



STAFF REPORT

Planning Commission

CASE #Z-898-18

PC Date:	February 6, 2018	Case Planner:	Domenic Martinelli
CC Date:	March 5, 2018		
Location:	8470 & 8510 E 86 th Avenue Commerce City, CO 80022		
Applicant 1:	Jesse Aragon	Address:	9551 E. Orchard Drive Greenwood Village, CO 80111
Applicant 2:	Ralph Nance	Address:	5275 Marshall Street #206 Arvada, CO 80002
Owner:	Same as Applicant	Address:	Same as Applicant

Case Summary

Request:	A rezoning of the properties currently zoned I-2 (Medium Intensity Industrial District and R-1 (Single Family Residential District) to Planned Unit Development (PUD) for industrial uses.
Project Description:	The applicant is requesting to rezone the subject properties from I-2 and R-1 to PUD, allowing specifically for I-2 uses plus salvage operations, outdoor auto repair, and outdoor storage unrelated to the use of a primary business. The applicant is requesting to subdivide the subject property into three lots and two tracts as part of case S-652-18, and is proposing a PUD Permit for administrative approval of existing and planned site improvements as part of case D-291-18.
Issues/Concerns:	• Internal site navigation • Uses for PUD
Key Approval Criteria:	• I-2 Zone District Standards • Sec. 21-3251 PUD Zone Documents • Sec 21-5254 Outdoor Storage Requirements
Staff Recommendation:	Approval With Conditions
Current Zone District:	I-2 (Medium Intensity Industrial District), and R-1 (Single-Family Residential District)
Comp Plan Designation:	Industrial/Distribution, and General Industrial

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

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| ☒ Applicant's Narrative Summary | ☒ Vicinity Map |
| ☒ Development Review Team Recommendation | ☒ Proposed Plat, Development Plan, & PUD Zone Document |
| ☒ Applicant's Supplemental Exhibits | |

Background Information

Site Information

Site Size:	6.9 acres +/-
Current Conditions:	Developed with one industrial building and several individual storage lots.
Existing Right-of-Way:	E. 86 th Avenue to the north (to be completely dedicated as part of case S-652-18)
Neighborhood:	Irondale
Existing Structures:	One industrial building and several accessory structures.
Structures to Remain?	☒ Yes ☐ No ☐ N/A
Site in Floodplain	☐ Yes ☒ No

Surrounding Properties

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Industrial	JBS Pipeline Company	I-2
South	Industrial	AAA Waterproofing	I-2
East	ROW	BNSF Right-of-Way	None
West	Industrial	Aerial Equipment Specialists	I-2

Case History

Case history for the subject property will be broken down by address:

8470 E 86th Avenue (Lot 1)

The subject property has four zoning cases, three subdivision cases, one use-by-permit, and one land use plan amendment case on record. The property also has two additional land use cases being processed concurrently with the subdivision request.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-7-78	October 2, 1978	Annexation of subject property into Commerce City	Approval
Z-164-78	November 20, 1978	Annexation Zoning from ADCO to R-1	Approval
LUP-17-81	May 4, 1981	Land Use Plan Amendment from Agricultural to Industrial	Approval
Z-268-81	May 4, 1981	Zone Change from R-1 to I-2	Approval With Conditions
S-72-81	September 14, 1981	Subdivision of 4 industrial lots	Approval With Conditions
A-668-83	August 4, 1983	Use-By-Permit for a temporary trailer	Approval With Conditions
S-124-84	September 17, 1984	1 st Amendment to the Valentia Industrial Subdivision	Approval With Conditions
Z-268-81-85	September 3, 1985	Amendment of Zoning Conditions	Not Approved
Z-268-81-86	June 9, 1986	Amendment of Zoning Conditions	Approved
S-158-87	August 11, 1987	Convert Illegal Subdivision of Lot 3 to Legal Subdivision	Not Approved
Z-898-11	June 22, 2012	PUD Concept Schematic	Withdrawn
Z-898-18	February 6, 2017	Zone Change from I-2 to PUD	Pending Approval
D-291-18	February 6, 2017	Development Plan for 8470 & 8510 E 86 th Avenue	Under Staff Review

8510 E 86th Avenue (Lot 2)

The subject property has one annexation case, and one annexation zoning case on record. The property also has two additional land use cases being processed concurrently with the subdivision request.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
AN-7-78	October 2, 1978	Annexation of subject property into Commerce City	Approval
Z-164-78	November 20, 1978	Annexation Zoning from ADCO to R-1	Approval
Z-898-12	January 24, 2014	Zone change from R-1 to I-2	Withdrawn
Z-898-18	February 6, 2017	Zone Change from I-2 to PUD	Pending Approval
D-291-18	February 6, 2017	Development Plan for 8470 & 8510 E 86 th Avenue	Under Staff Review

The subject property was annexed and zoned to R-1 as part of cases AN-7-78 and Z-164-78. An error in the official Commerce City Zoning map mislabeled the subject property as I-2 for a significant period of time, leading to the property being developed and utilized as industrial. Development Plan case D-291-18 is currently under administrative review, and Z-898-18 is running concurrent with this case.



