



# STAFF REPORT

## Planning Commission

### CASE #CU-110-16

<b>PC Date:</b>	May 3, 2016	<b>Case Planner:</b>	Robin Kerns
<b>CC Date:</b>	May 16, 2016		
<b>Location:</b>	5101 Quebec St. Commerce City, CO 80022		
<b>Applicant:</b>	Travel Centers of America	<b>Owner:</b>	Travel Centers of America
<b>Address:</b>	24601 Center Ridge Rd. Westlake, Oh 44145	<b>Address:</b>	24601 Center Ridge Rd. Westlake, Oh 44145

### Case Summary

<b>Request:</b>	Conditional Use Permit for a truck stop in the I-1 zone district.
<b>Project Description:</b>	The subject property has been used as a truck stop since the 1990s. The regulations for truck stops have since changed, making the existing use a legal non-conforming use. At this time, Travel Centers of America is proposing to expand the truck parking area by 61,800 sq.ft., and build a 2,400 square foot storage building with the option to add a 1,400 sq.ft. future addition to this storage building. The expansion of the existing use triggers the requirement for the non-conforming use to come into compliance with the current standards of the Land Development Code.
<b>Issues/Concerns:</b>	<ul style="list-style-type: none"><li>Impacts to adjacent properties</li></ul>
<b>Key Approval Criteria:</b>	<ul style="list-style-type: none"><li>Compliance with the Comprehensive Plan</li><li>Conditional Use Permit Approval Criteria</li></ul>
<b>Staff Recommendation:</b>	Approval with Conditions
<b>Current Zone District:</b>	I-1 (Light Intensity Industrial District)
<b>Comp Plan Designation:</b>	Commercial

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

Applicant's Narrative Summaries       Vicinity Map  
 Development Plan

## Background Information

### Site Information

<b>Site Size:</b>	26.488 acres
<b>Current Conditions:</b>	Existing truck stop
<b>Existing Right-of-Way:</b>	I-270 to the south; Quebec Street to the east; East 53rd Place to the north.
<b>Neighborhood:</b>	Rose Hill South
<b>Existing Buildings:</b>	36,305 sq.ft. truck stop
<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>
North	Industrial	Existing Business	I-2
South	Public/Utility	Interstate 270	PUBLIC
East	Industrial	U.S. Postal Service	Denver
West	Industrial	Truck Wash, Glacier Ventures	I-1, I-2

### Case History

There is one relevant case in the history of the subject property, as shown below:

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
A-1422-99	Feb. 1999	Sign variances: (1) sign number variance of 30; (2) sign area variance of 1750-sq.ft., (3) 17-ft. sign height variance, (4) 2-ft. sign height variance, (5) two 7.5 ft. sign height variances, (6) 38 ft. sign setback variance, (7) 41 ft. sign setback variance, & (8) a 37 ft. sign setback variance.	Approval with Conditions

Records indicate that the subject property has been zoned I-1 since 1962. However, staff is unable to determine when the parcel was originally created. The existing truck stop was built in 1999 on the subject property as it currently exists today. The original building permit review, 1997-1998, included a landscape plan. The applicant also requested and received a variance in case #A-1422-99 to allow a variety of sign variances.

## Applicant's Request

Travel Centers of America, owner of the TA Truck Stop located at 5101 Quebec Street, is requesting approval of a Conditional Use Permit for their existing truck stop use to become a conforming use in the I-1 zone district and allow for future expansion. At this time, they are proposing to expand the truck parking area by 61,800 sq.ft., and build a new 2,400 sq.ft. storage building for tire storage with the ability to add a future 1,400 sq.ft. addition to the storage building, and additional landscaping along Quebec Street and I-270. The storage building will be used to store truck tires with the intent of eliminating the existing shipping containers and outdoor storage presently used for this purpose located at the south end of the property.

The owner acknowledges that the property is prominently located at the south entrance to Commerce City on Quebec Street. Travel Centers of America wants to be a "good neighbor" and finds value in improving the street appearance and attractiveness of their operation. Improving the streetscape should provide a benefit to truckers, neighbors and visitors alike.

