



# STAFF REPORT

## Planning Commission

### CASE #S-609-14

<b>PC Date:</b>	December 4, 2013	<b>Case Planner:</b>	Jared Draper
<b>CC Date:</b>	January 6, 2014		
<b>Location:</b>	5155 E. 64 <sup>th</sup> Avenue 6430, 6450, 6460 Highway 2		
<b>Applicant:</b>	Impacto de Fe	<b>Owner:</b>	Impacto de Fe
<b>Address:</b>	1289 W. 64 <sup>th</sup> Avenue Arvada, CO 80004	<b>Address:</b>	Same as applicant

### Case Summary

<b>Request:</b>	A final subdivision plat to consolidate 4 parcels into 1 lot at 5155 E. 64 <sup>th</sup> Avenue and adjust the lot lines for 3 lots along Highway 2.
<b>Project Description:</b>	The applicant is requesting to consolidate 4 parcels into one lot and adjust the lot lines for three lots along Highway 2. Concurrently, the applicant is requesting to rezone (Z-907-14) from I-1 to C-2 for the future use of a church and school at 5155 E. 64 <sup>th</sup> Avenue and from I-1 to C-3 for the three lots along Highway 2. Currently, one of the lots is occupied by a tire shop, while the other two are vacant. At this time there is no new development proposed for the two vacant lots. The request to move the lot lines for the three lots along Highway 2 places the existing building within a lot, rather than crossing lot lines as it is currently.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>▪ Impacts to adjacent properties</li><li>▪ Creation of legal and conforming lots</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>▪ Compliance with the Comprehensive Plan</li><li>▪ Meets the final plat approval criteria</li></ul>
<b>Staff Recommendation:</b>	Approval
<b>Current Zone District:</b>	I-1 (Light Intensity Industrial District) Requested zoning districts of C-3 and C-2 in concurrent case #Z-907-14
<b>Comp Plan Designation:</b>	Mixed-Use (Corridor and Commercial)

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

Proposed Final Plat

Vicinity Map

## Background Information

### Site Information

<b>Site Size:</b>	13.022 acres
<b>Current Conditions:</b>	There is an existing commercial building being used as an events center and accessory structure at 5155 E. 64 <sup>th</sup> Avenue. There is an existing commercial building used as a tire shop at 6450 Hwy 2.
<b>Existing Right-of-Way:</b>	E. 64 <sup>th</sup> Avenue to the South and Highway 2 to the West
<b>Neighborhood:</b>	Memory Lane Gardens
<b>Existing Buildings:</b>	There is an existing commercial building being used as an events center and accessory structure at 5155 E. 64 <sup>th</sup> Avenue. There is an existing commercial building used as a tire shop at 6450 Hwy 2.
<b>Buildings to Remain?</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Site in Floodplain</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
<b>North</b>	Commercial	Sharp's Roadhouse and residential units	C-3/C-2/R-1/R-3
<b>South</b>	Undeveloped	Dog Track Redevelopment Site	C-3
<b>East</b>	Residential	Single Family Detached	R-2
<b>West</b>	Commercial	Circle K and Conoco	C-2

### Case History

The subject properties have several variance cases for signage prior to and after the zoning cases identified below. With regards to the proposed subdivision and zone change requests, the following cases provide adequate history of the subject properties. The entire subject property was originally part of the Robert's Gardens Subdivision approved in 1935. Over time, portions of the site were resubdivided as in subdivision case #S-141-86, in which the corner of E. 64<sup>th</sup> Avenue and Highway 2 was subdivided to create a two lots for the use of retail and gas fueling station. Subdivision case #S-147-86 was a resubdivision of 10.27 acres into Lot 1, Block 1 of the Greyhound Subdivision, Filing No. 1. Both the entire Greyhound Subdivision Filing No. 1 and parts of the Robert's Gardens subdivision make up the subject property.

Zoning case #Z-404-86 rezoned the entirety of the subject property that was a mixture of MHP, R-2, C-2 and I-2 to Planned Unit Development (PUD). The PUD zone district was approved with conditions. However, one of the conditions stated, "The project shall commence development within six (6) months and be entirely completed withing eighteen (18) months of final passage of this Ordinance."

The applicant did not however meet this condition and the zoning of PUD was revoked. The subject property reverted back to the previous mixture of zone districts. At a future date, a previous property owner request to rezone the property to I-1. This request was heard in zoning case #Z-448-87, in which the subject property was zoned from a mixture of MHP, R-2, C-2 and I-2 to I-1 with conditions. Those conditions are included as an attachment and currently regulate the subject property. The conditions imposed on the subject property restricted the future development of the property unless new plans were reviewed by City Council.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
S-141-86	March 1986	Resubdivision of Robert's Garden	<b>Approved</b>
S-147-86	August 1986	New lot and block for Greyhound Subdivision	<b>Approval with Conditions</b>
Z-404-86	August 1986	Zone change to PUD (later repealed)	<b>Approval with Conditions</b>

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
Z-448-87	June 1987	Zone change to I-1	Approval with Conditions

## Applicant's Request

The applicant is requesting zone changes to the subject properties along with a subdivision plat to consolidate and adjust lot lines of existing parcels.