Irondale (General)

The DRT also felt it was necessary to briefly highlight the early history of Irondale neighborhood, and how it has created platting & development issues over time.

The original Irondale subdivision was platted in 1889 and, named for a foundry (Kibler Stove Works) which opened that year. It employed 200 people and the plant closed in 1893. The subdivision plat consisted of 96 blocks containing 48 lots each and an alley, at widths of 25' intended for residential uses to support employment at the foundry. Until the 1970s, there was little development in the area outside of residential development. However, beginning in the 1970s, with increasing industrial pressure from the south and the close proximity to the railroads, the agricultural land began to be converted to industrial uses.

Because of this history, as large industrial properties have attempted to consolidate the original Irondale lots to fit their needs, there have been numerous inaccuracies with technical platting issues, legal description errors, property line disputes, illegal subdivisions, and lack of public improvements and infrastructure. With the specific case history for these specific properties, the platting efforts proposed with this case will provide adequate cleanup and clarity for this specific area.

Applicant's Request

The applicant is requesting a zone change for the subject properties at 8470 & 8510 E 86th Avenue from I-2 and R-1 to PUD for industrial uses. According to the applicant, this request is in order to allow specifically for a wide variety of industrial uses, including non-traditional uses such as salvage operations, outdoor storage unrelated to the primary business on the site, and junk yards, which are currently active uses on the site. In addition to these uses, tow truck operations and general construction material storage are uses on the site as well.

The site access and circulation consists of designated access easements which will be kept free of materials at all times for adequate site circulation and fire access. The drive lanes will be accessed off the frontage road and along the east property line from an access easement to Lot 4 located south of the PUD property. As part of the subdivision review, "Tract A" will be created to provide access to Mr. Ralph Nance's property (lot 3). This will allow the two PUD lots clear cross access and provide the

required building set back limit for the existing east structure. The current approximate number of employees is ten on the site. The businesses have standard 7:30am to 4:00 pm hours of operation. These businesses are not regularly accessed by the general public and no extra parking is made beyond the current number of employees. The property contents are screened from adjacent properties in individual “work areas” with movable sheds, and screened with a combination of wood and vinyl siding applied to chain link fencing. No building construction or street improvements are proposed.

Development Review Team Analysis

The Development Review Team (DRT) has reviewed the requests with the criteria for Planned Unit Developments within Article III of the Land Development Code (LDC), and the zone district standards for an I-2 zone district within Article IV. The following analysis addresses the proposed uses & requirements, approval criteria, and the recommendation of city staff based upon the analysis.

History

The current uses on the subject property have been occurring for more than 10 years, prior to the adoption of the current Land Development Code. Prior to the adoption of the LDC, there were no restrictions and regulations on outdoor storage without a principal use. The uses on the subject property that were not allowed in an I-2 zone district were discovered by the Neighborhood Services Division.