#### Statement of Operations:

Daily operations consist of refueling, maintenance and overnight parking for tanker truck delivery traffic. Additional services provided on site include refueling for automobiles, multiple restaurants, a convenience store, restrooms, shower rooms, and truck parts & maintenance repair shop.

- Hours of Operations: 24 hours, 7 days / week
- Number of Employees: 145
- Existing - Number of Parking Spaces: 205 Tractor Trailer, 20 Truck Cab., and 164 Automobile
- Additional Proposed - Number of Parking Spaces: 30 Tractor Trailer, 6 Truck Cab.
- Total Proposed - Number of Parking Spaces: 235 Tractor Trailer, 26 Truck Cab., and 164 Automobile
- Avg. daily Peak Trips: Tanker deliveries 4-5 times / day
- Equipment Used: 18 wheeler trucks, 2-1/2 ton pick-up trucks.
- Hazardous Materials: MSDS Sheet provided, materials are typical of Truck Stop operation.

## Development Review Team Analysis

#### Comprehensive Plan:

The Development Review Team (DRT) began by reviewing the Conditional Use Permit (CUP) request against the goals found in the City's Comprehensive Plan. That analysis is provided below:

#### Comprehensive Plan

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

Section	Goal	Description
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 Future Land Use Plan identifies the subject property for Commercial uses, which includes different scales of retail to serve the community. This truck stop provides a range of retail services that are used by both the Trucking community, as well as the residents of Commerce City. In addition, granting the CUP allows the existing use of the property to become a conforming use.
Section	Goal	Description
Economic Development	ED 4.2	Encourage improvements to upgrade landscaping, facades, parking areas, undergrounding utilities, and other upgrades for retail centers.
<u>Analysis:</u>		The existing truck stop has lost most of all the original perimeter landscaping. Granting the CUP would mean that with the proposed site and building expansions, a high quality and robust landscape plan will be implemented that includes requirements for irrigation and maintenance. This landscaping will upgrade the entire site from near by properties and rights of way.
Section	Goal	Description
Fiscal Stability	FS 2.2	Core Employment Uses: Retain and strengthen the industrial and employment land base by ensuring that the new employment is consistent with the designations on the Future Land Use Plan map.
<u>Analysis:</u>		This truck stop currently employs approximately 145 employees that work directly at this site. Granting the CUP would give this existing business the stability of a conforming use, encouraging future expansion and strengthening its position in the community.

The subject property is located at the northwest corner of I-270 and Quebec Street. The site represents an important gateway into Commerce City, with the city and Denver making significant roadway and landscape improvements along the Quebec Street right of way in recent years. The TA Truck Stop has been operating on this site since approximately 1999, and has become an established Commerce City business. In order to meet demand and improve service, the applicant is proposing a variety of site improvements.

#### Land Development Code:

Truck Stops have certain supplemental regulations for the use which can be found in the Land Development Code (LDC Sec. 21-5270). These regulations require that the use of the property as a truck stop was by right before the applicable LDC update, and all new businesses shall be contained within the primary structure. In addition, this section requires that any building permit that increases the size of any covered structure, truck bay, or building larger than 200-square feet on the property will require the current use to obtain a conditional use permit, approved by city council, prior to approval of the building permit.

Travel Centers of America was developed via building permit BLD98-0363, as a use by right, and is the primary business located on the site, with all other operators and vendors contained within the primary structure. No new businesses are proposed. Since the applicant is proposing a 61,800 sq.ft. tractor trailer parking expansion, and a 2,400 square-foot storage building with a 1,400 sq.ft. future addition, they applied for this conditional use permit for the existing Truck Stop use as required by the provisions of the LDC. During the review of this application, staff found the current use of the subject property to be in compliance with all other standards and requirements of the I-1 zone district.

#### Existing Site Layout:

The subject property is approximately 26 acres, and includes a main building which includes a repair shop, retail, restaurant uses, a diesel canopy, a gas canopy, and an empty lot to the north, where the expansion is proposed. The site has 3 main access points along Quebec St. (2 serving automobiles and 1 serving tractor trailers), and 1 access point on E. 53rd Place serving tractor trailers.

