



STAFF REPORT

Planning Commission

CASE # S-564-13			
PC Date:	November 6, 2013	Case Planner:	Paul Workman
CC Date:	December 16, 2013		
Location:	8600 Verbena Street, Commerce City, Colorado 80022		
Applicant:	James Parent as owner of JBS Pipeline	Owner:	Same as applicant
Address:	8600 Verbena Street Commerce City, CO 80022	Address:	Same as applicant

Case Summary	
Request:	The applicant requests approval of a consolidation plat for the property on which they operate their business.
Project Description:	The applicant is requesting to consolidate the property on which they operate their business in order to create a lot and block description and dedicate public right-of-way.
Issues/Concerns:	<ul style="list-style-type: none"> ▪ Property ownership
Key Approval Criteria:	<ul style="list-style-type: none"> ▪ Compliance with the Comprehensive Plan. ▪ Compliance with the Land Development Code.
Staff Recommendation:	Approval
Current Zone District:	AG (Agricultural) (I-2 requested via Z-885-13)
Comp Plan Designation:	General Industrial

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

Plat

Vicinity Map

Background Information

Site Information

Site Size:	1.77 acres +/-
Current Conditions:	The site currently used as a contractor's office and outdoor storage.
Existing Right-of-Way:	Verbena Street to the west and E. 86 th Avenue to the south.
Existing Roads:	Verbena Street to the west and E. 86 th Avenue to the south.
Existing Buildings:	There is an existing office building and an existing warehouse.
Buildings to Remain?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Site in Floodplain	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Surrounding Properties

Existing Land Use		Occupant	Zoning
North	Agricultural	Horse Training	AG
South	Industrial	Multiple Industrial Users	I-2
East	Residential	Private Residence	AG
West	Undeveloped	Undeveloped	ADCO

Case History

The following table provides the relevant case history for the subject property:

Case	Date	Request	Action
AN-7-78	8/7/78	Annexation the subject property.	Approved
Z-164-78	11/20/78	Zoned the subject property AG.	Approved
LUP-53-09	7/6/09	Land use plan amendment.	Approved
AV-1704-12	5/8/12	Several variances to the industrial development standards.	Approved with Conditions

AN-7-78:

On August 7, 1978, the City of Commerce City approved the annexation of the subject property along with several others in this area.

Z-164-78:

On November 20, 1978, the City of Commerce City zoned the subject property to an Agricultural designation subsequent to its annexation in AN-7-78.

LUP-53-09:

On July 6, 2009, the City of Commerce City approved a land use plan amendment to change the future land use designation of the subject property from a light industrial designation to a general industrial designation.

AV-1704-12:

On May 8, 2012, the Board of Adjustment approved several variances to the industrial development standards for the subject property. These variances were approved with conditions, one of which required that the applicant obtain approval for the submitted rezoning (Z-885-13) and consolidation plat (S-564-13).

Applicant's Request

JBS Pipeline Contractors (JBS) has submitted this application to plat the property where their contractor's office and outdoor storage is located. This property is generally located north of E. 86th Avenue and east of Verbena Street. The property is current zoned AG (Agriculture), but rezoning application Z-885-13 has been submitted in conjunction with this plat in order to rezone the entirety of the property to an I-2 (Medium-Intensity Industrial) zone district designation. The general purpose of the proposed plat is to convert the property into a consolidated property with a lot and block legal description. In addition, the JBS will be dedicating right-of-way on both Verbena Street and E. 86th Avenue and has agreed via a public improvement agreement to make the necessary improvements to the right-of-way once the city determines the improvements are necessary.