Proposed Uses

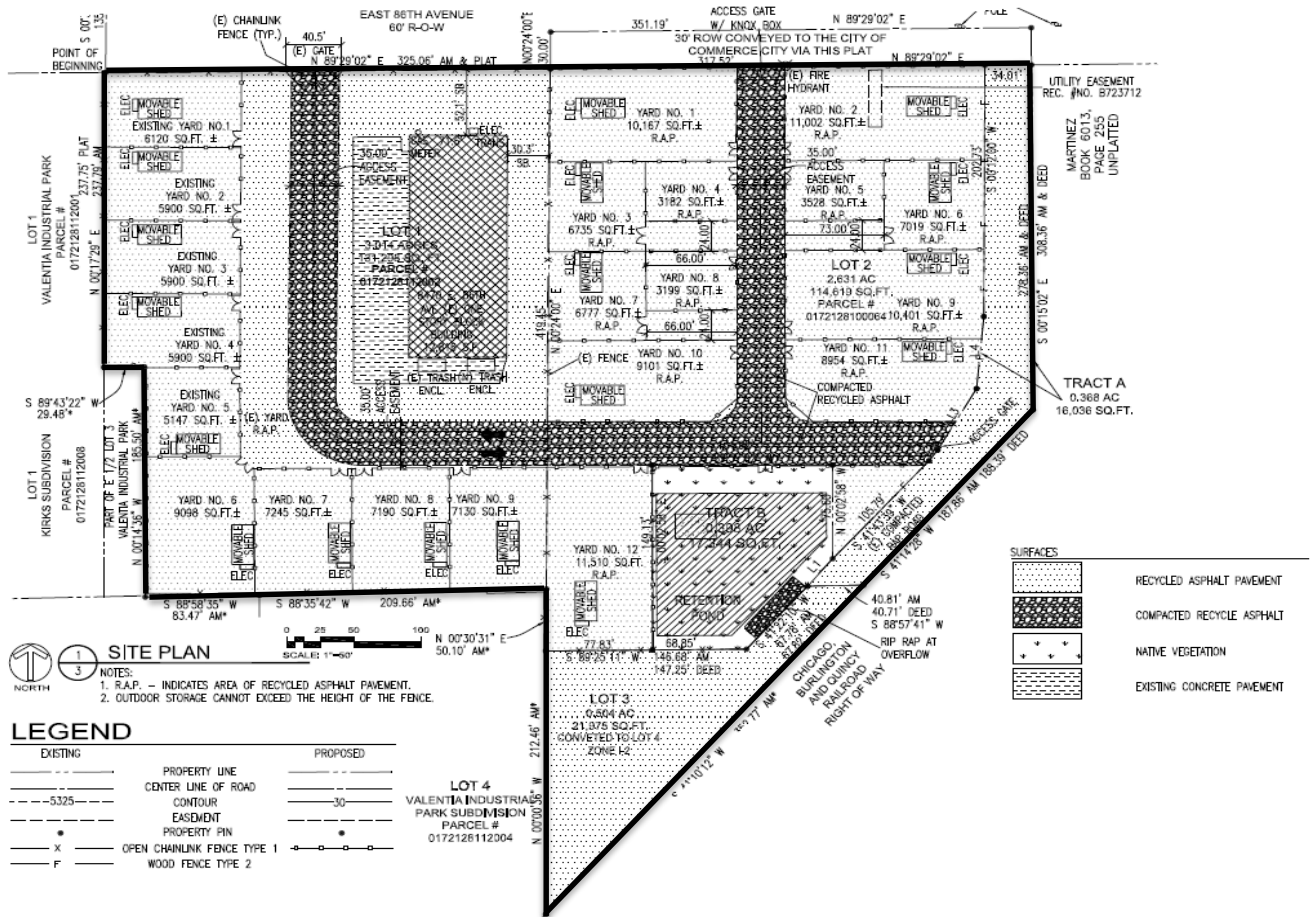
The applicant is proposing a modified version of the I-2 Medium Intensity Industrial Zone District. Specifically, the applicant is proposing to mirror the I-2 zoning designation found in the LDC, with the additional uses-by-right of outdoor storage unrelated to the use of an office building, salvage yards, and junk yards. The applicant is proposing additional uses to be specifically excluded, including firewood commercial storage and sales, sexually oriented businesses, animal boarding, bars and nightclubs, and temporary / day labor facilities. The applicant’s intent is to create an industrial development that is suitable for the historic uses of the site, while not going to the full extent of allowing I-3 Heavy Intensity Industrial Zone District uses. The city has consistent demand for small contractor storage yards & outdoor storage, and has a much lower supply of suitable properties that are not directly adjacent to right-of-way and comply with the comprehensive plan designation for these uses. Additionally, the immediate surrounding neighborhood is gradually turning more industrial with very few residential holdouts left south of 86th Avenue, providing justification for the lot at 8510 E 86th Avenue to be zoned for industrial uses.

Comprehensive Plan

The majority of the subject property is designated for General Industrial uses with a portion of the property designated for Industrial Distribution uses. The General Industrial classification is intended for medium industrial uses (I-2 designation) and is generally accessed off of collector or arterial streets or highways and may have railroad access (Table 3.1 of the Comprehensive Plan). The Industrial Distribution classification is intended for light industrial uses (I-1 zoning designation) and is generally accessed off of arterial streets or highways or collectors via truck routes (Table 3.1 of the Comprehensive Plan). The request for I-2 type uses is consistent with the Future Land Use Plan for the areas designated for General Industrial uses and the areas with the Industrial Distribution designations will be where the rail spur is proposed and will not have other industrial uses. The DRT believes the request is consistent with the Future Land Use Plan.