The applicant is requesting to consolidate 4 parcels into a single lot with the existing address 5155 E. 64<sup>th</sup> Avenue. If approved, the larger consolidated lot would consist of approximately 11.7 acres. Along with the consolidation of the 4 parcels into one lot, the applicant is requesting a zone change from the current I-1 zone district to the C-2 zone district. Currently, the building is being leased to tenants as an events center; however those leases expire in July and August of 2014. Based on the applicant's narrative, lease renewals are not available to the tenants since the church only honored the leases in place as a requirement of its purchase agreement.

The proposed final plat creates four legal conforming lots. According to the applicant, the lot size and the bulk standards for each respective zone district accommodate the existing and future use of the entire subject property. Furthermore, the new lots and existing buildings will not need additional variances in order to achieve a conforming status to the C-2 and C-3 zone district standards.

## 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 a Guide: Use the Future Land Use Plan (FLUP) to guide development patterns and mix of uses and amendments to the land Development Code (LDC).
<b><u>Analysis:</u></b>	The rezoning keeps the subject property in alignment with the Future Land Use Plan. Furthermore, the subdivision plat creates legal and conforming lots that do not require additional variances and meet all bulk standards.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Fiscal Stability	FS 2b	Reserve Land for Commercial Uses: Ensure adequate land for commercial uses through the Future Land Use Plan; preserve the opportunity for future retail development by designating locations.
<b><u>Analysis:</u></b>	The future use of the subject properties will be zoned for commercial uses, therefore providing additional commercial land and opportunity along a key regional corridor.	

<u>Section</u>	<u>Goal</u>	<u>Description</u>
Economic Development	ED 1	Increase Economic Diversification
<b><u>Analysis:</u></b>	Removing the strict zoning conditions that place constraints on the property will provide an opportunity for new or different businesses to locate along the Highway 2 corridor. The proposed use of the church and school site will also provide numerous services to the community that may benefit the community as a whole.	

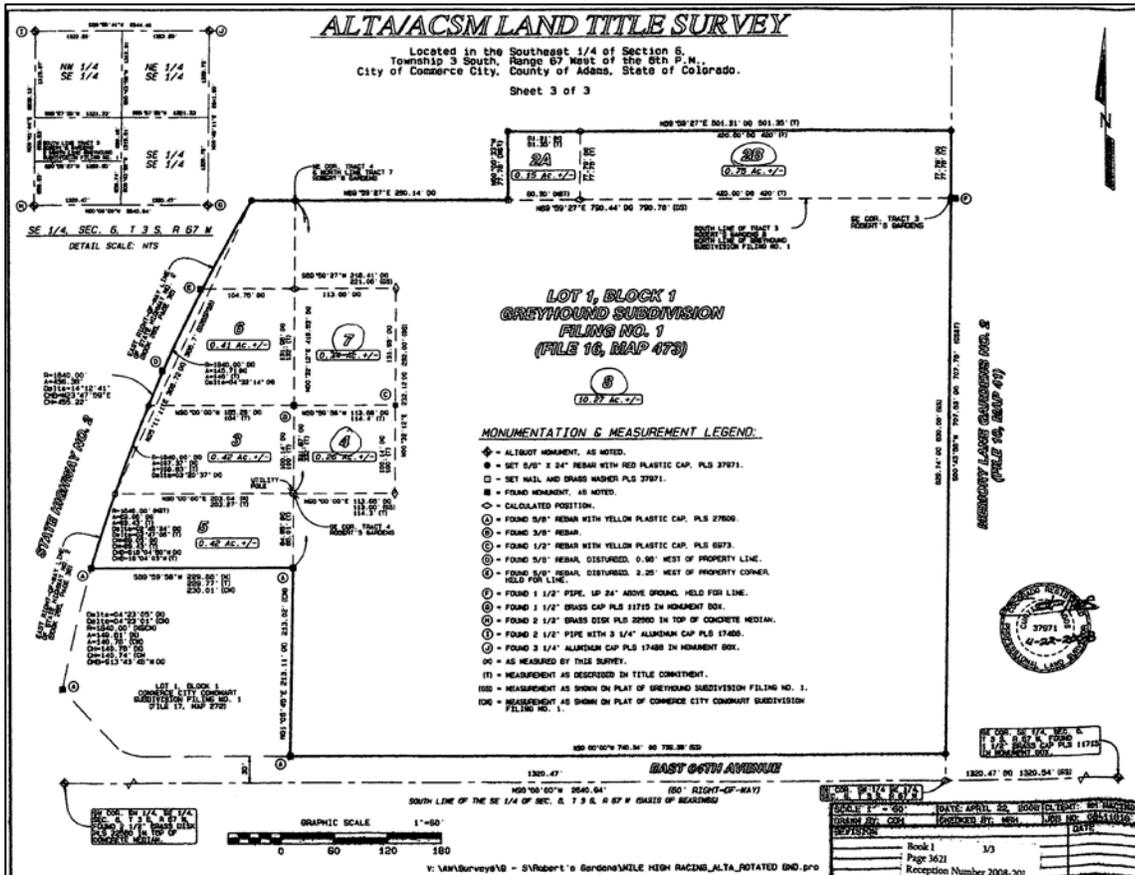
The subject properties are located to the North of E. 64<sup>th</sup> Avenue, across from the Dog Track redevelopment site as well as along Highway 2. The DRT has reviewed the requests with the approval