#### Proposed Parking Lot Expansion:

Due to increased demand which has resulted in illegal parking along Quebec St. and I-270 right-of-way, the application proposes to expand the site by 61,800 sq.ft. in order provide an additional 30 Tractor Trailer, and 6 Truck Cab. parking spots. This expansion area design is integrated into the overall site plan and will have adequate landscape to meet LDC requirements for parking lot landscape buffering.

#### Proposed Storage Building:

Currently, the applicant has been using unpermitted mobile storage containers to keep truck tires. This kind of storage container can only be permitted on a temporary basis, whereas the need for this storage is long term. The proposed 2,400 square-foot storage building with the ability for a 1,400 sq.ft. future storage building addition, will allow the property to come into conformance with LDC requirements. Furthermore, this building is located in a highly visible location from the adjacent I-270 corridor. The exterior elevations facing I-270 and Quebec Street incorporate stucco to meet visibility requirements from rights of way.

#### Existing & Proposed Site Landscaping:

The original building permit for the TA Truck Stop, BLD98-0363, included a final "As-Built" landscaping plan dated October 14, 1999. Over the years, most of the perimeter landscaping has died, but the interior landscaping adjacent to the truck stop building still exists. Given the combination of an older existing industrial property, and new improvements along an important visual entry way to the City, the applicant has worked with staff to address the issue of landscaping in a fair and practical manner. In order to address the site and building expansion, the applicant has proposed a new landscape plan as part of the subject Conditional Use Permit application, which will dictate all the perimeter landscaping. This plan meets staff expectation to improve the visual nature of this important site, as well as meet Land Development Code requirements. Conversely, the interior landscaping will continue to be dictated by the "As-Built" landscaping plan dated October 14, 1999. The installation and maintenance of this landscaping is required to keep the property in conformance with building permit BLD98-0363.

#### Pedestrian Access:

The subject property has an existing bus stop along Quebec Street, however, no sidewalks are currently in place to provide access to the bus stop. Given the existing parking lot development on the TA Truck Stop site

and the development and widening of Quebec Street, there is very limited room for a sidewalk to be incorporated. Therefore, this application proposes a new sidewalk along the expanded truck parking area, which then traverses into the subject property, along an existing parking lot and then back to the bus stop. Staff finds that the proposed design is appropriate for the limitations this site has along Quebec Street, and incorporates appropriate safety features. Staff will require that handicap access be incorporated into the construction of this pedestrian access to the existing bus stop.

**Truck Traffic:**

The subject property is bordered by City-approved truck routes, with E. 53 Pl. to the north and Quebec St. to the east. Furthermore, Quebec Street is designated Principal Arterial by the Commerce City Transportation Plan, and the portion along the TA Truck Stop is within the City of Denver jurisdiction. The location of the truck stop and its adjacency to approved truck routes and a arterial roadway ensures that there is minimal impact to adjacent properties due to truck traffic from the expansion. A traffic impact assessment was submitted and reviewed as part of the original project development.

**Approval Criteria:**

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
<input checked="" type="checkbox"/>	The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, 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 existing use has not resulted in substantial or undue adverse effect on adjacent property or the character of the neighborhood. The TA Truck Stop has been in operation on this property since 1999. Traffic conditions, parking, and public improvements will be considered during the development review process for any expansion to the site.
<input checked="" type="checkbox"/>	Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;	The applicant is proposing to mitigate any potential impacts by continuing to comply with the existing landscape plan associated with BP-BLD98-0363. In addition, the applicant is proposing a new landscape plan that incorporates all the landscape areas along the perimeter of the site and new expansion area.
<input checked="" type="checkbox"/>	The characteristics of the site are suitable for the proposed use;	This site was designed, constructed, and intended for use as a truck stop. Therefore, the characteristics of the site are suitable for a truck stop use.
<input checked="" type="checkbox"/>	The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents or the applicant has committed to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;	The subject property is already developed, and is adequately served by existing city services. Impacts to public services will be considered during the development review process for any future expansion of the use.
<input checked="" type="checkbox"/>	The applicant has provided adequate assurances of continuing maintenance;	The applicant has adequately maintained the improvements on the property since their development in 1999. However, the perimeter landscaping was not maintained, and therefore, the new landscape plan includes requirements for irrigation and maintenance.