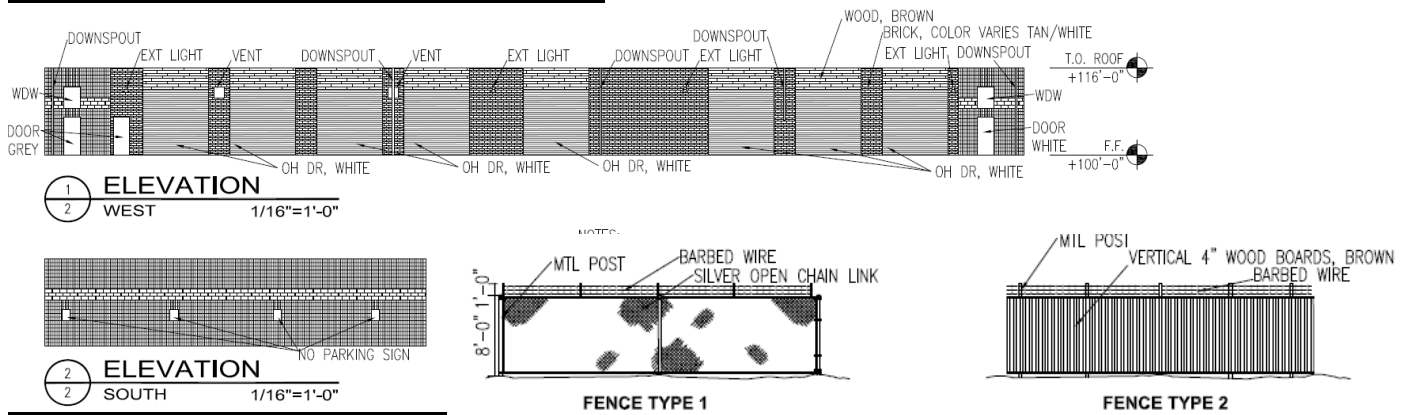
Proposed Site Concept

Figure 1: PUD Permit Site Plan



The site will have outdoor storage contained to twelve specific “yard areas” surrounded by 8’ screen fencing, as shown in figure 1, with the existing shop building on site remaining in place. Within each area, movable sheds will be placed in order to meet FAR requirements, and provide additional storage & electrical connections for the operations. Recycled asphalt surfacing will be utilized as surfacing for all of the lease areas, and other areas on site not utilized for landscaping and detention. A 35’ wide access easement will circle throughout lots 1 and 2, providing adequate site circulation and fire access. Lot 3 is owned by Ralph Nance, who owns the adjacent property at 8510 Willow Street. Tract A will provide access to lot 3 connecting to East 86th Avenue, and Tract B is reserved for detention. While the operations will be contained within the yard areas, it is well screened to meet the outdoor storage requirements of LDC Section 21-5254, and is not visible from adjacent right-of-way. The proposal will also add 3 access points off East 86th Avenue.

Figure 2: Existing Building & Fence Elevations:



East 86th Avenue

Staff is aware that currently, East 86th Avenue is unpaved, and blocked off with barriers directly east the current entrance to 8470 E 86th Avenue. With this application the applicant will be dedicating the remaining 30' of right of way for the full right of way width, the barriers will be removed, and the road directly east of the barriers will be leveled and graded to meet fire access requirements, and any requirements necessary with the Public Works Department. As part of the ongoing Irondale plan, any future infrastructure projects and roadway improvements will be identified, which may or may not include this segment.

PUD Zone Document

As part of the PUD zoning, the applicant is proposing uses generally similar to the City's I-2 Medium Intensity Industrial Zone District and general LDC (Land Development Code) standards, with some exceptions:

Bulk Standards

The applicant is proposing that the bulk standards within the development be the same as the I-2 bulk standards except that there will be no maximum front yard setback, and a maximum size for accessory sheds of 480 square feet. Additionally, lot 3 will be required to maintain a minimum 40' lot frontage with "Tract A", when the normal requirement is 80' of lot frontage for an I-2 lot.

Fencing, Outdoor Storage, Signage and Landscaping

These four items will default to LDC Regulations as they are adopted and amended from time to time.

Uses

Lots 1 and 2 will generally allow all uses within the I-2 zoning district, with some additional inclusions and excluded. Additional uses will be outdoor storage unrelated to the use of an office building, salvage yards and junk yards allowed as additional uses. Excluded uses will include firewood, commercial storage and sales, community gardens, sexually oriented businesses, animal boarding, doggie day care centers, bars, taverns, nightclubs, temporary day labor facilities, and public or private heliports.