criteria for final plats within Article III of the city's Land Development Code. The following analysis addresses the existing lot configuration, proposed final plat, lot requirements for the subject properties, approval criteria for subdivisions, and the recommendation of city staff based upon the analysis.

**Existing Lot Configuration**

Graphic 1.1 below shows the entirety of the subject property. The applicant owns Lot 1, Block 1 of the Greyhound Subdivision Filing No. 1 along with parcels 2-7 of Robert's Gardens Subdivision.

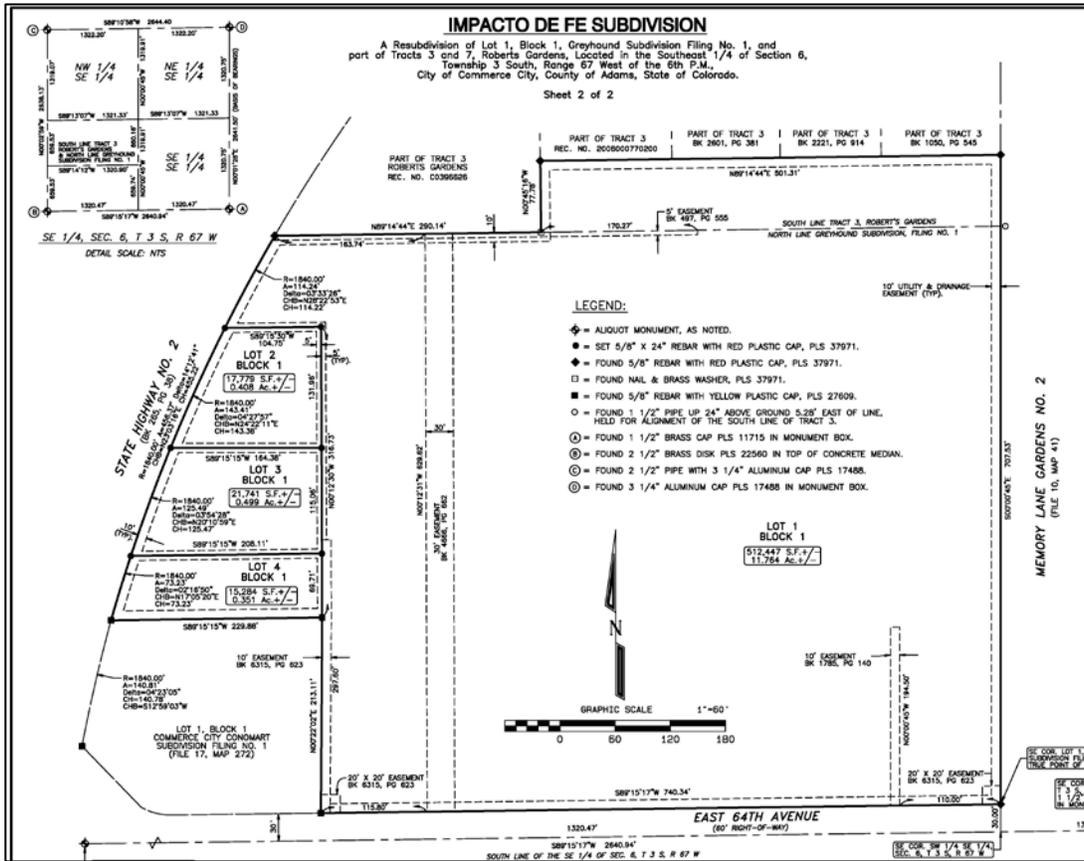
**Graphic 1.1**



## Proposed Final Plat

The proposed final plat consolidates Lot 1, Block 1 of the Greyhound Subdivision Filing No. 1 with parcels 2, 4, and 7 of the Robert's Gardens Subdivision, as seen in Graphic 1.1. The consolidated area is identified as Lot 1, Block 1 in the proposed subdivision plat shown in Graphic 1.2 below. Furthermore, the final plat adjusts the lot lines of parcels 3, 5, and 6 shown in Graphic 1.1. The lot line adjustments create legal conforming lots through the final plat. These adjustments correct the existing tire shop building crossing a lot line. The properties along Highway to are proposed in the final plat as Lots 2, 3 and 4 of Block 1.

Graphic 1.2



## Lot Requirements

During the review of the final plat, lot requirements were considered for the requested lots. The following table demonstrates how the proposed final plat meets the bulk standards within the Land Development Code for the C-2 and C-3 zone districts.

Table 1.1

		<b>Standards</b>		<b>Proposed</b>	
<b>C-2</b>	Minimum Lot Area		8,000 sf.	Lot 1	512,447 sf.
	Maximum Lot Area		N/A		
	Minimum Lot Frontage		70-feet		

**Table 1.2**

<b>C-3</b>	<b>Standards</b>		<b>Proposed</b>	
	Minimum Lot Area	8,000 sf.	Lot 2	17,779 sf.
				Approximately: 143.4-feet
	Maximum Lot Area	N/A	Lot 3	21,741 sf.
				Approximately: 125.5-feet
	Minimum Lot Frontage	70-feet	Lot 4	15,284 sf.
Approximately: 73.2-feet				

**Subdivision Approval Criteria**

Through the applicant's requested subdivision plat, the subject properties become legal and conforming lots based upon the standards within the Land Development Code. The plat is consistent with the proposed zone change requests. By rezoning the property at 5155 E. 64<sup>th</sup> Avenue to C-2, the property meets all of the bulk standards and there are no variances needed for the property. The properties along Highway 2 also meet the bulk standards of the C-3 zone district. Furthermore, the consolidation of 4 parcels into one meets the requirement that each lot has access to the public right-of-way. Currently, there are 3 parcels that did not provide access to Highway 2 or E. 64<sup>th</sup> Avenue. The plat is creating legal and conforming lots but is not changing the overall area of the subject property. Therefore, the plat will not result in substantial undue adverse impacts to the surrounding area.