Development Review Team (DRT) Analysis

Development restrictions in this area:

In order to understand the difficulties related to development in this area, the DRT felt that they needed to understand the context of the area in which this development occurred. The area of the city that is located north of E. 80th Avenue, south of E. 88th Avenue, east of the Union Pacific Railroad, and west the Burlington Northern Santa Fe Railroad has unique challenges for development. Many of these challenges date back to when the area was originally settled in 1889 as the Kibler Stone Works foundry, which closed in 1893. The original intent of this area was to surround the foundry with single-family homes that would supply the workforce. As part of this original plan, the area was platted into small residential lots (25' x 125') surrounding the foundry. Once the foundry closed, there was no demand for housing and the area remained platted for small residential lots. The area also remained mostly undeveloped until the 1970s when development pressure began to impact the area and the close proximity to railroads began to attract industrial development. In large part, this area remains platted like it was in 1889 and the lack of development in the area from the late 1890's to the early 1970's has left the area with substandard infrastructure. The combination of platting issues (in terms of inadequate right-of-way for industrial development and property that has been consolidated outside of the plat process) coupled with inadequate infrastructure makes development in this area difficult.

Site History:

In order to provide adequate background and context for the Planning Commission and the City Council about the specific request, the DRT felt it was important to provide a brief summary of the history related to this site. That timeline is provided below.

Prior to 2008:

- Prior to the applicant's purchase of the subject property in 2008, the site was historically used as a residence. The property did not conduct traditional agricultural uses except for the occasional family garden.

2008:

- January of 2008 - site was purchased by the applicant.
- February of 2008 – the property owner was approved for permits in order to construct the primary structure and the pole barn.
- May of 2008 – the primary structure was issued a Certificate of Occupancy as a residence (which is allowed in the AG zone district).

- Summer of 2008 – the property owner began receiving notices of violation for using the property industrially when it was zoned agriculturally and for using the structure that was CO'd as a house as an office.
- Fall of 2008 – the property owner begins working with staff in order to bring the property into compliance with the land use requirements. The first step in this process was to amend the Irondale Comprehensive Plan (the Comprehensive Plan that was in effect at that time for this area) from an I-1 zoning designation to an I-2 zoning designation, which would allow for a contractor's yard and outdoor storage.

2009:

- February of 2009 – the property owner submitted the Land Use Plan Amendment request.
- July of 2009 – City Council approved the requested Land Use Plan Amendment, which allowed the property owner to submit the rezoning, plat, and development plan applications.
- October of 2009 – the property owner submitted applications to rezone the property from AG to I-2, to plat the property, and to develop the property in accordance with the I-2 standards.
- November of 2009 – staff provided the first comment letter to the property owner that outlined the necessary revisions to the submitted applications.
 - One of the major issues with the submission was that there was a discrepancy regarding ownership along the site's northern property line.

2010:

- Through 2010, the property owner worked to determine ownership along the northern property line.
 - This effort included sending monthly progress reports to staff.

2011:

- The property owner continued to work towards resolving the issues related to ownership along the northern property line and sending monthly progress reports to staff.
- At the end of 2011 the ownership issues were resolved and the property owner initiated discussions with staff in order to continue with the rezoning, plat, and development plan.

2012:

- January of 2012 – the applicant submitted a variance application for variances to several of the city's I-2 development standards. The Board of Adjustment approved the necessary variances subject to the condition that the applicant receives approval for the submitted rezoning, plat, and development plan.
- During the summer and fall of 2012, the applicant worked with staff to ensure that the rezoning, plat, and development plan were ready for the public hearing process.

2013:

- Through the first half of 2013 the applicant and the city have been negotiating their Public Improvement Agreement which has been executed.

Comprehensive Plan Analysis:

In reviewing the requested consolidation plat, the DRT began by looking at the requested consolidation plat’s compatibility with the city’s comprehensive plan. That analysis is provided in the following table.

Comprehensive Plan

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

Section	Goal	Description
Land Use and Growth Strategies	LU 1a	<u>Future Land Use Plan (FLUP) as a Guide.</u> Use the FLUP to guide development patterns and mix of uses and amendments to the Land Development Code.
Analysis:		The FLUP was created in order to ensure an appropriate mix of uses throughout the city. The FLUP identifies this particular area for ‘General Industrial’ uses, which is compatible with the requested I-2 zoning designation and the consolidated property.