Criteria Met?	Sec. 21-3230. Conditional Use Permits	Rationale
<input checked="" type="checkbox"/>	No evidence suggests that the use violates any federal, state, or local requirements.	There is no indication that the use violates any federal, state, or local requirements.
<input checked="" type="checkbox"/>	The proposed use complies with the general purposes, goals, objectives, policies, and standards of all City plans, programs, and ordinances	The existing use complies with all applicable regulations, requirements, and standards, including those specifically for truck stops found in the Land Development Code.
<input checked="" type="checkbox"/>	One of the following criteria must be met: The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the City.	As shown in the analysis provided earlier, the use complies with the general purposes, goals, objectives, policies, and standards of the Comprehensive Plan.

### **Summary:**

Travel Centers of America, owner of the TA Truck Stop, is requesting approval of the Conditional Use Permit to allow a 61,800 sq.ft. tractor trailer parking lot expansion, and a 2,400 square-foot storage building with a 1,400 sq.ft. future addition to the storage building. These improvements would allow them to meet current demand and site storage needs, and allow for the future expansion of the storage building as needed.

The site was originally developed as a truck stop in the late 1990s, and so the characteristics of the site are suitable for its continued use as a truck stop. The overall site layout and the buildings located on the property promote circulation, facilitate the movement of automobiles and tractor trailers, and provide a variety of jobs. The truck parking area expansion and storage building development and future addition will not change any circulation patterns for either truck or employee traffic, and new landscaping is being provided to reduce visual impact to I-270 and Quebec Street of the existing and new development.

Based on the information provided by the applicant as well as analysis of the Comprehensive Plan, the Land Development Code, and the Approval Criteria for Conditional Use Permits, the DRT recommends approval of the Conditional Use Permit.

## **Development Review Team Recommendation**

Based upon the analysis above, the Development Review Team believes that the application meets the criteria for a Conditional Use Permit set forth in the Land Development Code and recommends that the Planning Commission forward the Conditional Use Permit request to the City Council with a favorable recommendation , subject to the following condition(s):

### **CONDITIONS:**

- A. The new pedestrian access to the existing bus stop shall comply with the Americans with Disability Act (ADA) and Accessibility Guidelines.
- B. No parking along the Quebec Street and I-270 right-of-ways.
- C. The landscaping, parking lot expansion and 2,400 sq.ft. storage building (1,400 sq.ft. storage building addition timing is exempt) must be installed and or constructed as shown on the approved Site Improvements and Landscape Plan dated April 8, 2016, by September 1, 2017.

## \*Recommended Motion\*

### **To recommend approval subject to condition(s):**

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at **5101 Quebec Street** contained in case **CU-110-16** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the following conditions:

- A. *The new pedestrian access to the existing bus stop shall comply with the Americans with Disability Act (ADA) and Accessibility Guidelines.*
- B. *No parking along the Quebec Street and I-270 right-of-ways.*
- C. *The Landscaping, parking lot expansion and 2,400 sq.ft. storage building (1,400 sq.ft. storage building addition timing is exempt) must be installed and or constructed as shown on the approved Site Improvements and Landscape Plan dated April 8, 2016, by September 1, 2017.*

## Alternative Motions

### **To recommend approval:**

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **5101 Quebec Street** contained in case **CU-110-16** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit.

### **To recommend denial:**

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **5101 Quebec Street** contained in case **CU-110-16** 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 Conditional Use Permit.

### **To continue the case:**

I move that the Planning Commission continue the requested Conditional Use Permit for the property located at **5101 Quebec Street** contained in case **CU-110-16** to a future Planning Commission agenda.