Lot 3 will allow I-2 uses with no additional uses or restrictions, Tract A will be used exclusively for access, and Tract B will be uses exclusively for stormwater detention.

Outside Agency Review:

Staff referred this application to several departments in the city as well as outside agencies. All of the responses that were received indicated that the proposed PUD would not create conflicts with their regulations and any objections have been addressed through the development review process. The applicant has worked with all applicable referral agencies to address their specific comments directly regarding this case. The applicant, the city, and the South Adams County Fire Protection District (SACFPD) have worked closely to ensure that the allowed uses, and bulk standards meet their requirements.

Summary:

In summary, the DRT has determined that the request meets the approval criteria for a PUD Zone Document outlined in the LDC as provided below, the proposal meets the Comprehensive Plan goals, and the proposal is appropriate given the surrounding Irondale Neighborhood. The DRT recognizes that there are some uses in this proposal that are generally not associated with uses allowed in an I-2 zone district. The proposal would be a net positive to the city, through the cleanup of significant platting issues, rectifying a previous illegal subdivision, dedicating adequate right-of-way for East 86th Avenue, and providing through connection along East 86th Avenue to Xenia Street. After performing this analysis, the DRT is recommending that the Planning Commission forward a recommendation for **approval** to City Council.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
☒	The PUD zone document is consistent with all applicable City adopted plans or reflects conditions that have changed since the adoption of such plans	The City's plan for the subject property is General Industrial Development. The proposed PUD is designed to provide this type of development.
☒	The PUD zone document is consistent with the PUD concept schematic	The PUD is generally consistent with the PUD Concept Schematic that was applied for in 2011, although the application was withdrawn prior to review by Planning Commission.
☒	The PUD achieves the purposes set out in section 21-4370 and represents an improvement over what could have been accomplished through straight zoning.	The proposed PUD achieves the purposes identified in Section 21-4370. The customized zoning allows for uses allowed within general industrial zone districts, and buffers the higher intensity uses from adjacent properties.
☒	The PUD complies with all applicable city standards	The proposed PUD meets the applicable City standards and includes language that any item governed by the Land Development Code (LDC) and not addressed by the PUD shall default to the future LDC Standards.
☒	The PUD is integrated and connected with adjacent development	The property has been integrated with adjacent property as outlined above.
☒	To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts	The PUD has been created to minimize impacts to adjacent property. The PUD Zoning allows for the site to be developed in a comprehensive manner that is considerate to the adjacent development.

Criteria Met?	Sec. 21-3251. PUD Zone Documents	Rationale
☒	Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development	The development of the site will upgrade existing utilities and infrastructure on the site and have no impact to existing services.
☒	The objectives of the PUD could not be accomplished through height exceptions, variances, or minor modifications	The primary objective of this PUD is to allow for legal and conforming uses which could not be achieved through a straight zoning designation without additional approvals such as a conditional use permit and would not guarantee a uniformity to the development.

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 (FLUP) 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).
Analysis:	The FLUP identifies the subject property for both a General Industrial / Industrial Distribution development. The proposed zoning is to create this type of development.	
Section	Goal	Description
Land Use	LU 1d	Coordinated Rezoning: Coordinate rezoning of multiple parcels together in key locations to implement the coordinated pattern on the FLUP.
Analysis:	The proposed PUD Zone Document will help the properties redevelop in alignment with the FLUP.	
Section	Goal	Description
Appearance and Design	AD 2b	Consolidate Properties Acquire and consolidate properties in redevelopment areas.
Analysis:	The proposed development would consolidate small industrial parcels that currently do not abut public right-of-way, and create larger industrial lots that are well suited for redevelopment and reinvestment in the future.	

Development Review Team Recommendation

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

Recommended Motion

To recommend approval with Conditions:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **8470 & 8510 E 86th Avenue** contained in case **Z-898-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following condition:

1. *The applicant will complete all site improvements and receive all necessary building permits required in accordance with the approved development plan dated 10/16/17, within 6 months of the adoption of Ordinance Z-898-18 on second reading at City Council.*

Alternative Motions

To recommend approval:

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Zone Change for the property located at **8470 & 8510 E 86th Avenue** contained in case **Z-898-18** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change.

To recommend denial:

I move that the Planning Commission enter a finding that the requested Zone Change for the property located at **8470 & 8510 E 86th Avenue** contained in case **Z-898-18** 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 Zone Change.

To continue the case:

I move that the Planning Commission continue the requested Zone Change for the property located at **8470 & 8510 E 86th Avenue** contained in case **Z-898-18** to a future Planning Commission agenda.