**Summary and Recommendation**

The DRT has concluded that the subdivision request meets the final plat approval criteria. Through discussions with the applicant and through observation of the neighborhood meeting, it is clear that the proposed use of the subject properties will be a benefit to the surrounding area and are compatible with the City adopted plans. By platting the subject properties into 4 lots, the applicant is creating legal and conforming lots that meet the city's standards. The proposed plat and concurrent zone changes will not create substantial undue adverse effects to the surrounding properties and will be a benefit to the community through the services that will be offered. Furthermore, the plans of the applicant to improve the façade of the building along with renovations improve the aesthetic appeal of this vicinity of the city, specifically along the key corridor of Highway 2. Based on the analysis above, the DRT is recommending approval of the final subdivision plat for the subject property.

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 plat is consistent with the zone change requests for the subject properties along with the Future Land Use Map.
<input checked="" type="checkbox"/>	The plat is consistent with and implements the intent of the specific zoning district in which it is located;	The plat identifies lots that meet the intent of the specific zone districts requested. Furthermore, the lots create legal and conforming lots for the respective zone districts.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	There is no evidence 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 plat accomplishes the purposes and intent of the Land Development Code and meets all of the subdivision standards of the city.
<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. Furthermore, the plat creates conforming lots for the respective zone districts. Through the proposed consolidation plat, all lots are able to be accessed from the public right-of-way.
<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 effect on the adjacent properties. Through the consolidation process, the property will be conforming with the city's regulations and there will not be a substantial impact on the traffic, parking or public improvements.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	The subject property currently has adequate public services for the site. Future expansions to the site shall require development review in order to ensure that adequate services are provided.
<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	N/A
<input checked="" type="checkbox"/>	As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.	Future expansion or development of the site shall require development review to ensure that all city standards and design guidelines are met.

## 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 **5155 E. 64<sup>th</sup> Avenue and 6430, 6450 and 6460 Highway 2** contained in case **S-609-14** 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 **5155 E. 64<sup>th</sup> Avenue and 6430, 6450 and 6460 Highway 2** contained in case **S-609-14** 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 **5155 E. 64<sup>th</sup> Avenue and 6430, 6450 and 6460 Highway 2** contained in case **S-609-14** 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