



STAFF REPORT

Planning Commission

CASE #CU-111-15

PC Date:	June 16, 2015	Case Planner:	Jared Draper
CC Date:	July 20, 2015		
Location:	5300 E. 56 th Avenue (Lot 1) Commerce City, CO 80022		
Applicant:	UPS Ground Freight, Inc.	Owner:	Same as applicant
Address:	5020 Ivy Street Commerce City, CO 80022	Address:	Same as applicant

Case Summary

Request:	Conditional use permit to expand an existing transportation terminal in the I-1 zone district
Project Description:	The subject property is currently used as a transportation terminal for the applicant, UPS Freight. The concurrent subdivision plat (S-636-15) will create 2 legal and conforming lots zoned I-1. An expansion of the existing transportation terminal on the proposed Lot 1 will add 8,750 square-feet to existing facility. The conditional use permit is required for the expansion of the transportation terminal use in the I-1 zone district.
Issues/Concerns:	Legal and conforming use of the subject property
Key Approval Criteria:	Conditional Use Permit approval Criteria Creation of legal and conforming lots through subdivision Compliance with the Comprehensive Plan
Staff Recommendation:	Approval
Current Zone District:	I-1 (Light Intensity Industrial District)
Comp Plan Designation:	Industrial/Distribution

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

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|---|---|
| <input checked="" type="checkbox"/> Applicant's Narrative Summary | <input checked="" type="checkbox"/> Vicinity Map |
| <input type="checkbox"/> Development Review Team Recommendation | <input type="checkbox"/> Neighborhood Meeting Notes |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> |
| <input type="checkbox"/> Subdivision Plat | <input type="checkbox"/> |

Background Information

Site Information

Site Size:	20.23 acres
Current Conditions:	Developed as a transportation terminal
Existing Right-of-Way:	E. 56 th Avenue to the North, Interstate 270 to the South
Neighborhood:	56 th Avenue Industrial Park
Existing Buildings:	Existing transportation terminal building with proposed addition and service garage
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

<u>Existing Land Use</u>		<u>Occupant</u>	<u>Zoning</u>
North	Industrial	Old Dominion Transportation Terminal	I-1
South	ROW	Interstate 270	ROW
East	Industrial	Bighorn Metal Works	I-2
West	Industrial	Colorado Moisture Control	PUD

Case History

The subject property has no previous case history. A concurrent request for a final subdivision plat (S-636-15) to create 2 legal and conforming lots zoned I-1, is also being reviewed.

<u>Case</u>	<u>Date</u>	<u>Request</u>	<u>Action</u>
S-636-15	June 2015	Final plat to create 2 lots zoned I-1.	Pending Approval

Applicant's Request

The applicant, UPS Freight, is requesting a conditional use permit to expand the existing transportation terminal in the I-1 zone district. Along with the conditional use permit, the applicant has also requested a final subdivision plat to create 2 lots on the subject property. The conditional use permit is requested for Lot 1 of the proposed UPS Ground Freight Subdivision.

According to the applicant, the expansion to the transportation terminal operation is needed to allow for faster loading/unloading of the products and materials transported by UPS Ground Freight. The subject property currently has approximately 38,000 square-feet dedicated to the transportation terminal operation. Additionally, office space and a service garage exist on the property that are used to operate the transportation terminal.

Based on the applicant's narrative, a rise in trucks is not expected. The expansion will increase the efficiency of the operation on the site and reduce the number of trucks that are waiting to load or unload. Expanding the building on the south side of the property reduces the impacts to the access to the property off of E. 56th Avenue. UPS Ground Freight indicates that the expansion will increase the freight area by approximately 17% and the operation itself will not create substantial undue impacts on the surrounding properties. Lastly, the applicant notes that an upgrade to the landscaping is included in the expansion project on the southern property line to enhance the view of the property from the I-270 corridor.

This request by the applicant for the conditional use permit will bring the transportation terminal operation into a legal and conforming status according to the Land Development Code.

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).
<u>Analysis:</u>	The conditional use permit brings the transportation terminal into a legal and conforming status within the I-1 zone district. In addition, the industrial use of the property aligns with the future land use designation of Industrial/Distribution.	
<u>Section</u>	<u>Goal</u>	<u>Description</u>
Redevelopment/ Reinvestment	RR 1	Increase focus on infill development Recognize the benefits of infill development to balance and retain the character of stable neighborhoods with increasing economic opportunities.
<u>Analysis:</u>	The expansion of the UPS Freight transportation terminal indicates the growth of a large employer within the city. Furthermore, the business is located in a historically industrial part of the city and the conditional use permit allows for the expansion of the use to increase the infill industrial development in this part of the city.	

The Development Review Team (DRT) also reviewed the conditional use permit for compliance with the Land Development Code (LDC) and to ensure that the use was harmonious with the adjacent properties and neighborhood. Additionally, the proposed final plat meets the minimum requirements for the lot frontage and the lot area for the I-1 zone district. The conditional use permit is request for Lot 1 of the proposed UPS Ground Freight Subdivision. This lot has a frontage of 899-feet and a lot area of approximately 16.7 acres as seen in Figure 1.1 below. The following analysis indicates the site operations, requirements of the Land Development Code and the site context within its neighborhood followed by a summary and the recommendation of the DRT.

UPS was founded in 1907 as a messenger company in the United States. The company has grown into a multi-billion-dollar corporation that has a goal of enabling commerce around the globe. UPS is the largest package delivery company in the world with specialized transportation and logistic services. The subject property operates as a ground freight transportation terminal and has been used in this capacity for decades.

