat complies with the city standards for subdivision, creates a conforming lot in the C-3 zone district, and the proposed development will not require variances to any bulk standards as a result of this plat.
<input checked="" type="checkbox"/>	The plat: Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they are envisioned to exist in any adopted City plan, program or ordinance;	The plat will not result in substantial or undue adverse effects. The consolidation will not change the intensity of use of the property, but will ensure that all access, parking, and improvements for the benefit of the subject property are located on a single lot.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	Adequate public services are currently available to serve the subject property.
<input checked="" type="checkbox"/>	A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	Not applicable; a development agreement was not required as part of this project.
<input checked="" type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	Not applicable; there is no phasing plan proposed for this project.

Development Review Team Recommendation

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Final Plat set forth in the Land Development Code and recommends that the Planning Commission forward the Final Plat request to the City Council with a favorable recommendation.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **6001 Dexter Street** contained in case **S-620-14** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat.

Alternative Motions

To recommend approval subject to condition(s):

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Final Plat for the property located at **6001 Dexter Street** contained in case **S-620-14** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Final Plat for the property located at **6001 Dexter Street** contained in case **S-620-14** fails to meet the following criteria of the Land Development Code:

List the criteria not met

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Final Plat.