Section	Goal	Description
Land Use and Growth Strategies	LU 4a	<u>FLUP as a Guide for Employment.</u> Use the FLUP to guide industrial and employment patterns.
Analysis:		The FLUP identifies the subject property and the surrounding area for ‘General Industrial’ uses. This designation is intended for I-2 and I-3 zoning designations, which allows contractor’s offices and outdoor storage as a use-by-right.

Section	Goal	Description
Economic Development Strategies	ED 3a	<u>FLUP to Guide Decisions.</u> Use the FLUP to guide land use decisions.
Analysis:		The FLUP identifies this property for ‘General Industrial’ uses. This designation is consistent with the city’s I-2 and I-3 zoning designations. Therefore, the requested I-2 zoning is consistent with the FLUP and the consolidation plat is consistent with the requested zone change.

Site Analysis:

In reviewing the rezoning and the subdivision applications, the DRT ensured that the lot would meet the requirements of the I-2 zone district (the zoning designation that has been requested by the applicant). The minimum lot size in the I-2 zone district is 50,000 square feet and the proposed lot will be 71,674 square feet. The minimum lot frontage in the I-2 zone district is 80-feet and the proposed lot has two frontages with the smallest frontage being 261.96-feet. This lot size adequately accommodates the use of the property for office purposes as well as a contractor’s shop and outdoor storage. Specifically, the structure on the southwest corner of the property is used as an office and gets its access from Verbena Street. The shop building located north of the office and the storage yard on the rest of the property gets their access from E. 86th Avenue. The applicant will also be making improvements along the rights-of-way. The site will be landscaped and a screen-style fence will be installed in accordance with the requirements of the LDC.

Project Benefits:

The DRT has determined that approving the requested consolidation plat would allow the applicant to move forward with their industrial development and given the development difficulties that exist in this area of the city, it would be beneficial to the area to see improvements to the property. The DRT

felt that anything the city can do to encourage development that is consistent with the comprehensive plan in this area would be beneficial to the city and the surrounding area.

The DRT recommendation:

Given the benefits that this project can bring to the area and the requested consolidation plat's compliance with comprehensive plan as outlined above and its compliance with the consolidation plat approval criteria listed below, the DRT is recommending that the Planning Commission send this application to the City Council with a favorable recommendation.

Criteria Met?	Sec. 21-3241. Consolidation Plats	Rationale
<input checked="" type="checkbox"/>	The plat is consistent with any approved land use document;	The proposed plat is consistent with the proposed rezoning (Z-885-13) and the proposed development plan (D-188-13).
<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 implements the intent of the requested I-2 zoning.
<input checked="" type="checkbox"/>	No evidence suggests that the plat violates any laws, regulations, or requirements;	There is no evidence to suggest the requested 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 meets the necessary lot requirements of the LDC for property that is zoned I-2.
<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 proposed plat meets the I-2 lot standards and does not create a lot where future compliance with the I-2 zone district standards would be difficult or infeasible.
<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 proposed plat will not result in undue adverse effects on adjacent property. The development of this lot and the adjacent right-of-way will actually improve conditions in the area.
<input checked="" type="checkbox"/>	Sufficient public services (utilities, safety, etc) and uses (parks, schools etc) are available to serve the subject property;	The site is currently developed and has services. The applicant has been working with the water district to ensure adequate water will be provided to the site.
<input checked="" type="checkbox"/>	A public improvement agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and	A public improvement agreement between the city and the applicant has been executed.
<input 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 development.

Development Review Team (DRT) Recommendation

Based upon the analysis above, the Development Review Team believes that the application **meets** the criteria for a consolidation plat set forth in the Land Development Code and recommends that the Planning Commission forward the consolidation 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 consolidation plat for the property located at 8600 Verbena Street contained in case S-564-13 **meets** the criteria of the Land Development Code and based upon such finding, recommend that the City Council **approve** the consolidation 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 consolidation plat for the property located at 8600 Verbena Street contained in case S-564-13 **meets** the criteria of the Land Development Code and based upon such finding, recommend that the City Council **approve** the consolidation plat subject to the following conditions:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested consolidation plat for the property located at 8600 Verbena Street contained in case S-564-13 **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 consolidation plat.