[illegible]

UPS Ground Freight currently operates a transportation terminal on the subject property. The existing terminal facilities (38,000 sf.), office area (20,300 sf.), and service garage (13,400 sf.) were constructed in the 1960s and utilize for transportation terminal operations based upon assessor's records. After a change of ownership in 1994, the UPS Ground Freight operation began on the subject property. This site currently employs over 160 employees and anticipates to hire a few additional employees after the expansion is completed. Employee parking is along the front of the subject property and the site is accessed off of E. 56th Avenue at two access points, one on the West side of the property for primary truck access and one on the East side of the property for employee access to parking. Operation of the site is 24-hours a day from Monday to Friday with intermittent work on the weekends. As previously mentioned the number of trucks on the site is not anticipated to increase; however the expansion to the site will increase the efficiency of the loading and unloading process. Currently, the applicant has indicated that the site utilizes 117 trucks and there is no proposal at this time to increase this number. Lastly, the access to the site off of E. 56th Avenue does not have any proposed changes. The access and the circulation on the site have been reviewed by the city's Public Works Department for compliance with all applicable city standards. The addition to the transportation terminal to the southern side of the building does not impact the access to the site and therefore no changes have been made.

Land Development Code:

The land use table in Article V of the LDC identifies the types of uses that are allowed within each specific zone district. Transportation terminals require a conditional use permit within the I-1 zone district due to the intent of this district for light industrial use. The applicant's request for the conditional use permit is necessitated due to the expansion of the use and to bring the applicant's operation into a legal and conforming status. At the time the property was constructed and originally operated, a conditional use permit was not required and therefore the expansion has triggered the land use process. Furthermore, the expansion has triggered landscape improvements to the subject property. These improvements have been focused on the south side of the building along the I-270 corridor based on the location of the building addition. The applicant has worked with staff to provide improved landscaping in order to enhance the view of the property from a prominent corridor within the city. The proposed addition meets all of the bulk standard requirements in the I-1 zone district and has added additional parking spaces that will be displaced by the proposed addition. Lastly, the new addition and proposed improvements meet the requirements for surfacing of on the subject property.

Site Context:

East 56th Avenue is currently used by several businesses as a major east/west connection for trucks. This corridor is identified as a minor arterial and a truck route within the city providing the necessary infrastructure needs for operations such as UPS Ground Freight. Additionally, the use of the subject property as a transportation terminal is harmonious with the uses of the surrounding properties and neighborhoods. The property neighbors industrial uses on 3 sides of the property, including Old Dominion's transportation terminal on the north side of E. 56th Avenue. The site itself is suitable for the proposed expansion of the transportation terminal with approximately 16.7 acres as proposed in the final plat (S-636-15). The location of the property and the context of the neighborhood demonstrate the compatibility of the proposed expansion of the transportation terminal for UPS Ground Freight.

Summary:

Through the review of the conditional use permit application, the DRT is recommending approval for the transportation terminal on the subject property. The subject property aligns with the goals of the Comprehensive Plan and meets the requirements within the Land Development Code an addition to an existing building within the I-1 zone district. The applicant is requesting the conditional use permit to bring the property into legal and conforming status and to allow for increased efficiency within the operations of the transportation terminal. As previously mentioned, the site has been utilized as a transportation terminal for decades with little to no impact on adjacent properties. Lastly, the operations of the site will not significantly change due to the expansion and the site is located within a neighborhood that is characterized by industrial development in a part of the city that is beneficial for these types of uses.

After reviewing the conditional use permit and determining that the use meets the approval criteria for a conditional use permit as seen below, the DRT is recommending that the request be approved as proposed.

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 subject property is currently used as a transportation terminal and the expansion will allow for more efficient use on the site. Expanding the existing facility will not dramatically increase traffic and will not have a substantial impact on the adjacent properties.
<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;	Increased landscaping is proposed along the southern boundary of the subject property to enhance the view from I-270. This increase in landscaping conforms to the required landscape upgrades in the LDC when expanding an existing structure.
<input checked="" type="checkbox"/>	The characteristics of the site are suitable for the proposed use;	The proposed subdivision will create two lots that meet the I-1 bulk standards. Lot 1 will continue to be used as a transportation facility with the proposed expansion. The subject property has sufficient space for the transportation terminal operation, including but not limited to parking, circulation and staging.
<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;	Expansion of the transportation terminal will not impose an undue burden on the facilities or services of the city. The applicant will be responsible for any upgrades required to utilities or services to the subject property that are needed for the expansion.
<input checked="" type="checkbox"/>	The applicant has provided adequate assurances of continuing maintenance;	The applicant has provided adequate maintenance of the site for several years. All improvements to the landscaping on the site will be maintained by the applicant in perpetuity.
<input checked="" type="checkbox"/>	No evidence suggests that the use violates any federal, state, or local requirements.	There is no evidence the expansion to the transportation terminal 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 conditional use permit creates a legal and conforming status for the transportation terminal in the I-1 zone district. Furthermore, the comprehensive plan identifies the subject property for Industrial/Distribution, a designation that includes trucking operations such as the UPS Freight terminal.

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.

Recommended Motion

To recommend approval:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **5300 E. 56th Avenue** contained in case **CU-111-15** 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 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 **5300 E. 56th Avenue** contained in case **CU-111-15** 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:

Insert Condition(s)

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 **5300 E. 56th Avenue** contained in case **CU-111-15** 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 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 **5300 E. 56th Avenue** contained in case **CU-111-15** 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:

Insert Condition(s)

To recommend denial:

I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at **5300 E. 56th Avenue** contained in case **CU-111-15** 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.